

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 788*

Short Title: Teach Abstinence Until Marriage.

(Public)

Sponsors: Senators McDaniel, Page, Ballantine, McKoy, East, Clark, Ledbetter, Webster, Sawyer, Horton, Carrington, Foxx, Kincaid, Forrester, Hartsell, Allran, Simpson, Shaw, Carpenter, and Cochrane.

Referred to: Education/Higher Education

April 24, 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 G.S. 115C-81(a2) is repealed.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.

40 The State Board of Education shall designate an impartial panel to
41 review health education program plans submitted by local school
42 administrative units. Based on the panel's evaluation of the plans, the
43 State Board of Education shall allocate the State-funded school health

1 coordinators. Where feasible, a school health coordinator shall serve
2 more than one local school administrative unit.

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

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

15 (5a) The Department of Public Instruction shall make available to all local
16 school administrative units for review by the parents and legal guardians
17 of students enrolled at that unit that portion of the curriculum for the
18 statewide comprehensive school health education program and the
19 learning materials that pertain to or are intended to impart information
20 or promote discussion or understanding in regard to sexually transmitted
21 diseases, including Acquired Immune Deficiency Syndrome (AIDS), or
22 avoiding out-of-wedlock pregnancy. The review period shall extend for
23 at least 60 days.

24 (5b) The local board of education may prohibit the teaching in their
25 respective local school administrative units all or part of that portion of
26 the curriculum for the statewide comprehensive school health education
27 program and the learning materials that pertain to or are intended to
28 impart information or promote discussion or understanding in regard to
29 sexually transmitted diseases, including Acquired Immune Deficiency
30 Syndrome (AIDS), or avoiding out-of-wedlock pregnancy based on
31 disapproval by the parents and legal guardians during the review period
32 under subdivision (5a) of this subsection.

33 (5c) Prior to a student's enrollment in a course within the comprehensive
34 school health education program when that course is intended to impart
35 information or promote discussion or understanding in regard to
36 sexually transmitted diseases, including Acquired Immune Deficiency
37 Syndrome (AIDS), or avoiding out-of-wedlock pregnancy, the parents
38 and legal guardians of students in that grade level shall receive an
39 outline of the complete curriculum for that course, including
40 information as to how parents and legal guardians can review a copy of
41 the learning materials, including a list of speakers, any video and audio
42 tapes, films, slides, handouts, books, pamphlets, and teacher materials.
43 Upon request, this curriculum outline and copies of learning materials

1 shall be made available to the parents and legal guardians to borrow for
2 overnight review off school property. A local school administrative unit
3 shall retain sufficient copies of the curriculum outline and learning
4 materials to allow parental review on school property to continue.

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

13 (5e) Those portions of the comprehensive school health education program
14 that are intended to impart information or promote discussion or
15 understanding in regard to sexually transmitted diseases, including
16 Acquired Immune Deficiency Syndrome (AIDS), or avoiding out-of-
17 wedlock pregnancy, shall present techniques and strategies to deal with
18 peer pressure and to offer positive reinforcement and shall teach
19 reasons, skills, and strategies for remaining or becoming abstinent from
20 sexual activity; for appropriate grade levels and classes, shall teach that
21 abstinence from sexual activity is the only certain means of avoiding
22 out-of-wedlock pregnancy, sexually transmitted diseases, and other
23 associated health and emotional problems, and that a mutually faithful
24 monogamous heterosexual relationship in the context of marriage is the
25 best lifelong means of avoiding diseases transmitted by sexual contact,
26 including Acquired Immune Deficiency Syndrome (AIDS); and shall
27 teach the positive benefits of abstinence until marriage and the risks of
28 premarital sexual activity. Without parental consent, students shall not
29 receive any instruction as to the availability of health services provided
30 by any community agencies that offer contraceptives or abortion referral
31 services. Any instruction concerning the use of contraceptives or
32 prophylactics shall emphasize information on their failure rates for
33 preventing pregnancy and sexually transmitted diseases, including
34 Acquired Immune Deficiency Syndrome (AIDS), in actual use among
35 adolescent populations and shall explain clearly the difference between
36 risk reduction and risk elimination through abstinence. The
37 demonstration or distribution of contraceptives, including condoms and
38 other devices, shall not take place on school property. Contraceptives,
39 including condoms and other devices, shall not be made available on
40 school property. Any instruction concerning Acquired Immune
41 Deficiency Syndrome (AIDS) shall teach the importance of avoiding
42 intravenous drug use.

