

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1995**

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**HOUSE BILL 834**

Short Title: Teach Abstinence Until Marriage.

(Public)

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Sponsors: Representatives Hayes, Warner; Aldridge, Baker, Barbee, Berry, Brawley, J. Brown, Buchanan, Cansler, Capps, Carpenter, Cocklereece, Culp, Cummings, Davis, Decker, Dockham, Eddins, Edwards, Ellis, Gardner, Hiatt, Hill, Howard, Justus, Linney, McMahan, K. Miller, Miner, Pate, Rayfield, Reynolds, Robinson, Russell, Sexton, Sherrill, Shubert, Thompson, Watson, Weatherly, C. Wilson, G. Wilson, and Yongue.

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Referred to: Education.

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April 11, 1995

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**A BILL TO BE ENTITLED**

**AN ACT (1) TO PROVIDE FOR PARENTAL REVIEW OF AND TO PLACE CERTAIN RESTRICTIONS ON ANY INSTRUCTION ON SEXUALLY TRANSMITTED DISEASES OR OUT-OF-WEDLOCK PREGNANCY GIVEN AS PART OF A COMPREHENSIVE SCHOOL HEALTH PROGRAM; (2) TO MAKE CHANGES TO THE APPOINTMENTS TO THE STATE SCHOOL HEALTH ADVISORY COMMITTEE; (3) TO REQUIRE PUBLIC SCHOOLS TO OFFER AN ABSTINENCE UNTIL MARRIAGE PROGRAM; AND (4) TO AUTHORIZE LOCAL SCHOOL BOARDS TO OFFER COMPREHENSIVE SEX EDUCATION WHEN CERTAIN REQUIREMENTS CONCERNING REVIEW AND LOCAL APPROVAL ARE SATISFIED.**

Whereas, parents have the primary responsibility for providing for the health and well-being of their children and the State should not abridge this responsibility; and

Whereas, parents have the primary responsibility for instilling values, ethics, and character in their children, and the State should not abridge this responsibility; and

Whereas, parents have the primary responsibility for educating their children in all areas, including the area of sexuality, and the State should not abridge this responsibility; Now, therefore,

1 The General Assembly of North Carolina enacts:

2 Section 1. G.S. 115C-81(a2) is repealed.

3 Sec. 2. G.S. 115C-81(e) reads as rewritten:

4 "(e) School Health Education Program to Be Developed and Administered.

5 (1) ~~A-Subject to the provisions of subdivision (5b) of this subsection, a~~  
6 comprehensive school health education program shall be developed and  
7 taught to pupils of the public schools of this State from kindergarten  
8 through ninth grade.

9 (2) As used above, 'comprehensive school health' includes the subject  
10 matter of mental and emotional health, drug and alcohol abuse  
11 prevention, nutrition, dental health, environmental health, family living,  
12 consumer health, disease control, growth and development, first aid and  
13 emergency care, and any like subject matter. 'Comprehensive school  
14 health' includes subject matter intended to impart information or  
15 promote discussion or understanding in regard to sexually transmitted  
16 diseases, including Acquired Immune Deficiency Syndrome (AIDS), or  
17 avoiding out-of-wedlock pregnancy, regardless of whether this  
18 instruction is described as, or incorporated into a description of, 'family  
19 life education', 'family health education', 'health education', 'family  
20 living', 'health', 'healthful living curriculum', or 'self esteem'.  
21 ~~Comprehensive school health-~~'Comprehensive school health' also includes  
22 the subject matter of bicycle safety in geographical areas where  
23 appropriate. 'Comprehensive school health' does not include subject  
24 matter on comprehensive sex education or abstinence until marriage  
25 education. 'Comprehensive school health' does not include subject  
26 matter intended to impart information or promote discussion or  
27 understanding in regard to sexual feelings or sexual values, which  
28 subject matter is subject to the provisions of subsection (h) of this  
29 section or G.S. 115C-81.2.

30 (3) The development and administration of this program shall be the  
31 responsibility of each local school administrative unit in the State that  
32 receives an allocation of State funds for a school health coordinator, a  
33 school health education coordinator who serves the local school  
34 administrative unit, the Department of Public Instruction, and a State  
35 School Health Education Advisory Committee.

