

AFL POLICIES PERTAINING TO RELIGION

The Adolescent Family Life (AFL) Demonstration Projects Program, as authorized by Title XX of the Public Health Service Act, was enacted in 1981. In 1983, a group of plaintiffs, represented by the American Civil Liberties Union (ACLU), filed a lawsuit against the Secretary of the Department of Health and Human Services (DHHS) (Kendrick v. Sullivan) claiming that the AFL statute, as enacted and as implemented by the Department, violated the separation of church and State as mandated by the First Amendment to the United States Constitution.

In January 1993, after ten years of litigation, a settlement was reached between plaintiffs and the Secretary of DHHS (the Kendrick settlement agreement). This settlement agreement established certain conditions under which the AFL program must operate. Parts of the settlement would be in place for three years and the remainder for five years or until January of 1998. Since 1998, the Office of Adolescent Pregnancy Programs (OAPP), which administers the AFL demonstration projects program, has retained several provisions of the Kendrick settlement agreement as a matter of policy. These policies include, among others, the following conditions placed on every Notice of Grant Award (NGA):

- C The grantee will not teach or promote religion in the AFL title XX program. The program shall be designed so as to be, to the extent possible, accessible to the public generally.
- C The grantee shall submit all curricula and educational materials proposed for use in the AFL project, whether currently available or to be developed, to OAPP for review and approval prior to use in the AFL project, to ensure that these materials are medically accurate, do not teach or promote religion and are neutral on abortion.

The attached "Guidance to AFL Grantees" issued by OAPP on March 3, 1993 contains a number of frequently-asked questions arising from the Kendrick settlement. For example, questions (3) and (4) explain that grantees shall to the extent possible conduct programs in secular settings and if conducted in religiously-affiliated settings, cover or remove religious symbols to the extent that it is possible and practical to do so.

Although the Kendrick settlement agreement is currently expired, the policies set out in the attached Guidance are still applicable to AFL demonstration projects. OAPP encourages all grantees to read the attached Guidance thoroughly, and to use it as a point of reference throughout the grant year. If any questions arise with respect to the Guidance, grantees should contact their OAPP Project Officers immediately.