

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

**S**

**1**

**SENATE BILL 1182**

Short Title:   Modify School Health Education Program. (Public)

---

Sponsors:    Senators Garrou; Cowell, Dorsett, Hagan, Kinnaird, and Purcell.

---

Referred to:  Education/Public Instruction.

---

March 22, 2007

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

The General Assembly of North Carolina enacts:

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

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

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

- a. Mental and emotional health;
- b. Drug and alcohol abuse prevention;
- c. Nutrition;
- d. Dental health;
- e. Environmental health;
- f. Family living;
- g. Consumer health;
- h. Disease control;
- i. Growth and development;
- j. First aid and emergency care, including the teaching of cardiopulmonary resuscitation (CPR) and the Heimlich maneuver by using hands-on training with mannequins so that students become proficient in order to pass a test approved by the American Heart Association, or American Red Cross;

- 1 k. Preventing unintended pregnancy and sexually transmitted  
2 diseases, including HIV/AIDS, and other communicable  
3 diseases;  
4 l. ~~Abstinence until marriage education;~~ and Abstinence-based  
5 comprehensive sexual health education;  
6 m. ~~Bicycle safety;~~ safety; and  
7 n. Awareness of sexual abuse and assault and risk reduction.

8 (1a) As used in this subsection, "HIV/AIDS" means Human  
9 Immunodeficiency Virus/Acquired Immune Deficiency Syndrome.

10 (2) The State Board of Education shall supervise the development and  
11 operation of a statewide comprehensive school health education  
12 program including curriculum development, in-service training  
13 provision and promotion of collegiate training, learning material  
14 review, and assessment and evaluation of local programs in the same  
15 manner as for other programs. The State Board of Education shall  
16 adopt objectives for the instruction of the subject areas listed in  
17 subdivision (1) of this subsection that are appropriate for each grade  
18 level. In addition, the State Board shall approve textbooks and other  
19 materials incorporating these objectives that local school  
20 administrative units may purchase with State funds. The State Board of  
21 Education, through the Department of Public Instruction, shall, on a  
22 regular basis, review materials related to these objectives, and  
23 distribute these reviews to local school administrative units for their  
24 information.

25 (2a) Local school administrative units shall provide comprehensive sexual  
26 health education, consisting of age-appropriate instruction, in grades  
27 seven to 12 inclusive, using instructors trained in the appropriate  
28 courses. Students shall receive instruction in grades seven and eight  
29 and in one additional year.

30 (2b) The unit's comprehensive sexual health education shall satisfy all of  
31 the following criteria:

- 32 a. Instruction and materials shall be age appropriate.  
33 b. All information presented shall be factually and medically  
34 accurate and objective.  
35 c. Instruction and materials shall be appropriate for use with  
36 students of all races, genders, sexual orientations, ethnic and  
37 cultural backgrounds, and with students with disabilities.  
38 d. Instruction and materials shall encourage a pupil to  
39 communicate with his or her parents or guardians about human  
40 sexuality.  
41 e. Instruction and materials shall teach respect for marriage and  
42 committed relationships.  
43 f. Commencing in grade seven, instruction and materials shall  
44 teach that abstinence from sexual intercourse is the only certain

- 1                    way to prevent unintended pregnancy, teach that abstinence  
2                    from sexual activity is the only certain way to prevent the  
3                    sexual transmission of diseases, and provide information about  
4                    the value of abstinence.
- 5                    g.    Commencing in grade seven, instruction and materials shall  
6                    provide information about sexually transmitted diseases. This  
7                    instruction shall include how sexually transmitted diseases are  
8                    and are not transmitted, the effectiveness and safety of all  
9                    federal Food and Drug Administration (FDA) approved  
10                   methods of reducing the risk of contracting sexually transmitted  
11                   diseases, and information on local resources for testing and  
12                   medical care for sexually transmitted diseases.
- 13                   h.    Commencing in grade seven, instruction and materials shall  
14                   provide information about the effectiveness and safety of all  
15                   FDA-approved contraceptive methods in preventing pregnancy,  
16                   including, but not limited to, emergency contraception.
- 17                   i.    Commencing in grade seven, instruction and materials shall  
18                   provide students with skills for making and implementing  
19                   responsible decisions about sexuality.
- 20                   j.    Commencing in grade seven, instruction and materials shall  
21                   provide students with information on the law on surrendering  
22                   physical custody of a minor child 72 hours or younger, pursuant  
23                   to G.S. 15A-540.
- 24                   (2c) A school unit that elects to offer comprehensive sexual health  
25                   education pursuant to subdivision (2a) of this subsection earlier than  
26                   grade seven may provide age appropriate and medically accurate  
27                   information on any of the general topics contained in sub-subdivisions  
28                   f. through j. of subdivision (2b) of this subsection.
- 29                   (2d) The school unit shall offer comprehensive sexual health education  
30                   pursuant to subdivision (2a) of this subsection and shall comply with  
31                   the following:
- 32                   a.    Instruction and materials shall not reflect or promote bias  
33                   against any person on the basis of sex, ethnic group  
34                   identification, race, national origin, religion, color, sexual  
35                   orientation, gender identity, or mental or physical disability.
- 36                   b.    A school unit shall ensure that all students in grades seven to  
37                   12, inclusive, receive HIV/AIDS prevention education from an  
38                   instructor trained in the appropriate courses. Each student shall  
39                   receive this instruction at least once in junior high or middle  
40                   school and at least once in high school.
- 41                   c.    HIV/AIDS prevention education shall satisfy all of the criteria  
42                   set forth in sub-subdivisions a. through e. of subdivision (2b) of  
43                   this subsection and sub-subdivisions a. and b. of subdivision  
44                   (2d) of this subsection, shall accurately reflect the latest