36 (4) Each existing local school administrative unit is eligible to develop and  
37 submit a plan for a comprehensive school health education program  
38 which shall meet all standards established by the State Board of  
39 Education, and to apply for funds to execute such plans.

1           The State Board of Education shall designate an impartial panel to  
2 review health education program plans submitted by local school  
3 administrative units. Based on the panel's evaluation of the plans, the  
4 State Board of Education shall allocate the State-funded school health  
5 coordinators. Where feasible, a school health coordinator shall serve  
6 more than one local school administrative unit.

7           Each person initially employed as a State-funded school health  
8 coordinator after June 30, 1987, shall have a degree in health ~~education~~  
9 education, including training in the components and use of an  
10 abstinence until marriage curriculum.

11       (5) The Department of Public Instruction shall supervise the development  
12 and operation of a statewide comprehensive school health education  
13 program including curriculum development, in-service training  
14 provision and promotion of collegiate training, learning material review,  
15 and assessment and evaluation of local programs in the same manner as  
16 for other programs. It is the intent of this legislation that a specific  
17 position or positions in the Department of Public Instruction shall be  
18 assigned responsibilities as set forth in this subsection.

19       (5a) The Department of Public Instruction shall make available to all local  
20 school administrative units for review by the parents and legal guardians  
21 of students enrolled at that unit that portion of the curriculum for the  
22 statewide comprehensive school health education program and the  
23 learning materials that pertain to or are intended to impart information  
24 or promote discussion or understanding in regard to sexually transmitted  
25 diseases, including Acquired Immune Deficiency Syndrome (AIDS), or  
26 avoiding out-of-wedlock pregnancy. The review period shall extend for  
27 at least 60 days.

28       (5b) The local board of education may prohibit the teaching in their  
29 respective local school administrative units all or part of that portion of  
30 the curriculum for the statewide comprehensive school health education  
31 program and the learning materials that pertain to or are intended to  
32 impart information or promote discussion or understanding in regard to  
33 sexually transmitted diseases, including Acquired Immune Deficiency  
34 Syndrome (AIDS), or avoiding out-of-wedlock pregnancy based on  
35 disapproval by the parents and legal guardians during the review period  
36 under subdivision (5a) of this subsection.

37       (5c) Prior to a student's enrollment in a course within the comprehensive  
38 school health education program when that course is intended to impart  
39 information or promote discussion or understanding in regard to  
40 sexually transmitted diseases, including Acquired Immune Deficiency  
41 Syndrome (AIDS), or avoiding out-of-wedlock pregnancy, the parents  
42 and legal guardians of students in that grade level shall receive an  
43 outline of the complete curriculum for that course, including

1 information as to how parents and legal guardians can review a copy of  
2 the learning materials, including a list of speakers, any video and audio  
3 tapes, films, slides, handouts, books, pamphlets, and teacher materials.  
4 Upon request, this curriculum outline and copies of learning materials  
5 shall be made available to the parents and legal guardians to borrow for  
6 overnight review off school property. A local school administrative unit  
7 shall retain sufficient copies of the curriculum outline and learning  
8 materials to allow parental review on school property to continue.

9 (5d) Prior to a student's enrollment in a course within the comprehensive  
10 school health education program when that course is intended to impart  
11 information or promote discussion or understanding in regard to  
12 sexually transmitted diseases, including Acquired Immune Deficiency  
13 Syndrome (AIDS), or avoiding out-of-wedlock pregnancy, but after the  
14 review by parents and legal guardians under subdivision (5c) of this  
15 subsection, a local school administrative unit shall receive the prior  
16 written consent from the parent or legal guardian of that student.

