

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1995**

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**2**

HOUSE BILL 834  
Committee Substitute Favorable 4/26/95

Short Title: Teach Abstinence Until Marriage.

(Public)

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Sponsors:

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Referred to:

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April 11, 1995

A BILL TO BE ENTITLED

1  
2 AN ACT (1) TO PROVIDE FOR PARENTAL REVIEW OF AND TO PLACE  
3 CERTAIN RESTRICTIONS ON ANY INSTRUCTION ON SEXUALLY  
4 TRANSMITTED DISEASES OR OUT-OF-WEDLOCK PREGNANCY GIVEN AS  
5 PART OF A COMPREHENSIVE SCHOOL HEALTH PROGRAM; (2) TO MAKE  
6 CHANGES TO THE APPOINTMENTS TO THE STATE SCHOOL HEALTH  
7 ADVISORY COMMITTEE; (3) TO REQUIRE PUBLIC SCHOOLS TO OFFER  
8 AN ABSTINENCE UNTIL MARRIAGE PROGRAM; AND (4) TO AUTHORIZE  
9 LOCAL SCHOOL BOARDS TO OFFER COMPREHENSIVE SEX EDUCATION  
10 WHEN CERTAIN REQUIREMENTS CONCERNING REVIEW AND LOCAL  
11 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,

12 The General Assembly of North Carolina enacts:

1 Section 1. G.S. 115C-81(a2) reads as rewritten:

2 "(a2) Instruction in the Prevention of Acquired Immune Deficiency Syndrome  
3 (AIDS) and Other Communicable Diseases to Be Offered.

4 (1) Instruction in the prevention of Acquired Immune Deficiency Syndrome  
5 (AIDS) virus infection and other communicable diseases shall be  
6 offered in the public schools and shall be conducted under guidelines to  
7 be developed by the State Board of Education emphasizing parental  
8 involvement, involvement and abstinence from sex and drugs, and other  
9 accurate and appropriate information to prevent the spread of the diseases.  
10 until marriage and from drugs.

11 (2) The State Board of Education shall make available to all local school  
12 administrative units for review by the parents and legal guardians of  
13 students enrolled at that unit the State-developed curriculum and  
14 learning materials that pertain to or are intended to impart information  
15 or promote discussion or understanding in regard to the prevention of  
16 sexually transmitted diseases, including Acquired Immune Deficiency  
17 Syndrome (AIDS) or to the avoidance of out-of-wedlock pregnancy.  
18 The review period shall extend for at least 60 days before use.

19 (3) A local board of education may reject any or all of the State-developed  
20 curriculum that pertains to the prevention of sexually transmitted  
21 diseases, including Acquired Immune Deficiency Syndrome (AIDS), or  
22 to the avoidance of out-of-wedlock pregnancy. The board then must  
23 develop and implement a program, subject to the review period  
24 prescribed in subdivision (2) of this subsection.

25 (4) Each school year, before students may participate in a program under  
26 this subsection, whether developed by the State or by the local board of  
27 education, the parents and legal guardians of those students shall receive  
28 an outline of the complete curriculum for the program, including  
29 information as to how parents and legal guardians can review a copy of  
30 the learning materials, including a list of speakers, any video and audio  
31 tapes, films, slides, handouts, books, pamphlets, and teacher materials.  
32 Upon request, copies of the complete curriculum and any learning  
33 materials may be made available to the parents and legal guardians to  
34 borrow for overnight review off school property. A local school  
35 administrative unit shall retain sufficient copies of the curriculum  
36 outline and learning materials to allow parental review on school  
37 property to continue. In addition, one parent or legal guardian of each  
38 student must provide written consent before that student may participate  
39 in the program. This prior written consent is required each school year  
40 that the student participates in a program under this subsection.

41 (5) Any program developed under this subsection shall use a directive  
42 method of instruction for the presentation of techniques and strategies to  
43 deal with peer pressure and to offer positive reinforcement and shall

1 teach reasons, skills, and strategies for remaining or becoming abstinent  
2 from sexual activity; for appropriate grade levels and classes, shall teach  
3 that abstinence from sexual activity until marriage is the only certain  
4 means of avoiding out-of-wedlock pregnancy, sexually transmitted  
5 diseases, and other associated health and emotional problems, and that a  
6 mutually faithful monogamous heterosexual relationship in the context  
7 of marriage is the best lifelong means of avoiding diseases transmitted  
8 by sexual contact, including Acquired Immune Deficiency Syndrome  
9 (AIDS); and shall teach the positive benefits of abstinence until  
10 marriage and the risks of premarital sexual activity. Without parental  
11 consent, students shall not receive any instruction as to the availability  
12 of health services that offer contraceptives or abortion referral services.

