

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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SENATE DRS55240-LE-83A (2/7)

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

Sponsors: Senator Garrou.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE STATUTES PERTAINING TO THE SCHOOL HEALTH
3 EDUCATION PROGRAM.
4 The General Assembly of North Carolina enacts:
5 **SECTION 1.** G.S. 115C-81(e1) reads as rewritten:
6 "(e1) School Health Education Program to Be Developed and Administered.
7 (1) A comprehensive school health education program shall be developed
8 and taught to ~~pupils~~ students of the public schools of this State from
9 kindergarten through ninth grade. This program includes
10 age-appropriate instruction in the following subject areas, regardless of
11 whether this instruction is described as, or incorporated into a
12 description of, "family life education", "family health education",
13 "health education", "family living", "health", "healthful living
14 curriculum", or "self-esteem":
15 a. Mental and emotional health;
16 b. Drug and alcohol abuse prevention;
17 c. Nutrition;
18 d. Dental health;
19 e. Environmental health;
20 f. Family living;
21 g. Consumer health;
22 h. Disease control;
23 i. Growth and development;
24 j. First aid and emergency care, including the teaching of
25 cardiopulmonary resuscitation (CPR) and the Heimlich
26 maneuver by using hands-on training with mannequins so that

- 1 students become proficient in order to pass a test approved by
2 the American Heart Association, or American Red Cross;
- 3 k. Preventing unintended pregnancy and sexually transmitted
4 diseases, including HIV/AIDS, and other communicable
5 diseases;
- 6 l. ~~Abstinence until marriage education; and~~Abstinence-based
7 comprehensive sexual health education;
- 8 m. ~~Bicycle safety;~~safety; and
- 9 n. Awareness of sexual abuse and assault and risk reduction.
- 10 (1a) As used in this subsection, "HIV/AIDS" means Human
11 Immunodeficiency Virus/Acquired Immune Deficiency Syndrome.
- 12 (2) The State Board of Education shall supervise the development and
13 operation of a statewide comprehensive school health education
14 program including curriculum development, in-service training
15 provision and promotion of collegiate training, learning material
16 review, and assessment and evaluation of local programs in the same
17 manner as for other programs. The State Board of Education shall
18 adopt objectives for the instruction of the subject areas listed in
19 subdivision (1) of this subsection that are appropriate for each grade
20 level. In addition, the State Board shall approve textbooks and other
21 materials incorporating these objectives that local school
22 administrative units may purchase with State funds. The State Board of
23 Education, through the Department of Public Instruction, shall, on a
24 regular basis, review materials related to these objectives, and
25 distribute these reviews to local school administrative units for their
26 information.
- 27 (2a) Local school administrative units shall provide comprehensive sexual
28 health education, consisting of age-appropriate instruction, in grades
29 seven to 12 inclusive, using instructors trained in the appropriate
30 courses. Students shall receive instruction in grades seven and eight
31 and in one additional year.
- 32 (2b) The unit's comprehensive sexual health education shall satisfy all of
33 the following criteria:
- 34 a. Instruction and materials shall be age appropriate.
- 35 b. All information presented shall be factually and medically
36 accurate and objective.
- 37 c. Instruction and materials shall be appropriate for use with
38 students of all races, genders, sexual orientations, ethnic and
39 cultural backgrounds, and with students with disabilities.
- 40 d. Instruction and materials shall encourage a pupil to
41 communicate with his or her parents or guardians about human
42 sexuality.
- 43 e. Instruction and materials shall teach respect for marriage and
44 committed relationships.

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

1 this subsection and sub-subdivisions a. and b. of subdivision
2 (2d) of this subsection, shall accurately reflect the latest
3 information and recommendations from the United States
4 Surgeon General, the federal Centers for Disease Control and
5 Prevention, and the National Academy of Sciences, and shall
6 include the following:

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

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

1 means of avoiding diseases transmitted by sexual contact, including
2 HIV/AIDS, shall teach how alcohol and drug use lower inhibitions,
3 which may lead to risky sexual behavior, and shall teach the positive
4 benefits of abstinence until marriage and the risks of premarital sexual
5 activity.

