

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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**HOUSE BILL 879
Committee Substitute Reported Without Prejudice 5/2/07**

Short Title: Modify School Health Education Program.

(Public)

Sponsors:

Referred to:

March 20, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE STATUTES PERTAINING TO THE SCHOOL HEALTH
3 EDUCATION PROGRAM.

4 Whereas, the American Medical Association (AMA), the American Nurses
5 Association (ANA), the American Academy of Pediatrics (AAP), the American College
6 of Obstetricians and Gynecologists (ACOG), the American Public Health Association
7 (APHA), and the Society of Adolescent Medicine (SAM), support responsible sexuality
8 education that includes information about both abstinence and contraception; and

9 Whereas, recent scientific reports by the Institute of Medicine, the American
10 Medical Association, and the Office on National AIDS Policy stress the need for
11 sexuality education that includes messages about abstinence and provides young people
12 with information about contraception for the prevention of teen pregnancy, HIV/AIDS,
13 and other sexually transmitted diseases (STDs); and

14 Whereas, sixty-three percent of North Carolina high school seniors reported
15 having had sexual intercourse at least once; and

16 Whereas, research shows that teenagers who receive sexuality education that
17 includes discussion of contraception are more likely than those who receive
18 abstinence-only messages to delay sexual activity and to use contraceptives when they
19 do become sexually active; and

20 Whereas, comprehensive sexuality education programs respect the diversity
21 of values and beliefs represented in the community and will complement and augment
22 the sexuality education children receive from their families; and

23 Whereas, the median age of puberty is 13 years, and the average age of
24 marriage is over 26 years old; and

25 Whereas, American teens need access to full, complete, and medically and
26 factually accurate information regarding sexuality, including contraception, STD/HIV
27 prevention, and abstinence; and

28 Whereas, although teen pregnancy rates are decreasing, there are still between
29 750,000 and 850,000 teen pregnancies in the United States each year; and

1 Whereas, there were over 18,000 teen pregnancies among 15- to 19-
2 year-olds in North Carolina in 2005; and

3 Whereas, North Carolina has the ninth highest teen pregnancy rate for 15- to
4 19- year-olds in the United States and the nation's highest birthrate among Hispanic
5 teens; and

6 Whereas, the cost of teen pregnancy in North Carolina, according to the
7 National Campaign to Prevent Teen Pregnancy, is \$312,000,000 a year; and

8 Whereas, between 75 and 90 percent of teen pregnancies among 15- to
9 19-year-olds are unintended; and

10 Whereas, studies estimate that 50 to 75 percent of the reduction in adolescent
11 pregnancy rates is attributable to improved contraceptive use; the remainder to
12 increased abstinence; and

13 Whereas, a study conducted by the North Carolina Department of Public
14 Instruction in October 2003 found that the vast majority of North Carolina parents
15 (more than 90.5%) thought sexuality education should be taught in the public schools;
16 and

17 Whereas, United States teens and young adults acquire an estimated
18 4,000,000 sexually transmitted infections each year; and

19 Whereas, by age 25, at least one of every 12 sexually active people will have
20 contracted a sexually transmitted disease; and

21 Whereas, more than two young people in the United States are infected with
22 HIV every hour of every day; and

23 Whereas, African-American and Hispanic youth have been disproportionately
24 affected by the HIV/AIDS epidemic; and

25 Whereas, although about 15 percent of the adolescent population (ages 13 to
26 19) in the United States is African-American, nearly 60 percent of AIDS cases through
27 2002 among 13- to 19-year-olds were among African-Americans; and

28 Whereas, Hispanics comprise nearly 16 percent of the adolescent population
29 (ages 13 to 19) in the United States and 22 percent of reported adolescent AIDS cases
30 through June 2002; and

31 Whereas, one in five women in North Carolina will be sexually assaulted in
32 her lifetime; Now, therefore,

33 The General Assembly of North Carolina enacts:

34 **SECTION 1.** G.S. 115C-81(e1) reads as rewritten:

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

36 (1) A-The State Board of Education shall establish statewide objectives for
37 a comprehensive school health education program shall be developed
38 and program. Local school administrative units shall provide that the
39 program is taught to pupils students of the public schools of this State
40 from kindergarten through ninth grade. grade, that the program meets
41 the State Board's objectives and all of the requirements of this
42 subsection, and that the program is delivered by instructors trained in
43 appropriate courses. Each local board of education may expand on the
44 subject areas to be included in the program and on the instructional