1 information and recommendations from the United States  
2 Surgeon General, the federal Centers for Disease Control and  
3 Prevention, and the National Academy of Sciences, and shall  
4 include the following:

- 5 1. Information on the nature of HIV/AIDS and its effects  
6 on the human body.
- 7 2. Information on the manner in which HIV is and is not  
8 transmitted, including information on activities that  
9 present the highest risk of HIV infection.
- 10 3. Discussion of methods to reduce the risk of HIV  
11 infection. This instruction shall emphasize that sexual  
12 abstinence, monogamy, the avoidance of multiple sexual  
13 partners, and abstinence from intravenous drug use are  
14 the most effective means for HIV/AIDS prevention, but  
15 shall also include statistics based upon the latest medical  
16 information citing the success and failure rates of  
17 condoms and other contraceptives in preventing sexually  
18 transmitted HIV infection.
- 19 4. Discussion of the public health issues associated with  
20 HIV/AIDS.
- 21 5. Information on local resources for HIV testing and  
22 medical care.
- 23 6. Development of refusal skills to assist students in  
24 overcoming peer pressure and using effective  
25 decision-making skills to avoid high-risk activities.
- 26 7. Discussion about societal views, including stereotypes  
27 and common misconceptions regarding persons with  
28 HIV/AIDS.

29 (3) ~~The State Board of Education shall develop objectives for instruction~~  
30 ~~in the prevention of sexually transmitted diseases, including~~  
31 ~~HIV/AIDS, that include emphasis on the importance of parental~~  
32 ~~involvement, abstinence from sex until marriage, and avoiding~~  
33 ~~intravenous drug use. Any program developed under this subdivision~~  
34 ~~shall present techniques and strategies to deal with peer pressure and to~~  
35 ~~offer positive reinforcement and shall teach reasons, skills, and~~  
36 ~~strategies for remaining or becoming abstinent from sexual activity;~~  
37 ~~for appropriate grade levels and classes, shall teach that abstinence~~  
38 ~~from sexual activity until marriage is the only certain means of~~  
39 ~~avoiding out of wedlock pregnancy, sexually transmitted diseases~~  
40 ~~when transmitted through sexual contact, and other associated health~~  
41 ~~and emotional problems, and that a mutually faithful monogamous~~  
42 ~~heterosexual relationship in the context of marriage is the best lifelong~~  
43 ~~means of avoiding diseases transmitted by sexual contact, including~~  
44 ~~HIV/AIDS, shall teach how alcohol and drug use lower inhibitions,~~

1           ~~which may lead to risky sexual behavior, and shall teach the positive~~  
2           ~~benefits of abstinence until marriage and the risks of premarital sexual~~  
3           ~~activity.~~

4           (4) ~~The State Board of Education shall evaluate abstinence until marriage~~  
5           ~~curricula and their learning materials and shall develop and maintain a~~  
6           ~~recommended list of one or more approved abstinence until marriage~~  
7           ~~curricula. The State Board may develop an abstinence until marriage~~  
8           ~~program to include on the recommended list. The State Board of~~  
9           ~~Education shall not select or develop a program for inclusion on the~~  
10           ~~recommended list that does not include the positive benefits of~~  
11           ~~abstinence until marriage and the risks of premarital sexual activity as~~  
12           ~~the primary focus. The State Board shall include on the recommended~~  
13           ~~list only programs that include, in appropriate grades and classes,~~  
14           ~~instruction that:~~