13 (6) Any instruction under this subsection that concerns the use of  
14 contraceptives or prophylactics shall emphasize information on their  
15 failure rates for preventing pregnancy and sexually transmitted diseases,  
16 including Acquired Immune Deficiency Syndrome (AIDS), in actual use  
17 among adolescent populations and shall explain clearly the difference  
18 between risk reduction and risk elimination through abstinence. The  
19 demonstration or distribution of contraceptives, including condoms and  
20 other devices, shall not take place on school property. Contraceptives,  
21 including condoms and other devices, shall not be made available on  
22 school property.

23 (7) Any instruction concerning Acquired Immune Deficiency Syndrome  
24 (AIDS) shall teach the importance of avoiding intravenous drug use.

25 (8) Any instruction concerning the causes of sexually transmitted diseases,  
26 including Acquired Immune Deficiency Syndrome (AIDS), in cases  
27 where homosexual acts are a significant means of transmission, shall  
28 include the current legal status of those acts.

29 (9) Any revisions to the curriculum or learning materials for a program  
30 under this subsection are subject to this subsection."

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

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

33 (1) A comprehensive school health education program shall be developed  
34 and taught to pupils of the public schools of this State from kindergarten  
35 through ninth grade.

36 (2) ~~As used above, "comprehensive school health" includes the subject~~  
37 ~~matter of mental and emotional health, drug and alcohol abuse~~  
38 ~~prevention, nutrition, dental health, environmental health, family living,~~  
39 ~~consumer health, disease control, growth and development, first aid and~~  
40 ~~emergency care, and any like subject matter. Comprehensive school~~  
41 ~~health also includes the subject matter of bicycle safety in geographical~~  
42 ~~areas where appropriate. The following terms apply in this subsection:~~

1 a. 'Comprehensive school health' includes the following subject  
2 matter:

3 1. Mental and emotional health;

4 2. Drug and alcohol abuse prevention;

5 3. Nutrition;

6 4. Dental health;

7 5. Environmental health;

8 6. Family living;

9 7. Consumer health;

10 8. Disease control;

11 9. Growth and development;

12 10. First aid and emergency care;

13 11. Preventing sexually transmitted diseases, including  
14 Acquired Immune Deficiency Syndrome (AIDS) and out-  
15 of-wedlock pregnancy, as provided in subsection (a2) of  
16 this section;

17 12. Abstinence until marriage education, as provided in  
18 subsection (h) of this section; and

19 13. Bicycle safety in geographic areas where appropriate.

20 'Comprehensive school health' does not include comprehensive  
21 sex education or subject matter intended to impart information or  
22 promote discussion or understanding in regard to sexual feelings.

23 b. 'Comprehensive school health education' includes instruction of  
24 the subject areas in sub-subdivision a. of this subsection,  
25 regardless of whether this instruction is described as, or  
26 incorporated into a description of, 'family life education', 'family  
27 health education', 'health education', 'family living', 'health',  
28 'healthful living curriculum', or 'self-esteem'.

29 c. 'Program' means a comprehensive school health education  
30 program developed and administered under this subsection.

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

38 (4) Each existing local school administrative unit is eligible to develop and  
39 submit a plan for a comprehensive school health education program  
40 which shall meet all standards established by the State Board of  
41 Education, and to apply for funds to execute such plans. Education. The  
42 State Board shall approve these plans so long as they meet the Board's  
43 standards and the following guidelines:

- 1           a.     ~~The State Board of Education shall designate an impartial panel~~  
2           ~~to review health education program plans submitted by local~~  
3           ~~school administrative units. Based on the panel's evaluation of~~  
4           ~~the plans, the State Board of Education shall allocate the State-~~  
5           ~~funded school health coordinators.—Where feasible, a school~~  
6           ~~health coordinator shall should serve more than one local school~~  
7           ~~administrative unit. Each person initially employed as a State-~~  
8           ~~funded school health coordinator after June 30, 1987, shall have~~  
9           ~~a degree in health education.~~
- 10          b.     All portions of the curriculum and all learning materials that  
11          pertain to or are intended to impart information or promote  
12          discussion or understanding in regard to the prevention of  
13          sexually transmitted diseases, including Acquired Immune  
14          Deficiency Syndrome (AIDS), and to the avoidance of out-of-  
15          wedlock pregnancy are subject to subsection (a2) of this section.
- 16          (4a) A local board of education may develop and implement a  
17          comprehensive sex education program for that local school  
18          administrative unit only if all of the following requirements are  
19          satisfied:
- 20          a.     The local school administrative unit conducts a public hearing,  
21          after adequately notifying the public of the hearing.
- 22          b.     At the public hearing, the proposed comprehensive sex education  
23          program is presented and all learning materials, including a list of  
24          speakers, any video and audio tapes, films, slides, handouts,  
25          books, pamphlets, and teacher materials, are made available for  
26          review by the public and remain available for review by the  
27          public for a period of 60 days after the public hearing.
- 28          c.     Within 60 days of the hearing, one parent or legal guardian of a  
29          majority of the students in the grades in which the course is to be  
30          taught in that local school administrative unit must sign a petition  
31          requesting that the comprehensive sex education program  
32          presented at the public hearing be offered in the public schools  
33          within that local school administrative unit.
- 34          d.     The cost of the comprehensive sex education program, including  
35          learning materials and any staff training needed to teach the  
36          program, shall be funded from non-State funds.
- 37          e.     Any comprehensive sex education program authorized under this  
38          subdivision shall, when imparting information concerning  
39          methods for the prevention of sexually transmitted diseases,  
40          including Acquired Immune Deficiency Syndrome (AIDS), and  
41          for the avoidance of out-of-wedlock pregnancy meet the  
42          requirements of subsection (a2) of this section.

