

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 88
Committee Substitute Favorable 4/8/09
Committee Substitute #2 Favorable 4/9/09
Fourth Edition Engrossed 4/16/09

Short Title: Healthy Youth Act.

(Public)

Sponsors:

Referred to:

February 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR ABSTINENCE UNTIL MARRIAGE AND
3 COMPREHENSIVE SEXUALITY EDUCATION PROGRAMS IN GRADES SEVEN
4 THROUGH NINE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** This act shall be known as the "Healthy Youth Act of 2009."

7 **SECTION 2.** G.S. 115C-81(e1)(1)l. reads as rewritten:

8 "l. ~~Abstinence until marriage education; An abstinence until marriage~~
9 program and an abstinence-based comprehensive sexuality education
10 program; and".

11 **SECTION 3.** G.S. 115C-81(e1)(3) is repealed.

12 **SECTION 4.** G.S. 115C-81(e1)(4) reads as rewritten:

13 "(4) ~~The State Board of Education shall evaluate abstinence until marriage~~
14 ~~curricula and their learning materials and shall develop and maintain a~~
15 ~~recommended list of one or more approved abstinence until marriage~~
16 ~~curricula. The State Board may develop an abstinence until marriage~~
17 ~~program to include on the recommended list. The State Board of Education~~
18 ~~shall not select or develop a program for inclusion on the recommended list~~
19 ~~that does not include the positive benefits of abstinence until marriage and~~
20 ~~the risks of premarital sexual activity as the primary focus. The State Board~~
21 ~~shall include on the recommended list only programs that include, in~~
22 ~~appropriate grades and classes, instruction that: Each local school~~
23 administrative unit shall offer an abstinence until marriage program
24 commencing in the seventh grade that includes the following instruction:

- 25 a. Teaches that abstinence from sexual activity outside of marriage is
26 the expected standard for all school-age children;
- 27 b. Presents techniques and strategies to deal with peer pressure and
28 offering positive reinforcement;
- 29 c. Presents reasons, skills, and strategies for remaining or becoming
30 abstinent from sexual activity;
- 31 d. Teaches that abstinence from sexual activity is the only certain
32 means of avoiding out-of-wedlock pregnancy, sexually transmitted
33 diseases when transmitted through sexual contact, including
34 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."

SECTION 5. G.S. 115C-81(e1) is amended by adding two new subdivisions to

read:

"(4a) Each local school administrative unit shall also offer an abstinence-based comprehensive sexuality health education program commencing in the seventh grade that includes the following instruction:

- a. Teaches respect for marriage;
- b. Teaches that abstinence from sexual activity is the only certain way to prevent unintended pregnancy, reduce the risk of sexual transmission of diseases, including HIV/AIDS, and provide information about the value of abstinence;
- c. Teaches about sexually transmitted diseases. Instruction shall include how sexually transmitted diseases are and are not transmitted, the effectiveness and safety of all federal Food and Drug Administration (FDA)-approved methods of reducing the risk of contracting sexually transmitted diseases, and information on local resources for testing and medical care for sexually transmitted diseases;
- d. Teaches about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy;
- e. Teaches functional knowledge and essential skills to promote and maintain healthy behaviors that value lifelong good health and avoidance of risky behaviors such as alcohol and drug abuse, intravenous drug abuse, and unprotected sexual activity;
- f. Teaches awareness of sexual assault, sexual abuse, and risk reduction. The instruction and materials shall:
 - 1. Focus on healthy relationships;
 - 2. Teach students what constitutes sexual assault and sexual abuse, the causes of those behaviors, and risk reduction;
 - 3. Inform students about resources and reporting procedures if they experience sexual assault or sexual abuse; and
 - 4. Examine common misconceptions and stereotypes about sexual assault and sexual abuse;
- g. Provides opportunities that allow for interaction between the parent or legal guardian and the student;
- h. Provides that materials used in instruction shall be age appropriate for use with students; and
- i. Provides that information conveyed during the instruction shall be objective and based upon scientific research that is peer reviewed and accepted by professionals and credentialed experts in the field of sexual health education.

(4b) Each local school administrative unit shall (i) submit to all parents or guardians of students in grades seven through nine consent forms explaining the two available tracks, abstinence until marriage and abstinence-based

1 comprehensive sexuality health education, and explain that a parent or
2 guardian may chose to have his or her child not enroll in either track, and (ii)
3 ask that each parent or guardian select a track for his or her child and return
4 the signed consent form to the school. The consent form shall contain a
5 statement in bold print that if the signed form is not returned to the school,
6 the student shall not be enrolled in either track and will receive no sexuality
7 health education. Each school board shall adopt a policy directing schools to
8 notify parents or legal guardians who did not sign and return the consent
9 form that the consent form has not been received and that their student will
10 not be receiving any sexuality health education. The policy shall direct that
11 such notice be in writing and may be provided by certified mail, telefax, e-
12 mail, or any other written method reasonably designed to achieve actual
13 notice to the parent or legal guardian. Any parent or guardian may at any
14 time withdraw his or her child from participation in either program. The
15 school shall provide parents an opportunity to examine the curriculum for
16 both options before requiring the parents to select an option."

17 **SECTION 6.** G.S. 115C-81(e1)(5) reads as rewritten:

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

28 **SECTION 7.** G.S. 115C-81(e1)(6) is repealed.

29 **SECTION 8.** G.S. 115C-81(e1)(7) reads as rewritten:

30 "(7) Each school year, before students may participate in any portion of (i) a
31 program that pertains to or is intended to impart information or promote
32 discussion or understanding in regard to the prevention of sexually
33 transmitted diseases, including HIV/AIDS, or to the avoidance of
34 out-of-wedlock pregnancy, (ii) an abstinence until marriage program, or (iii)
35 ~~a comprehensive sexan~~ abstinence-based comprehensive sexuality
36 education program, whether developed by the State or by the local board of education,
37 the parents and legal guardians of those students shall be given an
38 opportunity to review the objectives and materials. Local boards of
39 education shall adopt policies to provide opportunities either for parents and
40 legal guardians to consent or for parents and legal guardians to withhold
41 their consent to the students' participation in any or all of these programs."

42 **SECTION 9.** G.S. 115C-81(e1) is amended by adding a new subdivision to read:

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

48 **SECTION 10.** This act is effective when it becomes law and applies beginning
49 with the 2010-2011 school year.