17 (5e) Those portions of the comprehensive school health education program  
18 that are intended to impart information or promote discussion or  
19 understanding in regard to sexually transmitted diseases, including  
20 Acquired Immune Deficiency Syndrome (AIDS), or avoiding out-of-  
21 wedlock pregnancy, shall present techniques and strategies to deal with  
22 peer pressure and to offer positive reinforcement and shall teach  
23 reasons, skills, and strategies for remaining or becoming abstinent from  
24 sexual activity; for appropriate grade levels and classes, shall teach that  
25 abstinence from sexual activity is the only certain means of avoiding  
26 out-of-wedlock pregnancy, sexually transmitted diseases, and other  
27 associated health and emotional problems, and that a mutually faithful  
28 monogamous heterosexual relationship in the context of marriage is the  
29 best lifelong means of avoiding diseases transmitted by sexual contact,  
30 including Acquired Immune Deficiency Syndrome (AIDS); and shall  
31 teach the positive benefits of abstinence until marriage and the risks of  
32 premarital sexual activity. Without parental consent, students shall not  
33 receive any instruction as to the availability of health services provided  
34 by any community agencies that offer contraceptives or abortion referral  
35 services. Any instruction concerning the use of contraceptives or  
36 prophylactics shall emphasize information on their failure rates for  
37 preventing pregnancy and sexually transmitted diseases, including  
38 Acquired Immune Deficiency Syndrome (AIDS), in actual use among  
39 adolescent populations and shall explain clearly the difference between  
40 risk reduction and risk elimination through abstinence. The  
41 demonstration or distribution of contraceptives, including condoms and  
42 other devices, shall not take place on school property. Contraceptives,  
43 including condoms and other devices, shall not be made available on

1 school property. Any instruction concerning Acquired Immune  
2 Deficiency Syndrome (AIDS) shall teach the importance of avoiding  
3 intravenous drug use.

4 (5f) Any teacher who uses, and any administrator who authorizes the use of  
5 curriculum or learning materials that were not made available to parents  
6 and legal guardians under subdivision (5a) of this subsection or who  
7 enrolls a student without obtaining written consent under subdivision  
8 (5d) of this subsection is subject to discipline pursuant to Article 22 of  
9 this Chapter.

10 (5g) Any revisions to that portion of the curriculum for the statewide  
11 comprehensive school health education program and the learning  
12 materials that pertain to or are intended to impart information or  
13 promote discussion or understanding in regard to sexually transmitted  
14 diseases, including Acquired Immune Deficiency Syndrome (AIDS), or  
15 avoiding out-of-wedlock pregnancy, shall be subject to the provisions of  
16 subdivisions (5a) through (5f) of this subsection. No later than  
17 September 1, 1995, this type of curriculum or materials that are already  
18 in use without having been reviewed by parents and legal guardians  
19 shall be subject to the provisions of subdivisions (5a) through (5f) of  
20 this subsection.

21 (6) A State School Health Advisory Committee is hereby established.

22 a. The committee shall provide citizen input into the operations of  
23 the program, report annually to the State Board of Education on  
24 progress in accomplishing the provisions and intent of this  
25 legislation, provide advice to the department with regard to its  
26 duties under this subsection, and encourage development of  
27 higher education programs which would benefit health education  
28 in the public schools.

29 b. The committee shall meet as necessary but at least twice  
30 annually. It shall select annually a chairperson from among its  
31 own membership, each member having an equal vote and the  
32 chairperson shall appoint such subcommittees as may be  
33 necessary. Members of the committee shall serve without  
34 compensation; however, they shall be reimbursed by the  
35 Department of Public Instruction for travel and other expenses  
36 incurred in the performance of their duties as members of the  
37 committee, to the extent that funds are appropriated for this  
38 purpose.

39 c. The committee shall consist of 17 members: ~~10~~ four appointed by  
40 the Governor, two by the State Board of Education, ~~one~~ four by  
41 the Speaker of the House of Representatives, ~~one~~ four by the  
42 President Pro Tempore of the Senate, and three ex officio  
43 members: the Chief, Office of Health Education, Department of