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

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

- 1 (6) Each local school administrative unit shall provide a comprehensive  
2 school health education program that meets all the requirements of this  
3 subsection and all the objectives established by the State Board. Each  
4 local board of education may expand on the subject areas to be  
5 included in the program and on the instructional objectives to be met.  
6 ~~This expanded program may include a comprehensive sex education~~  
7 ~~program for that local school administrative unit only if all of the~~  
8 ~~following requirements are satisfied:~~
- 9 a. ~~Before a comprehensive sex education program is adopted, the~~  
10 ~~local board of education shall conduct a public hearing, after~~  
11 ~~adequately notifying the public of the hearing.~~
- 12 b. ~~For at least 30 days before this public hearing and during this~~  
13 ~~public hearing, the objectives for this proposed program and all~~  
14 ~~instructional materials shall be made available for review.~~
- 15 c. ~~For at least 30 days after the public hearing, the objectives for~~  
16 ~~the program and all instructional materials shall remain~~  
17 ~~available for review by parents and legal guardians of students~~  
18 ~~in that local school administrative unit.~~
- 19 (7) Each school year, before students may participate in any portion of (i)  
20 a program that pertains to or is intended to impart information or  
21 promote discussion or understanding in regard to the prevention of  
22 sexually transmitted diseases, including HIV/AIDS, or to the  
23 avoidance of out-of-wedlock pregnancy, (ii) ~~an abstinence until~~  
24 ~~marriage program, abstinence-based comprehensive sexual health~~  
25 ~~education, or (iii) a comprehensive sex education program, whether~~  
26 ~~developed by the State or by the local board of education, the parents~~  
27 ~~and legal guardians of those students shall be given an opportunity to~~  
28 ~~review the objectives and materials. Local boards of education shall~~  
29 ~~adopt policies to provide opportunities either for parents and legal~~  
30 ~~guardians to consent or for parents and legal guardians to withhold~~  
31 ~~their consent to the students' participation in any or all of these~~  
32 ~~programs.~~
- 33 (8) Students may receive information about where to obtain contraceptives  
34 and abortion referral services only in accordance with a local board's  
35 policy regarding parental consent. Any instruction concerning the use  
36 of contraceptives or prophylactics shall provide accurate statistical  
37 information on their effectiveness and failure rates for preventing  
38 pregnancy and sexually transmitted diseases, including HIV/AIDS, ~~in~~  
39 ~~actual use among adolescent populations~~ and shall explain clearly the  
40 difference between risk reduction and risk elimination through  
41 abstinence. The Department of Health and Human Services shall  
42 provide the most current available information at the beginning of each  
43 school year.

- 1 (9) Contraceptives, including condoms and other devices, shall not be  
2 made available or distributed on school property.
- 3 (10) School health coordinators may be employed to assist in the  
4 instruction of any portion of the comprehensive school health  
5 education program. Where feasible, a school health coordinator should  
6 serve more than one local school administrative unit. Each person  
7 initially employed as a State-funded school health coordinator after  
8 June 30, 1987, shall have a degree in health education.
- 9 (11) The State Board of Education shall develop objectives for instruction  
10 in the awareness of sexual assault and abuse. As used in this  
11 subdivision, "sexual assault" means any unwanted sexual contact. The  
12 curriculum, textbooks, and materials for the program shall:
- 13 a. Inform students about relevant school policies, complaint  
14 procedures, and existing laws;
- 15 b. Examine the concept of consent, including the forms coercion  
16 can take, sexual harassment, and typical strategies people might  
17 use to pressure someone into unwanted touching and sexual  
18 activity;
- 19 c. Examine common misconceptions and stereotypes about sexual  
20 assault and promote victim empathy;
- 21 d. Explore the contribution that alcohol and drugs may play in  
22 sexual assault;
- 23 e. Focus on healthy relationships as well as understanding what  
24 sexual assault, sexual harassment, and unwanted touching are  
25 and their causes; and
- 26 f. Provide information on national and local resources to help  
27 those victimized by sexual assault.
- 28 (12) Enforcement. – If the school unit knows or should have known that  
29 school personnel or outside consultants are not in compliance with this  
30 subsection, the board shall:
- 31 a. Terminate the contract of the outside consultant;
- 32 b. Prohibit noncompliant school personnel from program  
33 instruction; or
- 34 c. Take other appropriate action necessary to ensure compliance  
35 with this subsection."

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