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

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

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

- 1 abstinence until marriage curriculum. The review period shall extend
2 for at least 60 days before use.
- 3 (6) Each local school administrative unit shall provide a comprehensive
4 school health education program that meets all the requirements of this
5 subsection and all the objectives established by the State Board. Each
6 local board of education may expand on the subject areas to be
7 included in the program and on the instructional objectives to be met.
8 ~~This expanded program may include a comprehensive sex education~~
9 ~~program for that local school administrative unit only if all of the~~
10 ~~following requirements are satisfied:~~
- 11 a. ~~Before a comprehensive sex education program is adopted, the~~
12 ~~local board of education shall conduct a public hearing, after~~
13 ~~adequately notifying the public of the hearing.~~
- 14 b. ~~For at least 30 days before this public hearing and during this~~
15 ~~public hearing, the objectives for this proposed program and all~~
16 ~~instructional materials shall be made available for review.~~
- 17 c. ~~For at least 30 days after the public hearing, the objectives for~~
18 ~~the program and all instructional materials shall remain~~
19 ~~available for review by parents and legal guardians of students~~
20 ~~in that local school administrative unit.~~
- 21 (7) Each school year, before students may participate in any portion of (i)
22 a program that pertains to or is intended to impart information or
23 promote discussion or understanding in regard to the prevention of
24 sexually transmitted diseases, including HIV/AIDS, or to the
25 avoidance of out-of-wedlock pregnancy, (ii) ~~an abstinence until~~
26 ~~marriage program, abstinence-based comprehensive sexual health~~
27 ~~education, or (iii) a comprehensive sex education program, whether~~
28 developed by the State or by the local board of education, the parents
29 and legal guardians of those students shall be given an opportunity to
30 review the objectives and materials. Local boards of education shall
31 adopt policies to provide opportunities either ~~for parents and legal~~
32 ~~guardians to consent or for parents and legal guardians to withhold~~
33 their consent to the students' participation in any or all of these
34 programs.
- 35 (8) Students may receive information about where to obtain contraceptives
36 and abortion referral services only in accordance with a local board's
37 policy regarding parental consent. Any instruction concerning the use
38 of contraceptives or prophylactics shall provide accurate statistical
39 information on their effectiveness and failure rates for preventing
40 pregnancy and sexually transmitted diseases, including HIV/AIDS, ~~in~~
41 ~~actual use among adolescent populations~~ and shall explain clearly the
42 difference between risk reduction and risk elimination through
43 abstinence. The Department of Health and Human Services shall

1 provide the most current available information at the beginning of each
2 school year.

3 (9) Contraceptives, including condoms and other devices, shall not be
4 made available or distributed on school property.

5 (10) School health coordinators may be employed to assist in the
6 instruction of any portion of the comprehensive school health
7 education program. Where feasible, a school health coordinator should
8 serve more than one local school administrative unit. Each person
9 initially employed as a State-funded school health coordinator after
10 June 30, 1987, shall have a degree in health education.

11 (11) The State Board of Education shall develop objectives for instruction
12 in the awareness of sexual assault and abuse. As used in this
13 subdivision, "sexual assault" means any unwanted sexual contact. The
14 curriculum, textbooks, and materials for the program shall:

15 a. Inform students about relevant school policies, complaint
16 procedures, and existing laws;

17 b. Examine the concept of consent, including the forms coercion
18 can take, sexual harassment, and typical strategies people might
19 use to pressure someone into unwanted touching and sexual
20 activity;

21 c. Examine common misconceptions and stereotypes about sexual
22 assault and promote victim empathy;

23 d. Explore the contribution that alcohol and drugs may play in
24 sexual assault;

25 e. Focus on healthy relationships as well as understanding what
26 sexual assault, sexual harassment, and unwanted touching are
27 and their causes; and

28 f. Provide information on national and local resources to help
29 those victimized by sexual assault.

30 (12) Enforcement. – If the school unit knows or should have known that
31 school personnel or outside consultants are not in compliance with this
32 subsection, the board shall:

33 a. Terminate the contract of the outside consultant;

34 b. Prohibit noncompliant school personnel from program
35 instruction; or

36 c. Take other appropriate action necessary to ensure compliance
37 with this subsection."

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