

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 834

Committee Substitute Favorable 4/26/95

Third Edition Engrossed 5/3/95

Senate Education/Higher Education Committee Substitute Adopted 6/8/95

Short Title: Teach Abstinence Until Marriage.

(Public)

Sponsors:

Referred to:

April 11, 1995

A BILL TO BE ENTITLED

1
2 AN ACT (1) TO REQUIRE PUBLIC SCHOOLS TO OFFER AN ABSTINENCE
3 UNTIL MARRIAGE PROGRAM; (2) TO AUTHORIZE LOCAL SCHOOL
4 BOARDS TO OFFER COMPREHENSIVE SEX EDUCATION WHEN CERTAIN
5 REQUIREMENTS CONCERNING REVIEW AND LOCAL APPROVAL ARE
6 SATISFIED; AND (3) TO PROVIDE FOR PARENTAL REVIEW AND
7 APPROVAL OF, AND TO PLACE CERTAIN RESTRICTIONS ON, ANY
8 INSTRUCTION ON SEXUALLY TRANSMITTED DISEASES, OUT-OF-
9 WEDLOCK PREGNANCY, ABSTINENCE UNTIL MARRIAGE, AND
10 COMPREHENSIVE SEX EDUCATION, WHETHER DEVELOPED BY THE
11 STATE OR A LOCAL BOARD OF EDUCATION.

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 G.S. 115C-81(a2) is repealed.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 G.S. 115C-81(e) is repealed.

4 Sec. 3. Section 81 of Chapter 115C of the General Statutes is amended by
5 adding a new subsection to read:

6 "(e1) School Health Education Program to Be Developed and Administered.

7 (1) A comprehensive school health education program shall be developed
8 and taught to pupils of the public schools of this State from kindergarten
9 through ninth grade. This program includes age-appropriate instruction
10 in the following subject areas, regardless of whether this instruction is
11 described as, or incorporated into a description of, 'family life
12 education', 'family health education', 'health education', 'family living',
13 'health', 'healthful living curriculum', or 'self-esteem':

14 a. Mental and emotional health;

15 b. Drug and alcohol abuse prevention;

16 c. Nutrition;

17 d. Dental health;

18 e. Environmental health;

19 f. Family living;

20 g. Consumer health;

21 h. Disease control;

22 i. Growth and development;

23 j. First aid and emergency care;

24 k. Preventing sexually transmitted diseases, including Acquired
25 Immune Deficiency Syndrome (AIDS) virus infection, and other
26 communicable diseases;

27 l. Abstinence until marriage education; and

28 m. Bicycle safety.

29 (2) The State Board of Education shall supervise the development and
30 operation of a statewide comprehensive school health education
31 program including curriculum development, in-service training
32 provision and promotion of collegiate training, learning material review,
33 and assessment and evaluation of local programs in the same manner as
34 for other programs. The State Board of Education shall adopt objectives
35 for the instruction of the subject areas listed in subdivision (1) of this
36 subsection that are appropriate for each grade level. In addition, the
37 State Board shall approve textbooks and other materials incorporating
38 these objectives that local school administrative units may purchase
39 with State funds. The State Board of Education, through the
40 Department of Public Instruction, shall, on a regular basis, review

1 materials related to these objectives, and distribute these reviews to
2 local school administrative units for their information.

3 (3) The State Board of Education shall develop objectives for instruction in
4 the prevention of sexually transmitted diseases, including Acquired
5 Immune Deficiency Syndrome (AIDS) virus infection, that includes
6 emphasis on the importance of parental involvement, abstinence from
7 sex until marriage, and avoiding intravenous drug use. Any program
8 developed under this subdivision shall present techniques and strategies
9 to deal with peer pressure and to offer positive reinforcement and shall
10 teach reasons, skills, and strategies for remaining or becoming abstinent
11 from sexual activity; for appropriate grade levels and classes, shall teach
12 that abstinence from sexual activity until marriage is the only certain
13 means of avoiding out-of-wedlock pregnancy, sexually transmitted
14 diseases, and other associated health and emotional problems, and that a
15 mutually faithful monogamous heterosexual relationship in the context
16 of marriage is the best lifelong means of avoiding diseases transmitted
17 by sexual contact, including Acquired Immune Deficiency Syndrome
18 (AIDS); and shall teach the positive benefits of abstinence until
19 marriage and the risks of premarital sexual activity. Any instruction
20 concerning the causes of sexually transmitted diseases, including
21 Acquired Immune Deficiency Syndrome (AIDS), in cases where
22 homosexual acts are a significant means of transmission, shall include
23 the current legal status of those acts.