1 ~~Human Resources; Environment, Health, and Natural Resources;~~  
2 ~~the Chief, State Health Planning and Development Agency;~~  
3 ~~Commission, Department of Human Resources; and the~~  
4 ~~Superintendent of Public Instruction, or their designees. The~~  
5 ~~Governor's appointees shall be named in the following manner:~~  
6 ~~one physician from a list of three names submitted by the North~~  
7 ~~Carolina Medical Society; one physician from a list of three names~~  
8 ~~submitted by the North Carolina Pediatric Society; one physician from~~  
9 ~~a list of three names submitted by the North Carolina Chiropractic~~  
10 ~~Association; one registered nurse from a list of three names submitted~~  
11 ~~by the North Carolina Nurses' Association; one dentist from a list of~~  
12 ~~three names submitted by the North Carolina Dental Society; one~~  
13 ~~member from a list of three names submitted by the North Carolina~~  
14 ~~Medical Auxiliary; one member from a list of three names submitted~~  
15 ~~by the North Carolina Congress of Parents and Teachers, Inc.; one~~  
16 ~~member from a list of three names submitted by the North Carolina~~  
17 ~~Association for Health, Physical Education, and Recreation; one~~  
18 ~~member from a list of three names submitted by the North Carolina~~  
19 ~~Public Health Association; one member from a list of three names~~  
20 ~~submitted by the North Carolina College Conference on Professional~~  
21 ~~Preparation in Health and Physical Education. one family physician~~  
22 ~~for a term beginning July 1, 1996; and one dentist, one registered~~  
23 ~~nurse, and one county public health official, each for a term~~  
24 ~~beginning July 1, 1997. The State Board nominees shall represent~~  
25 ~~local school administrative units and shall have been recommended by~~  
26 ~~the Superintendent of Public Instruction. be named in the following~~  
27 ~~manner: one representative from the North Carolina Alliance for~~  
28 ~~Physical Education, Recreation and Dance for a term beginning~~  
29 ~~July 1, 1995, and one representative from the North Carolina~~  
30 ~~College Conference on Professional Preparation in Health and~~  
31 ~~Physical Education for a term beginning July 1, 1997. The~~  
32 ~~Speaker's nominee shall be a member of the North Carolina House~~  
33 ~~of Representatives and the President Pro Tempore of the Senate's~~  
34 ~~nominee shall be a member of the Senate. named in the following~~  
35 ~~manner: one pediatrician for a term beginning July 1, 1995, and~~  
36 ~~one local school system health education coordinator, one local~~  
37 ~~school board member, and one member at large, each for a term~~  
38 ~~beginning July 1, 1996. The President Pro Tempore's nominees~~  
39 ~~shall be named in the following manner: one representative of the~~  
40 ~~North Carolina High School Athletic Association, one member of~~  
41 ~~the North Carolina Family Policy Council, and one member at~~  
42 ~~large, each for a term beginning July 1, 1996, and one~~  
43 ~~representative of a local school system parents and teachers~~  
44 ~~organization for a term beginning July 1, 1997.~~

1 d. The appointed members of the advisory committee shall serve for  
2 a term of three years. Appointed members may be reappointed up  
3 to a maximum of nine years of service. Vacancies shall be filled  
4 in the same manner as original appointments for the balance of  
5 the unexpired term."

6 Sec. 3. G.S. 115C-81 is amended by adding a new subsection to read:

7 "(h) Abstinence Until Marriage Program to Be Developed and Administered.

8 (1) An abstinence until marriage program shall be made available to every  
9 child in the public schools in appropriate grade levels as determined by  
10 each local board of education.

11 (2) The Department of Public Instruction shall evaluate abstinence until  
12 marriage curricula and their learning materials and develop and  
13 maintain a recommended list of one or more approved abstinence until  
14 marriage curricula. The Department of Public Instruction may develop  
15 an abstinence until marriage program to include on the recommended  
16 list, which program shall use a directive model of instruction. The  
17 Department of Public Instruction shall include on the recommended list  
18 only programs that include, in appropriate grades and classes,  
19 instruction that abstinence from sexual activity outside of marriage is  
20 the expected standard for all school-age children; instruction presenting  
21 techniques and strategies to deal with peer pressure and offering  
22 positive reinforcement; instruction presenting reasons, skills, and  
23 strategies for remaining or becoming abstinent from sexual activity;  
24 instruction that abstinence from sexual activity is the only certain means  
25 of avoiding out-of-wedlock pregnancy, sexually transmitted diseases,  
26 including Acquired Immune Deficiency Syndrome (AIDS), and other  
27 associated health and emotional problems; instruction that a mutually  
28 faithful monogamous heterosexual relationship in the context of  
29 marriage is the best lifelong means of avoiding sexually transmitted  
30 diseases, including Acquired Immune Deficiency Syndrome (AIDS);  
31 and instruction that teaches the positive benefits of abstinence until  
32 marriage and the risks of premarital sexual activity. Without parental  
33 consent, students shall not receive any instruction as to the availability  
34 of health services provided by any community agencies that offer  
35 contraceptives or abortion referral services. Any instruction concerning  
36 the use of contraceptives or prophylactics shall emphasize information  
37 on their failure rates for preventing pregnancy and sexually transmitted  
38 diseases, including Acquired Immune Deficiency Syndrome (AIDS), in  
39 actual use among adolescent populations and shall explain clearly the  
40 difference between risk reduction and risk elimination through  
41 abstinence. The distribution or demonstration of contraceptives,  
42 including condoms and other devices, shall not take place on school  
43 property. Contraceptives, including condoms and other devices, shall

1           not be made available on school property. Any instruction concerning  
2           Acquired Immune Deficiency Syndrome (AIDS) shall teach the  
3           importance of avoiding intravenous drug use. Each session of an  
4           approved abstinence until marriage curricula shall provide for  
5           homework assignments that allow for interaction between the parent or  
6           legal guardian and the student. The Department of Public Instruction  
7           shall not select or develop a program for inclusion on the recommended  
8           list that purports to be an abstinence until marriage program, but does  
9           not include the positive benefits of abstinence until marriage and the  
10           risks of premarital sexual activity as the primary focus.

11           (3) The Department of Public Instruction shall make available to all local  
12           school administrative units for review by the parents and legal guardians  
13           of students enrolled at that unit the curriculum and learning materials,  
14           including a list of speakers, any video and audio tapes, films, slides,  
15           handouts, books, pamphlets, and teacher materials, of all curricula on  
16           the recommended list under subdivision (2) of this subsection that the  
17           local school administrative unit or the local board of education requests  
18           to review. The review period shall extend for at least 30 days. The  
19           local board of education shall select to offer at their respective local  
20           school administrative units either an abstinence until marriage  
21           curriculum from the recommended list under subdivision (2) of this  
22           subsection or select any other abstinence until marriage program that  
23           complies with the provisions of this subsection and has received the  
24           same level of parental review under this subdivision as the abstinence  
25           until marriage programs made available by the Department of Public  
26           Instruction.

27           (4) Prior to a student's enrollment in an abstinence until marriage course, a  
28           local school administrative unit shall receive the prior written consent  
29           from the parent or legal guardian of that student.

30           (5) Any teacher who uses, and any administrator who authorizes the use of  
31           curriculum or learning materials that were not made available to the  
32           parents and legal guardians under subdivision (3) of this subsection or  
33           who enrolls a student without obtaining written consent under  
34           subdivision (4) of this subsection is subject to discipline pursuant to  
35           Article 22 of this Chapter."

36           Sec. 4. Part 1 of Article 8 of Chapter 115C of the General Statutes is amended  
37 by adding two new sections to read:

38 **"§ 115C-81.2. Local board may authorize comprehensive sex education program.**

39           (a) On its own initiative or upon the written request of parents or legal guardians  
40 of students, a local board of education may develop and implement a comprehensive sex  
41 education program for that local school administrative unit only if all of the following  
42 requirements are satisfied:



- 1           (1) The local school administrative unit conducts a public hearing, after  
2 adequately notifying the public of the hearing.
- 3           (2) At the public hearing, the proposed comprehensive sex education  
4 program is presented and all learning materials, including a list of  
5 speakers, any video and audio tapes, films, slides, handouts, books,  
6 pamphlets, and teacher materials, are made available for review by the  
7 public and remain available for review by the public for a period of 60  
8 days after the public hearing.
- 9           (3) Within 60 days of the hearing, a majority of parents of students in  
10 grades the course is to be taught in that local school administrative unit  
11 sign a petition requesting that the comprehensive sex education program  
12 presented at the public hearing be offered in the public schools within  
13 that local school administrative unit.
- 14           (4) The cost of the comprehensive sex education program, including  
15 learning materials and any staff training needed to teach the program,  
16 are fully funded from non-State funds.
- 17       (b) Any comprehensive sex education program authorized under this section shall,  
18 when imparting information concerning methods for the prevention of sexually  
19 transmitted diseases, including Acquired Immune Deficiency Syndrome (AIDS), state  
20 clearly that abstinence from sexual activity is the only completely reliable means of  
21 eliminating the sexual transmission of sexually transmitted diseases and of avoiding  
22 pregnancy and that a mutually faithful monogamous heterosexual relationship in the  
23 context of marriage is the best lifelong means of avoiding diseases transmitted by sexual  
24 contact, including Acquired Immune Deficiency Syndrome (AIDS). Any comprehensive  
25 sex education program under this section shall present techniques and strategies to deal  
26 with peer pressure and to offer positive reinforcement and shall teach reasons, skills, and  
27 strategies for remaining or becoming abstinent from sexual activity. Any instruction  
28 concerning the use of contraceptives or prophylactics shall emphasize information on  
29 their failure rates for preventing pregnancy and sexually transmitted diseases, including  
30 Acquired Immune Deficiency Syndrome (AIDS), in actual use among adolescent  
31 populations and shall explain clearly the difference between risk reduction and risk  
32 elimination through abstinence. The distribution or demonstration of contraceptives,  
33 including condoms and other devices, shall not take place on school property.  
34 Contraceptives, including condoms and other devices, shall not be made available on  
35 school property. Any instruction concerning Acquired Immune Deficiency Syndrome  
36 (AIDS) shall teach the importance of avoiding intravenous drug use.
- 37       (c) Prior to a student's enrollment in a comprehensive sex education course, a local  
38 school administrative unit shall receive the prior written consent from the parent or legal  
39 guardian of that student.
- 40       (d) Any teacher who uses, and any administrator who authorizes the use of,  
41 curriculum or learning materials that were not made available to the public at the public  
42 hearing under subsection (a) of this section or who enrolls a student without obtaining the

1 written consent under subsection (c) of this section is subject to discipline pursuant to  
2 Article 22 of this Chapter.

3 **"§ 115C-81.3. Evaluation of programs that have a sex education component.**

4 (a) The portions of the curriculum for the statewide comprehensive school health  
5 education program that pertain to or are intended to impart information or promote  
6 discussion or understanding in regard to sexually transmitted diseases, including  
7 Acquired Immune Deficiency Syndrome (AIDS), or avoiding out-of-wedlock pregnancy,  
8 that are being used by any local school administrative unit pursuant to G.S. 115C-81(e);  
9 each abstinence until marriage program adopted pursuant to G.S. 115C-81(h) by any  
10 local school administrative unit; and each comprehensive sex education program adopted  
11 pursuant to G.S. 115C-81.2 by any local school administrative unit shall be subjected to a  
12 uniform system of evaluation by a qualified evaluator from a medical school at a  
13 university located in this State for the purposes of evaluating the effectiveness of the  
14 program and the program's compliance with the provisions of G.S. 115C-81(e), 115C-  
15 81(h), or 115C-81.2, respectively.

16 (b) The evaluation process shall include distributing to students and reviewing  
17 questionnaires to elicit information to determine the number of students enrolled in each  
18 type of program subject to evaluation under subsection (a) of this section, the number of  
19 students who are not enrolled in any such program, the rates of repeated sexual activity  
20 for each group, the number of students who are abstaining from sexual activity and their  
21 reasons, and the well-being of students in each group. The evaluation shall analyze the  
22 questionnaires and shall address other factors that are relevant to the administration and  
23 evaluation of the programs subject to evaluation under subsection (a) of this section. The  
24 student questionnaire and the evaluation shall be approved by the State School Health  
25 Advisory Committee prior to their administration."

26 Sec. 5. This act is effective upon ratification.