

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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**HOUSE BILL 1059**  
**Committee Substitute Favorable 5/31/05**  
**Third Edition Engrossed 6/1/05**

Short Title: Public School Health Curriculum.

(Public)

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Sponsors:

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Referred to:

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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

1 maneuver by using hands-on training with mannequins so that  
 2 students become proficient in order to pass a test approved by  
 3 the American Heart Association, or American Red Cross;

- 4 k. Preventing sexually transmitted diseases, including ~~Acquired~~  
 5 ~~Immune Deficiency Syndrome (AIDS) virus infection,~~  
 6 HIV/AIDS, and other communicable diseases;  
 7 l. Abstinence until marriage education; and  
 8 m. Bicycle safety.

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

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

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

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

1 list only programs that include, in appropriate grades and classes,  
2 instruction that:

- 3 a. Teaches that abstinence from sexual activity outside of  
4 marriage is the expected standard for all school-age children;  
5 b. Presents techniques and strategies to deal with peer pressure  
6 and offering positive reinforcement;  
7 c. Presents reasons, skills, and strategies for remaining or  
8 becoming abstinent from sexual activity;  
9 d. Teaches that abstinence from sexual activity is the only certain  
10 means of avoiding out-of-wedlock pregnancy, sexually  
11 transmitted diseases when transmitted through sexual contact,  
12 including ~~Acquired Immune Deficiency Syndrome (AIDS)~~,  
13 HIV/AIDS, and other associated health and emotional  
14 problems;  
15 e. Teaches that a mutually faithful monogamous heterosexual  
16 relationship in the context of marriage is the best lifelong means  
17 of avoiding sexually transmitted diseases, including ~~Acquired~~  
18 ~~Immune Deficiency Syndrome (AIDS)~~; HIV/AIDS;  
19 f. Teaches the positive benefits of abstinence until marriage and  
20 the risks of premarital sexual activity;  
21 g. Provides opportunities that allow for interaction between the  
22 parent or legal guardian and the student; ~~and~~  
23 h. Provides factually accurate biological or pathological  
24 information that is related to the human reproductive system.

- 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.