

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1059
Committee Substitute Favorable 5/31/05

Short Title: Public School Health Curriculum.

(Public)

Sponsors:

Referred to:

March 31, 2005

A BILL TO BE ENTITLED

AN ACT TO CORRECT INACCURACIES IN THE USE OF CERTAIN TERMS IN
THE GENERAL STATUTES PERTAINING TO THE ADMINISTRATION OF A
SCHOOL HEALTH EDUCATION PROGRAM.

The General Assembly of North Carolina enacts:

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

"§ 115C-81. Basic Education Program.

...

(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, including the teaching of cardiopulmonary resuscitation (CPR) and the Heimlich 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 sexually transmitted diseases, including ~~Acquired~~
 4 ~~Immune Deficiency Syndrome (AIDS) virus infection,~~
 5 HIV/AIDS, and other communicable diseases;
- 6 l. Abstinence until marriage education; and
- 7 m. Bicycle safety.

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

10 **SECTION 1.(b)** G.S. 115C-81(e1)(3), (4), and (5) read as rewritten:

11 "(3) The State Board of Education shall develop objectives for instruction
 12 in the prevention of sexually transmitted diseases, including ~~Acquired~~
 13 ~~Immune Deficiency Syndrome (AIDS) virus infection,~~ HIV/AIDS, that
 14 ~~includes~~include emphasis on the importance of parental involvement,
 15 abstinence from sex until marriage, and avoiding intravenous drug use.
 16 Any program developed under this subdivision shall present
 17 techniques and strategies to deal with peer pressure and to offer
 18 positive reinforcement and shall teach reasons, skills, and strategies for
 19 remaining or becoming abstinent from sexual activity; for appropriate
 20 grade levels and classes, shall teach that abstinence from sexual
 21 activity until marriage is the only certain means of avoiding
 22 out-of-wedlock pregnancy, most sexually transmitted diseases, and
 23 other associated health and emotional problems, and that a mutually
 24 faithful monogamous heterosexual relationship in the context of
 25 marriage is the best lifelong means of avoiding diseases transmitted by
 26 sexual contact, including ~~Acquired Immune Deficiency Syndrome~~
 27 ~~(AIDS);~~ HIV/AIDS, and shall teach the positive benefits of abstinence
 28 until marriage and the risks of premarital sexual activity. ~~Any~~
 29 ~~instruction concerning the causes of sexually transmitted diseases,~~
 30 ~~including Acquired Immune Deficiency Syndrome (AIDS), in cases~~
 31 ~~where homosexual acts are a significant means of transmission, shall~~
 32 ~~include the current legal status of those acts.~~

33 (4) The State Board of Education shall evaluate abstinence until marriage
 34 curricula and their learning materials and shall develop and maintain a
 35 recommended list of one or more approved abstinence until marriage
 36 curricula. The State Board may develop an abstinence until marriage
 37 program to include on the recommended list. The State Board of
 38 Education shall not select or develop a program for inclusion on the
 39 recommended list that does not include the positive benefits of
 40 abstinence until marriage and the risks of premarital sexual activity as
 41 the primary focus. The State Board shall include on the recommended
 42 list only programs that include, in appropriate grades and classes,
 43 instruction that:

- 1 a. Teaches that abstinence from sexual activity outside of
2 marriage is the expected standard for all school-age children;
3 b. Presents techniques and strategies to deal with peer pressure
4 and offering positive reinforcement;
5 c. Presents reasons, skills, and strategies for remaining or
6 becoming abstinent from sexual activity;
7 d. Teaches that abstinence from sexual activity is the only certain
8 means of avoiding out-of-wedlock pregnancy, most sexually
9 transmitted diseases, including ~~Acquired Immune Deficiency~~
10 ~~Syndrome (AIDS)~~, HIV/AIDS, and other associated health and
11 emotional problems;
12 e. Teaches that a mutually faithful monogamous heterosexual
13 relationship in the context of marriage is the best lifelong means
14 of avoiding sexually transmitted diseases, including ~~Acquired~~
15 ~~Immune Deficiency Syndrome (AIDS)~~; HIV/AIDS;
16 f. Teaches the positive benefits of abstinence until marriage and
17 the risks of premarital sexual activity;
18 g. Provides opportunities that allow for interaction between the
19 parent or legal guardian and the student; ~~and~~
20 h. Provides factually accurate biological or pathological
21 information that is related to the human reproductive
22 ~~system~~; and
23 i. Teaches how alcohol and drug use lower inhibitions, which
24 may lead to risky sexual behavior.
25 (5) The State Board of Education shall make available to all local school
26 administrative units for review by the parents and legal guardians of
27 students enrolled at that unit any State-developed objectives for
28 instruction, any approved textbooks, the list of reviewed materials, and
29 any other State-developed or approved materials that pertain to or are
30 intended to impart information or promote discussion or understanding
31 in regard to the prevention of sexually transmitted diseases, including
32 ~~Acquired Immune Deficiency Syndrome (AIDS)~~, HIV/AIDS, to the
33 avoidance of out-of-wedlock pregnancy, or to the abstinence until
34 marriage curriculum. The review period shall extend for at least 60
35 days before use."

36 **SECTION 1.(c)** G.S. 115C-81(e1)(7) and (8) read as rewritten:

- 37 "(7) Each school year, before students may participate in any portion of (i)
38 a program that pertains to or is intended to impart information or
39 promote discussion or understanding in regard to the prevention of
40 sexually transmitted diseases, including ~~Acquired Immune Deficiency~~
41 ~~Syndrome (AIDS)~~, HIV/AIDS, or to the avoidance of out-of-wedlock
42 pregnancy, (ii) an abstinence until marriage program, or (iii) a
43 comprehensive sex education program, whether developed by the State
44 or by the local board of education, the parents and legal guardians of

1 those students shall be given an opportunity to review the objectives
2 and materials. Local boards of education shall adopt policies to
3 provide opportunities either for parents and legal guardians to consent
4 or for parents and legal guardians to withhold their consent to the
5 students' participation in any or all of these programs.

- 6 (8) Students may receive information about where to obtain contraceptives
7 and abortion referral services only in accordance with a local board's
8 policy regarding parental consent. Any instruction concerning the use
9 of contraceptives or prophylactics shall provide accurate statistical
10 information on their effectiveness and failure rates for preventing
11 pregnancy and sexually transmitted diseases, including ~~Acquired~~
12 ~~Immune Deficiency Syndrome (AIDS), HIV/AIDS,~~ in actual use
13 among adolescent populations and shall explain clearly the difference
14 between risk reduction and risk elimination through abstinence. The
15 Department of Health and Human Resources shall provide the most
16 current available information at the beginning of each school year."

17 **SECTION 2.** This act is effective when it becomes law and applies
18 beginning with the 2006-2007 school year.