1 objectives. ~~This~~ The comprehensive school health education program
2 ~~includes~~ shall include age-appropriate instruction in the following
3 subject areas, regardless of whether this instruction is described as, or
4 incorporated into a description of, "family life education", "family
5 health education", "health education", "family living", "health",
6 "healthful living curriculum", or "self-esteem":

- 7 a. Mental and emotional health;
8 b. ~~Drug and alcohol~~ Alcohol, tobacco, and other drug abuse
9 prevention;
10 c. ~~Nutrition~~ Nutrition and physical activity;
11 d. Dental health;
12 e. Environmental ~~health~~ health awareness;
13 f. Family living;
14 g. Consumer health;
15 h. Disease ~~control~~ prevention;
16 i. Growth and development;
17 j. First aid and emergency care, including the teaching of
18 cardiopulmonary resuscitation (CPR) and the Heimlich
19 maneuver by using hands-on training with mannequins so that
20 students become proficient in order to pass a test approved by
21 the American Heart Association, or American Red Cross;
22 k. Preventing unintended pregnancy and sexually transmitted
23 diseases, including HIV/AIDS, and other communicable
24 diseases;
25 l. ~~Abstinence until marriage education; and~~ Abstinence-based
26 comprehensive sexual health education;
27 m. ~~Bicycle safety~~ Injury prevention; and
28 n. Awareness of sexual assault, sexual abuse, and risk reduction.

29 (1a) As used in this subsection, the following definitions shall apply:

- 30 a. "HIV/AIDS" means Human Immunodeficiency Virus/Acquired
31 Immune Deficiency Syndrome.
32 b. "Instructors trained in appropriate courses" means instructors
33 trained in school health education pedagogy to effectively
34 deliver comprehensive health education including the most
35 recent scientific research on abstinence-based human sexuality
36 education.
37 c. "Scientific research" means investigations conducted in
38 compliance with scientific methods and published in
39 peer-reviewed journals and recognized as accurate and
40 objective by professional organizations and agencies with
41 expertise in the relevant field.

42 (2) The State Board of Education shall supervise the development and
43 operation of a statewide comprehensive school health education
44 program including curriculum development, in-service training

1 provision and promotion of collegiate training, learning material
2 review, and assessment and evaluation of local programs in the same
3 manner as for other programs. The State Board of Education shall
4 adopt objectives for the instruction of the subject areas listed in
5 subdivision (1) of this subsection that are appropriate for each grade
6 level. In addition, the State Board shall approve textbooks and other
7 materials incorporating these objectives that local school
8 administrative units may purchase with State funds. The State Board of
9 Education, through the Department of Public Instruction, shall, on a
10 regular basis, review materials related to these objectives, and
11 distribute these reviews to local school administrative units for their
12 information.

13 (2a) The abstinence-based comprehensive sexual health education program
14 shall satisfy all of the following criteria:

- 15 a. Instruction and materials shall be age appropriate.
16 b. All information presented shall be objective and based upon
17 scientific research.
18 c. Instruction and materials shall be appropriate for use with
19 students of all races, genders, sexual orientations, ethnic and
20 cultural backgrounds, and for students with disabilities.
21 Instruction and materials shall not reflect or promote bias
22 against any person on the basis of sex, ethnic group
23 identification, race, national origin, religion, color, sexual
24 orientation, gender identity, or mental or physical disability.
25 d. Instruction and materials shall encourage a student to
26 communicate with his or her parents or guardians about human
27 sexuality.
28 e. Instruction and materials shall teach respect for marriage and
29 committed relationships.
30 f. Commencing in seventh grade, instruction and materials shall
31 do all of the following:
32 1. Teach that abstinence from sexual intercourse is the only
33 certain way to prevent unintended pregnancy, teach that
34 abstinence from sexual activity is the only certain way to
35 reduce the risk of sexual transmission of diseases,
36 including HIV/AIDS, and provide information about the
37 value of abstinence.
38 2. Provide information about sexually transmitted diseases.
39 This instruction shall include how sexually transmitted
40 diseases are and are not transmitted, the effectiveness
41 and safety of all federal Food and Drug Administration
42 (FDA) approved methods of reducing the risk of
43 contracting sexually transmitted diseases, and