- 1 (5f) Any teacher who uses, and any administrator who authorizes the use of
2 curriculum or learning materials that were not made available to parents
3 and legal guardians under subdivision (5a) of this subsection or who
4 enrolls a student without obtaining written consent under subdivision
5 (5d) of this subsection is subject to discipline pursuant to Article 22 of
6 this Chapter.
- 7 (5g) Any revisions to that portion of the curriculum for the statewide
8 comprehensive school health education program and the learning
9 materials that pertain to or are intended to impart information or
10 promote discussion or understanding in regard to sexually transmitted
11 diseases, including Acquired Immune Deficiency Syndrome (AIDS), or
12 avoiding out-of-wedlock pregnancy, shall be subject to the provisions of
13 subdivisions (5a) through (5f) of this subsection. No later than
14 September 1, 1995, this type of curriculum or materials that are already
15 in use without having been reviewed by parents and legal guardians
16 shall be subject to the provisions of subdivisions (5a) through (5f) of
17 this subsection.
- 18 (6) A State School Health Advisory Committee is hereby established.
- 19 a. The committee shall provide citizen input into the operations of
20 the program, report annually to the State Board of Education on
21 progress in accomplishing the provisions and intent of this
22 legislation, provide advice to the department with regard to its
23 duties under this subsection, and encourage development of
24 higher education programs which would benefit health education
25 in the public schools.
- 26 b. The committee shall meet as necessary but at least twice
27 annually. It shall select annually a chairperson from among its
28 own membership, each member having an equal vote and the
29 chairperson shall appoint such subcommittees as may be
30 necessary. Members of the committee shall serve without
31 compensation; however, they shall be reimbursed by the
32 Department of Public Instruction for travel and other expenses
33 incurred in the performance of their duties as members of the
34 committee, to the extent that funds are appropriated for this
35 purpose.
- 36 c. The committee shall consist of 17 members: ~~10~~four appointed by
37 the Governor, two by the State Board of Education, ~~one~~four by
38 the Speaker of the House of Representatives, ~~one~~four by the
39 President Pro Tempore of the Senate, and three ex officio
40 members: the Chief, Office of Health Education, Department of
41 ~~Human Resources; Environment, Health, and Natural Resources;~~
42 the Chief, State Health Planning and Development Agency,
43 Commission, Department of Human Resources; and the

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

- 42 d. The appointed members of the advisory committee shall serve for
43 a term of three years. Appointed members may be reappointed up
44 to a maximum of nine years of service. Vacancies shall be filled

1 in the same manner as original appointments for the balance of
2 the unexpired term."

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

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

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

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

1 approved abstinence until marriage curricula shall provide for
2 homework assignments that allow for interaction between the parent or
3 legal guardian and the student. The Department of Public Instruction
4 shall not select or develop a program for inclusion on the recommended
5 list that purports to be an abstinence until marriage program, but does
6 not include the positive benefits of abstinence until marriage and the
7 risks of premarital sexual activity as the primary focus.

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

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

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

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

35 "**§ 115C-81.2. Local board may authorize comprehensive sex education program.**

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

40 (1) The local school administrative unit conducts a public hearing, after
41 adequately notifying the public of the hearing.

42 (2) At the public hearing, the proposed comprehensive sex education
43 program is presented and all learning materials, including a list of

1 speakers, any video and audio tapes, films, slides, handouts, books,
2 pamphlets, and teacher materials, are made available for review by the
3 public and remain available for review by the public for a period of 60
4 days after the public hearing.

5 (3) Within 60 days of the hearing, a majority of parents of students in
6 grades the course is to be taught in that local school administrative unit
7 sign a petition requesting that the comprehensive sex education program
8 presented at the public hearing be offered in the public schools within
9 that local school administrative unit.

10 (4) The cost of the comprehensive sex education program, including
11 learning materials and any staff training needed to teach the program,
12 are fully funded from non-State funds.

13 (b) Any comprehensive sex education program authorized under this section shall,
14 when imparting information concerning methods for the prevention of sexually
15 transmitted diseases, including Acquired Immune Deficiency Syndrome (AIDS), state
16 clearly that abstinence from sexual activity is the only completely reliable means of
17 eliminating the sexual transmission of sexually transmitted diseases and of avoiding
18 pregnancy and that a mutually faithful monogamous heterosexual relationship in the
19 context of marriage is the best lifelong means of avoiding diseases transmitted by sexual
20 contact, including Acquired Immune Deficiency Syndrome (AIDS). Any comprehensive
21 sex education program under this section shall present techniques and strategies to deal
22 with peer pressure and to offer positive reinforcement and shall teach reasons, skills, and
23 strategies for remaining or becoming abstinent from sexual activity. Any instruction
24 concerning the use of contraceptives or prophylactics shall emphasize information on
25 their failure rates for preventing pregnancy and sexually transmitted diseases, including
26 Acquired Immune Deficiency Syndrome (AIDS), in actual use among adolescent
27 populations and shall explain clearly the difference between risk reduction and risk
28 elimination through abstinence. The distribution or demonstration of contraceptives,
29 including condoms and other devices, shall not take place on school property.
30 Contraceptives, including condoms and other devices, shall not be made available on
31 school property. Any instruction concerning Acquired Immune Deficiency Syndrome
32 (AIDS) shall teach the importance of avoiding intravenous drug use.

33 (c) Prior to a student's enrollment in a comprehensive sex education course, a local
34 school administrative unit shall receive the prior written consent from the parent or legal
35 guardian of that student.

36 (d) Any teacher who uses, and any administrator who authorizes the use of,
37 curriculum or learning materials that were not made available to the public at the public
38 hearing under subsection (a) of this section or who enrolls a student without obtaining the
39 written consent under subsection (c) of this section is subject to discipline pursuant to
40 Article 22 of this Chapter.

41 **"§ 115C-81.3. Evaluation of programs that have a sex education component.**

42 (a) The portions of the curriculum for the statewide comprehensive school health
43 education program that pertain to or are intended to impart information or promote

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

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

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