24 (4) The State Board of Education shall evaluate abstinence until marriage
25 curricula and their learning materials and shall develop and maintain a
26 recommended list of one or more approved abstinence until marriage
27 curricula. The State Board may develop an abstinence until marriage
28 program to include on the recommended list. The State Board of
29 Education shall not select or develop a program for inclusion on the
30 recommended list that does not include the positive benefits of
31 abstinence until marriage and the risks of premarital sexual activity as
32 the primary focus. The State Board shall include on the recommended
33 list only programs that include, in appropriate grades and classes,
34 instruction that:

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

37 b. Presents techniques and strategies to deal with peer pressure and
38 offering positive reinforcement;

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

41 d. Teaches that abstinence from sexual activity is the only certain
42 means of avoiding out-of-wedlock pregnancy, sexually
43 transmitted diseases, including Acquired Immune Deficiency

- 1 Syndrome (AIDS), and other associated health and emotional
2 problems;
- 3 e. Teaches that a mutually faithful monogamous heterosexual
4 relationship in the context of marriage is the best lifelong means
5 of avoiding sexually transmitted diseases, including Acquired
6 Immune Deficiency Syndrome (AIDS);
- 7 f. Teaches the positive benefits of abstinence until marriage and the
8 risks of premarital sexual activity;
- 9 g. Provides opportunities that allow for interaction between the
10 parent or legal guardian and the student; and
- 11 h. Provides factually accurate biological or pathological
12 information that is related to the human reproductive system.
- 13 (5) The State Board of Education shall make available to all local school
14 administrative units for review by the parents and legal guardians of
15 students enrolled at that unit any State-developed objectives for
16 instruction, any approved textbooks, the list of reviewed materials, and
17 any other State-developed or approved materials that pertain to or are
18 intended to impart information or promote discussion or understanding
19 in regard to the prevention of sexually transmitted diseases, including
20 Acquired Immune Deficiency Syndrome (AIDS), to the avoidance of
21 out-of-wedlock pregnancy, or to the abstinence until marriage
22 curriculum. The review period shall extend for at least 60 days before
23 use.
- 24 (6) Each local school administrative unit shall provide a comprehensive
25 school health education program that meets all the requirements of this
26 subsection and all the objectives established by the State Board. Each
27 local board of education may expand on the subject areas to be included
28 in the program and on the instructional objectives to be met. This
29 expanded program may include a comprehensive sex education program
30 for that local school administrative unit only if all of the following
31 requirements are satisfied:
- 32 a. Before a comprehensive sex education program is adopted, the
33 local board of education shall conduct a public hearing, after
34 adequately notifying the public of the hearing.
- 35 b. For at least 30 days before this public hearing and during this
36 public hearing, the objectives for this proposed program and all
37 instructional materials shall be made available for review.
- 38 c. For at least 30 days after the public hearing, the objectives for the
39 program and all instructional materials shall remain available for
40 review by parents and legal guardians of students in that local
41 school administrative unit.
- 42 (7) Each school year, before students may participate in any portion of (i) a
43 program that pertains to or is intended to impart information or promote

1 discussion or understanding in regard to the prevention of sexually
2 transmitted diseases, including Acquired Immune Deficiency Syndrome
3 (AIDS), or to the avoidance of out-of-wedlock pregnancy, (ii) an
4 abstinence until marriage program, or (iii) a comprehensive sex
5 education program, whether developed by the State or by the local
6 board of education, the parents and legal guardians of those students
7 shall be given an opportunity to review the objectives and materials.
8 Local boards of education shall adopt policies to provide opportunities
9 either for parents and legal guardians to consent or for parents and legal
10 guardians to withhold their consent to the students' participation in any
11 or all of these programs.

12 (8) Students may receive information about where to obtain contraceptives
13 and abortion referral services only in accordance with a local board's
14 policy regarding parental consent. Any instruction concerning the use
15 of contraceptives or prophylactics shall provide accurate statistical
16 information on their effectiveness and failure rates for preventing
17 pregnancy and sexually transmitted diseases, including Acquired
18 Immune Deficiency Syndrome (AIDS), in actual use among adolescent
19 populations and shall explain clearly the difference between risk
20 reduction and risk elimination through abstinence.

21 (9) Contraceptives, including condoms and other devices, shall not be made
22 available or distributed on school property.

23 (10) School health coordinators may be employed to assist in the instruction
24 of any portion of the comprehensive school health education program.
25 Where feasible, a school health coordinator should serve more than one
26 local school administrative unit. Each person initially employed as a
27 State-funded school health coordinator after June 30, 1987, shall have a
28 degree in health education."

29 Sec. 4. This act is effective upon ratification. Local boards of education are
30 authorized to implement this act as soon as feasible and are required to do so by the
31 beginning of the 1996-97 school year.