- 1 information on local resources for testing and medical
2 care for sexually transmitted diseases.
- 3 3. Provide information about the effectiveness and safety of
4 all FDA-approved contraceptive methods in preventing
5 pregnancy, including, emergency contraception.
- 6 4. Teach the functional knowledge and essential skills to
7 promote and maintain health enhancing behaviors that
8 value lifelong good health and avoidance of risky
9 behaviors such as alcohol and drug abuse, especially
10 intravenous drug abuse.
- 11 (2b) A local school administrative unit may elect to offer abstinence-based
12 comprehensive sexual health education to students before seventh
13 grade and provide age appropriate information based upon objective
14 scientific research on any of the topics contained in sub-subdivision
15 (2a)f. of this subsection.
- 16 (2c) The abstinence-based comprehensive sexual health education offered
17 by a local school administrative unit pursuant to subdivision (2a) of
18 this subsection shall include HIV/AIDS prevention education that
19 complies with all of the provisions of that subdivision. Each student
20 shall receive the instruction in junior high or middle school and again
21 in high school.
- 22 (3) ~~The State Board of Education shall develop objectives for instruction~~
23 ~~in the prevention of sexually transmitted diseases, including~~
24 ~~HIV/AIDS, that include emphasis on the importance of parental~~
25 ~~involvement, abstinence from sex until marriage, and avoiding~~
26 ~~intravenous drug use. Any program developed under this subdivision~~
27 ~~shall present techniques and strategies to deal with peer pressure and to~~
28 ~~offer positive reinforcement and shall teach reasons, skills, and~~
29 ~~strategies for remaining or becoming abstinent from sexual activity;~~
30 ~~for appropriate grade levels and classes, shall teach that abstinence~~
31 ~~from sexual activity until marriage is the only certain means of~~
32 ~~avoiding out of wedlock pregnancy, sexually transmitted diseases~~
33 ~~when transmitted through sexual contact, and other associated health~~
34 ~~and emotional problems, and that a mutually faithful monogamous~~
35 ~~heterosexual relationship in the context of marriage is the best lifelong~~
36 ~~means of avoiding diseases transmitted by sexual contact, including~~
37 ~~HIV/AIDS, shall teach how alcohol and drug use lower inhibitions,~~
38 ~~which may lead to risky sexual behavior, and shall teach the positive~~
39 ~~benefits of abstinence until marriage and the risks of premarital sexual~~
40 ~~activity.~~
- 41 (4) ~~The State Board of Education shall evaluate abstinence until marriage~~
42 ~~curricula and their learning materials and shall develop and maintain a~~
43 ~~recommended list of one or more approved abstinence until marriage~~
44 ~~curricula. The State Board may develop an abstinence until marriage~~

1 ~~program to include on the recommended list. The State Board of~~
2 ~~Education shall not select or develop a program for inclusion on the~~
3 ~~recommended list that does not include the positive benefits of~~
4 ~~abstinence until marriage and the risks of premarital sexual activity as~~
5 ~~the primary focus. The State Board shall include on the recommended~~
6 ~~list only programs that include, in appropriate grades and classes,~~
7 ~~instruction that:~~

- 8 a. ~~Teaches that abstinence from sexual activity outside of~~
9 ~~marriage is the expected standard for all school-age children;~~
10 b. ~~Presents techniques and strategies to deal with peer pressure~~
11 ~~and offering positive reinforcement;~~
12 c. ~~Presents reasons, skills, and strategies for remaining or~~
13 ~~becoming abstinent from sexual activity;~~
14 d. ~~Teaches that abstinence from sexual activity is the only certain~~
15 ~~means of avoiding out of wedlock pregnancy, sexually~~
16 ~~transmitted diseases when transmitted through sexual contact,~~
17 ~~including HIV/AIDS, and other associated health and emotional~~
18 ~~problems;~~
19 e. ~~Teaches that a mutually faithful monogamous heterosexual~~
20 ~~relationship in the context of marriage is the best lifelong means~~
21 ~~of avoiding sexually transmitted diseases, including HIV/AIDS;~~
22 f. ~~Teaches the positive benefits of abstinence until marriage and~~
23 ~~the risks of premarital sexual activity;~~
24 g. ~~Provides opportunities that allow for interaction between the~~
25 ~~parent or legal guardian and the student; and~~
26 h. ~~Provides factually accurate biological or pathological~~
27 ~~information that is related to the human reproductive system.~~

28 (5) The State Board of Education shall make available to all local school
29 administrative units for review by the parents and legal guardians of
30 students enrolled at that unit any State-developed objectives for
31 instruction, any approved textbooks, ~~the list of reviewed materials,~~ and
32 any other State-developed or approved materials that pertain to or are
33 intended to impart information or promote discussion or understanding
34 in regard to the prevention of sexually transmitted diseases, including
35 HIV/AIDS, to the avoidance of ~~out of wedlock unintended~~ pregnancy,
36 or to the ~~abstinence until marriage~~ abstinence-based comprehensive
37 health education curriculum. The review period shall extend for at
38 least 60 days before use.