1           f. Each school year, before a student may participate in any portion  
2           of a comprehensive sex education course authorized under this  
3           subdivision, the local school administrative unit shall receive the  
4           prior written consent from the parent or legal guardian of that  
5           student.

6           (4b) Any teacher who uses, and any administrator who authorizes the use of,  
7           curriculum or learning materials that were not made available to parents  
8           and legal guardians or who allows a student to participate in a program  
9           without obtaining the prior written consent as required in subsections  
10           (a2) and (h) of this section and under subdivision (4a) of this subsection  
11           is subject to discipline under Article 22 of this Chapter.

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

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

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

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

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

1 the Chief, State Health Planning and Development Agency,  
2 Commission, Department of Human Resources; and the  
3 Superintendent of Public Instruction, or their designees. The  
4 Governor's appointees shall be named in the following manner:  
5 one physician from a list of three names submitted by the North  
6 Carolina Medical Society; one physician from a list of three names  
7 submitted by the North Carolina Pediatric Society; one physician from  
8 a list of three names submitted by the North Carolina Chiropractic  
9 Association; one registered nurse from a list of three names submitted  
10 by the North Carolina Nurses' Association; one dentist from a list of  
11 three names submitted by the North Carolina Dental Society; one  
12 member from a list of three names submitted by the North Carolina  
13 Medical Auxiliary; one member from a list of three names submitted  
14 by the North Carolina Congress of Parents and Teachers, Inc.; one  
15 member from a list of three names submitted by the North Carolina  
16 Association for Health, Physical Education, and Recreation; one  
17 member from a list of three names submitted by the North Carolina  
18 Public Health Association; one member from a list of three names  
19 submitted by the North Carolina College Conference on Professional  
20 Preparation in Health and Physical Education. one family physician  
21 for a term beginning July 1, 1996; and one dentist, one registered  
22 nurse, and one county public health official, each for a term  
23 beginning July 1, 1997. The State Board nominees shall represent  
24 local school administrative units and shall have been recommended by  
25 the Superintendent of Public Instruction. be named in the following  
26 manner: one representative from the North Carolina Alliance for  
27 Physical Education, Recreation and Dance for a term beginning  
28 July 1, 1995, and one representative from the North Carolina  
29 College Conference on Professional Preparation in Health and  
30 Physical Education for a term beginning July 1, 1997. The  
31 Speaker's nominee nominees shall be a member of the North  
32 Carolina House of Representatives and the President Pro Tempore of  
33 the Senate's nominee shall be a member of the Senate. named in the  
34 following manner: one pediatrician for a term beginning July 1,  
35 1995, and one local school system health education coordinator,  
36 one local school board member, and one member at large, each  
37 for a term beginning July 1, 1996. The President Pro Tempore's  
38 nominees shall be named in the following manner: one  
39 representative of the North Carolina High School Athletic  
40 Association, and two members at large, each for a term  
41 beginning July 1, 1996, and one representative of a local school  
42 system parents and teachers organization for a term beginning  
43 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 using a directive method of  
9 instruction shall be made available to every child in the public schools  
10 in appropriate grade levels as determined by each local board of  
11 education. As used in this section, 'directive method of instruction'  
12 means instruction involving decision-making strategies, where the  
13 teacher gives clear guidelines in directing the students to choices that  
14 promote health, sexual abstinence until marriage, self-control, character,  
15 self-esteem, and maturity.

