



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~~

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

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

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

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