39 (6) ~~Each local school administrative unit shall provide a comprehensive~~
40 ~~school health education program that meets all the requirements of this~~
41 ~~subsection and all the objectives established by the State Board. Each~~
42 ~~local board of education may expand on the subject areas to be~~
43 ~~included in the program and on the instructional objectives to be met.~~
44 ~~This expanded program may include a comprehensive sex education~~

1 program for that local school administrative unit only if all of the
2 following requirements are satisfied:

3 a. ~~Before a comprehensive sex education program is adopted, the~~
4 ~~local board of education shall conduct a public hearing, after~~
5 ~~adequately notifying the public of the hearing.~~

6 b. ~~For at least 30 days before this public hearing and during this~~
7 ~~public hearing, the objectives for this proposed program and all~~
8 ~~instructional materials shall be made available for review.~~

9 e. ~~For at least 30 days after the public hearing, the objectives for~~
10 ~~the program and all instructional materials shall remain~~
11 ~~available for review by parents and legal guardians of students~~
12 ~~in that local school administrative unit.~~

13 (7) Each school year, before students may participate in any portion of (i)
14 a program that pertains to or is intended to impart information or
15 promote discussion or understanding in regard to the prevention of
16 sexually transmitted diseases, including HIV/AIDS, or to the
17 avoidance of ~~out of wedlock unintended pregnancy, or (ii) an~~
18 ~~abstinence until marriage program, an abstinence-based~~
19 ~~comprehensive sexual health education program, or (iii) a~~
20 ~~comprehensive sex education program, whether developed by the State~~
21 ~~or by the local board of education, the parents and legal guardians of~~
22 those students shall be given an opportunity to review the objectives
23 and materials. Local boards of education shall adopt policies to
24 provide opportunities for parents and legal guardians to consent or for
25 parents and legal guardians to withhold their consent to the students'
26 participation in ~~any or all~~ either or both of these programs. ~~the programs~~
27 described in (i) or (ii) of this subdivision.

28 (8) Students may receive information about where to obtain contraceptives
29 and abortion referral services only in accordance with a local board's
30 policy regarding parental and legal guardian notification and consent.
31 Any instruction concerning the use of contraceptives or prophylactics
32 shall provide accurate statistical information on their effectiveness and
33 failure rates for ~~preventing~~ reducing the risk of unintended pregnancy
34 and sexually transmitted diseases, disease infection, including
35 HIV/AIDS, in actual use among adolescent populations and shall
36 explain clearly the difference between risk reduction and risk
37 elimination through ~~abstinence.~~ abstinence from all sexual activity.
38 The Department of Health and Human Services shall provide the most
39 current available information based on scientific research at the
40 beginning of each school year.

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

43 (10) School health coordinators may be employed to assist in the
44 instruction of any portion of the comprehensive school health

1 education program. Where feasible, a school health coordinator should
2 serve more than one local school administrative unit. Each person
3 initially employed as a State-funded school health coordinator after
4 June 30, 1987, shall have a degree in health education.

5 (11) The State Board of Education shall develop objectives for instruction
6 in the awareness of sexual assault, sexual abuse, and risk reduction.
7 The instruction and materials shall provide for all of the following:

8 a. Focus on healthy relationships.

9 b. Teach students what constitutes sexual assault and sexual abuse,
10 the causes of those behaviors, and risk reduction.

11 c. Inform students about resources and reporting procedures if
12 they experience sexual assault or sexual abuse.

13 d. Examine common misconceptions and stereotypes about sexual
14 assault and sexual abuse.

15 e. Explore the contribution that alcohol and drugs may play in
16 sexual assault."

17 **SECTION 2.** This act becomes effective July 1, 2007, and applies beginning
18 with the 2008-2009 school year.