16 (2) The State Board of Education shall evaluate abstinence until marriage  
17 curricula and their learning materials and shall develop and maintain a  
18 recommended list of one or more approved abstinence until marriage  
19 curricula. The State Board may develop an abstinence until marriage  
20 program to include on the recommended list. The State Board shall  
21 include on the recommended list only programs that include, in  
22 appropriate grades and classes, instruction that:

23 a. Teaches that abstinence from sexual activity outside of marriage  
24 is the expected standard for all school-age children;

25 b. Uses a directive method of instruction to present techniques and  
26 strategies to deal with peer pressure and offering positive  
27 reinforcement;

28 c. Presents reasons, skills, and strategies for remaining or becoming  
29 abstinent from sexual activity;

30 d. Teaches that abstinence from sexual activity is the only certain  
31 means of avoiding out-of-wedlock pregnancy, sexually  
32 transmitted diseases, including Acquired Immune Deficiency  
33 Syndrome (AIDS), and other associated health and emotional  
34 problems;

35 e. Teaches that a mutually faithful monogamous heterosexual  
36 relationship in the context of marriage is the best lifelong means  
37 of avoiding sexually transmitted diseases, including Acquired  
38 Immune Deficiency Syndrome (AIDS); and

39 f. Teaches the positive benefits of abstinence until marriage and the  
40 risks of premarital sexual activity.

41 Without parental consent, students shall not receive any instruction as to  
42 the availability of health services that offer contraceptives or abortion  
43 referral services. Any instruction concerning the use of contraceptives



1           or prophylactics shall emphasize information on their failure rates for  
2           preventing pregnancy and sexually transmitted diseases, including  
3           Acquired Immune Deficiency Syndrome (AIDS), in actual use among  
4           adolescent populations and shall explain clearly the difference between  
5           risk reduction and risk elimination through abstinence. The distribution  
6           or demonstration of contraceptives, including condoms and other  
7           devices, shall not take place on school property. Contraceptives,  
8           including condoms and other devices, shall not be made available on  
9           school property. All portions of the curriculum and all learning  
10           materials that pertain to or are intended to impart information or  
11           promote discussion or understanding in regard to the prevention of  
12           sexually transmitted diseases, including Acquired Immune Deficiency  
13           Syndrome (AIDS), or to the avoidance of out-of-wedlock pregnancy are  
14           subject to subsection (a2) of this section. Each session of an approved  
15           abstinence until marriage curricula shall provide for homework  
16           assignments that allow for interaction between the parent or legal  
17           guardian and the student. The State Board of Education shall not select  
18           or develop a program for inclusion on the recommended list that  
19           purports to be an abstinence until marriage program, but that does not  
20           include the positive benefits of abstinence until marriage and the risks of  
21           premarital sexual activity as the primary focus.

22           (3) The State Board of Education shall make available to all local school  
23           administrative units for review by the parents and legal guardians of  
24           students enrolled at that unit the curriculum and learning materials,  
25           including a list of speakers, any video and audio tapes, films, slides,  
26           handouts, books, pamphlets, and teacher materials, of all curricula on  
27           the recommended list under subdivision (2) of this subsection that the  
28           local school administrative unit or the local board of education requests  
29           to review. The review period shall extend for at least 60 days before  
30           use.

31           (4) Each local board of education shall determine whether to offer either an  
32           abstinence until marriage curriculum from the recommended list  
33           developed by the State Board of Education or any other abstinence until  
34           marriage program that complies with the provisions of this subsection.

35           (5) Each school year, before a student may participate in a program under  
36           this subsection, the local school administrative unit shall receive the  
37           prior written consent from one parent or legal guardian of that student."

38           Sec. 4. (a)       The State Board of Education and the Board of Governors of The  
39           University of North Carolina shall establish a joint committee, or shall direct an existing  
40           joint committee, to conduct a uniform evaluation to determine the effectiveness of:

41           (1)       Each program adopted under G.S. 115C-81(a2) for the prevention of  
42           sexually transmitted diseases, including Acquired Immune Deficiency  
43           Syndrome (AIDS), or avoiding out-of-wedlock pregnancy;

1           (2) Each abstinence until marriage program adopted under G.S. 115C-  
2           81(h); and

3           (3) Each comprehensive sex education program adopted under G.S. 115C-  
4           81(e)(4a).

5           The evaluation shall determine whether local boards of education are  
6 complying with the appropriate statutory requirements and guidelines developed by the  
7 State Board of Education. The joint committee shall appoint at least one qualified  
8 evaluator from a medical school at a university in this State to participate in the  
9 evaluation. The joint committee shall make annual reports by March 30 of each year on  
10 the ongoing findings and results of this evaluation to the State School Health Advisory  
11 Committee and to the Joint Legislative Education Oversight Committee.

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

22          Sec. 5. This act is effective upon ratification, and applies to curriculum and  
23 materials relating to the programs under this act that currently are being used in local  
24 school administrative units.