

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 534
HOUSE BILL 834

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

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-81(a2) is repealed.

Sec. 2. G.S. 115C-81(e) is repealed.

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

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

(1) A comprehensive school health education program shall be developed and taught to pupils 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;
- k. Preventing sexually transmitted diseases, including Acquired Immune Deficiency Syndrome (AIDS) virus infection, and other communicable diseases;
- l. Abstinence until marriage education; and
- m. Bicycle safety.

- (2) The State Board of Education shall supervise the development and operation of a statewide comprehensive school health education program including curriculum development, in-service training provision and promotion of collegiate training, learning material review, and assessment and evaluation of local programs in the same manner as for other programs. The State Board of Education shall adopt objectives for the instruction of the subject areas listed in subdivision (1) of this subsection that are appropriate for each grade level. In addition, the State Board shall approve textbooks and other materials incorporating these objectives that local school administrative units may purchase with State funds. The State Board of Education, through the Department of Public Instruction, shall, on a regular basis, review materials related to these objectives, and distribute these reviews to local school administrative units for their information.
- (3) The State Board of Education shall develop objectives for instruction in the prevention of sexually transmitted diseases, including Acquired Immune Deficiency Syndrome (AIDS) virus infection, that includes emphasis on the importance of parental involvement, abstinence from sex until marriage, and avoiding intravenous drug use. Any program developed under this subdivision shall present techniques and strategies to deal with peer pressure and to offer positive reinforcement and shall teach reasons, skills, and strategies for remaining or becoming abstinent from sexual activity; for appropriate grade levels and classes, shall teach that abstinence from sexual activity until marriage is the only certain means of avoiding out-of-wedlock pregnancy, sexually transmitted diseases, and other associated health and emotional problems, and that a mutually faithful monogamous heterosexual relationship in the context of marriage is the best lifelong means of avoiding diseases transmitted by sexual contact, including Acquired Immune Deficiency Syndrome (AIDS); and shall teach the positive benefits of abstinence until marriage and the risks of

premarital sexual activity. Any instruction concerning the causes of sexually transmitted diseases, including Acquired Immune Deficiency Syndrome (AIDS), in cases where homosexual acts are a significant means of transmission, shall include the current legal status of those acts.

- (4) The State Board of Education shall evaluate abstinence until marriage curricula and their learning materials and shall develop and maintain a recommended list of one or more approved abstinence until marriage 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, including Acquired Immune Deficiency Syndrome (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 Acquired Immune Deficiency Syndrome (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

Acquired Immune Deficiency Syndrome (AIDS), to the avoidance of out-of-wedlock pregnancy, or to the abstinence until marriage 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 program for that local school administrative unit only if all of the following requirements are satisfied:
 - a. Before a comprehensive sex education program is adopted, the local board of education shall conduct a public hearing, after adequately notifying the public of the hearing.
 - b. For at least 30 days before this public hearing and during this public hearing, the objectives for this proposed program and all instructional materials shall be made available for review.
 - c. For at least 30 days after the public hearing, the objectives for the program and all instructional materials shall remain available for review by parents and legal guardians of students in that local school administrative unit.
- (7) Each school year, before students may participate in any portion of (i) a program that pertains to or is intended to impart information or promote discussion or understanding in regard to the prevention of sexually transmitted diseases, including Acquired Immune Deficiency Syndrome (AIDS), or to the avoidance of out-of-wedlock pregnancy, (ii) an abstinence until marriage program, or (iii) a comprehensive sex education program, whether developed by the State or by the local board of education, the parents and legal guardians of those students shall be given an opportunity to review the objectives and materials. Local boards of education shall adopt policies to provide opportunities either for parents and legal guardians to consent or for parents and legal guardians to withhold their consent to the students' participation in any or all of these programs.
- (8) Students may receive information about where to obtain contraceptives and abortion referral services only in accordance with a local board's policy regarding parental consent. Any instruction concerning the use of contraceptives or prophylactics shall provide accurate statistical information on their effectiveness and failure rates for preventing pregnancy and sexually transmitted diseases, including Acquired Immune Deficiency Syndrome (AIDS), in actual use among adolescent populations and shall explain clearly the difference between risk reduction and risk elimination through abstinence.

- (9) Contraceptives, including condoms and other devices, shall not be made available or distributed on school property.
- (10) School health coordinators may be employed to assist in the instruction of any portion of the comprehensive school health education program. Where feasible, a school health coordinator should serve more than one local school administrative unit. Each person initially employed as a State-funded school health coordinator after June 30, 1987, shall have a degree in health education."

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

In the General Assembly read three times and ratified this the 29th day of July, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives