

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 834
Committee Substitute Favorable 4/26/95
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Short Title: Teach Abstinence Until Marriage.

(Public)

Sponsors:

Referred to:

April 11, 1995

1 A BILL TO BE ENTITLED
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,

1 The General Assembly of North Carolina enacts:

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

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

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

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

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

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

42 (5) Any program developed under this subsection shall use a directive
43 method of instruction for the presentation of techniques and strategies to

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

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

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

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

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

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

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

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

37 (2) ~~As used above, "comprehensive school health" includes the subject~~
38 ~~matter of mental and emotional health, drug and alcohol abuse~~
39 ~~prevention, nutrition, dental health, environmental health, family living,~~
40 ~~consumer health, disease control, growth and development, first aid and~~
41 ~~emergency care, and any like subject matter. Comprehensive school~~
42 ~~health also includes the subject matter of bicycle safety in geographical~~
43 ~~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. The cost of the comprehensive sex education program, including
29 learning materials and any staff training needed to teach the
30 program, shall be funded from non-State funds.
- 31 d. Any comprehensive sex education program authorized under this
32 subdivision shall, when imparting information concerning
33 methods for the prevention of sexually transmitted diseases,
34 including Acquired Immune Deficiency Syndrome (AIDS), and
35 for the avoidance of out-of-wedlock pregnancy meet the
36 requirements of subsection (a2) of this section.
- 37 e. Each school year, before a student may participate in any portion
38 of a comprehensive sex education course authorized under this
39 subdivision, the local school administrative unit shall receive the
40 prior written consent from the parent or legal guardian of that
41 student.
- 42 (4b) Any teacher who knowingly uses, and any administrator who knowingly
43 authorizes the use of, curriculum or learning materials that were not

1 made available to parents and legal guardians or who allows a student to
2 participate in a program without obtaining the prior written consent as
3 required in subsections (a2) and (h) of this section and under
4 subdivision (4a) of this subsection is subject to discipline under Article
5 22 of this Chapter.

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

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

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

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

32 c. The committee shall consist of 17 members: ~~10~~four appointed by
33 the Governor, two by the State Board of Education, ~~one~~four by
34 the Speaker of the House of Representatives, ~~one~~four by the
35 President Pro Tempore of the Senate, and three ex officio
36 members: the Chief, Office of Health Education, Department of
37 ~~Human Resources; Environment, Health, and Natural Resources;~~
38 ~~the Chief, State Health Planning and Development Agency;~~
39 Commission, Department of Human Resources; and the
40 Superintendent of Public Instruction, or their designees. The
41 Governor's appointees shall be named in the following manner:
42 ~~one physician from a list of three names submitted by the North~~
43 ~~Carolina Medical Society; one physician from a list of three names~~

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

- 38 d. The appointed members of the advisory committee shall serve for
39 a term of three years. Appointed members may be reappointed up
40 to a maximum of nine years of service. Vacancies shall be filled
41 in the same manner as original appointments for the balance of
42 the unexpired term."

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

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

1 (1) An abstinence until marriage program using a directive method of
2 instruction shall be made available to every child in the public schools
3 in appropriate grade levels as determined by each local board of
4 education. As used in this section, 'directive method of instruction'
5 means instruction involving decision-making strategies, where the
6 teacher gives clear guidelines in directing the students to choices that
7 promote health, sexual abstinence until marriage, self-control, character,
8 self-esteem, and maturity.

9 (2) The State Board of Education shall evaluate abstinence until marriage
10 curricula and their learning materials and shall develop and maintain a
11 recommended list of one or more approved abstinence until marriage
12 curricula. The State Board may develop an abstinence until marriage
13 program to include on the recommended list. The State Board shall
14 include on the recommended list only programs that include, in
15 appropriate grades and classes, instruction that:

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

18 b. Uses a directive method of instruction to present techniques and
19 strategies to deal with peer pressure and offering positive
20 reinforcement;

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

23 d. Teaches that abstinence from sexual activity is the only certain
24 means of avoiding out-of-wedlock pregnancy, sexually
25 transmitted diseases, including Acquired Immune Deficiency
26 Syndrome (AIDS), and other associated health and emotional
27 problems;

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

32 f. Teaches the positive benefits of abstinence until marriage and the
33 risks of premarital sexual activity.

34 Without parental consent, students shall not receive any instruction as to
35 the availability of contraceptives or abortion referral services. Any
36 instruction concerning the use of contraceptives or prophylactics shall
37 emphasize information on their failure rates for preventing pregnancy
38 and sexually transmitted diseases, including Acquired Immune
39 Deficiency Syndrome (AIDS), in actual use among adolescent
40 populations and shall explain clearly the difference between risk
41 reduction and risk elimination through abstinence. The distribution or
42 demonstration of contraceptives, including condoms and other devices,
43 shall not take place on school property. Contraceptives, including

1 condoms and other devices, shall not be made available on school
2 property. All portions of the curriculum and all learning materials that
3 pertain to or are intended to impart information or promote discussion or
4 understanding in regard to the prevention of sexually transmitted
5 diseases, including Acquired Immune Deficiency Syndrome (AIDS), or
6 to the avoidance of out-of-wedlock pregnancy are subject to subsection
7 (a2) of this section. Each session of an approved abstinence until
8 marriage curricula shall provide for homework assignments that allow
9 for interaction between the parent or legal guardian and the student.
10 The State Board of Education shall not select or develop a program for
11 inclusion on the recommended list that purports to be an abstinence until
12 marriage program, but that does not include the positive benefits of
13 abstinence until marriage and the risks of premarital sexual activity as
14 the primary focus.

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

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

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

31 Sec. 4. This act is effective upon ratification, and applies to curriculum and
32 materials relating to the programs under this act that currently are being used in local
33 school administrative units.