

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 88
Committee Substitute Favorable 4/8/09

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 only until~~
9 ~~marriage program, and an abstinence-based comprehensive sexuality~~
10 ~~education 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11 **SECTION 3.** G.S. 115C-81(e1)(3) is repealed.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 only 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;
- 35 e. Teaches that a mutually faithful monogamous heterosexual
36 relationship in the context of marriage is the best lifelong means of
37 avoiding sexually transmitted diseases, including HIV/AIDS;



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- 1 f. Teaches the positive benefits of abstinence until marriage and the
2 risks of premarital sexual activity;
3 g. Provides opportunities that allow for interaction between the parent
4 or legal guardian and the student; and
5 h. Provides factually accurate biological or pathological information
6 that is related to the human reproductive system."

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

8 read:

9 "(4a) Each local school administrative unit shall also offer an abstinence-based
10 comprehensive sexuality health education program commencing in the
11 seventh grade that includes the following instruction:

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

46 (4b) Each local school administrative unit shall (i) submit to all parents or
47 guardians of students in grades seven through nine consent forms explaining
48 the two available tracks, abstinence only until marriage and abstinence-based
49 comprehensive sexuality health education, and explain that a parent or
50 guardian may chose to have his or her child not enroll in either track, and (ii)
51 ask that each parent or guardian select a track for his or her child and return

1 the signed consent form to the school. The consent form shall contain a
2 statement in bold print that if the signed form is not returned to the school,
3 the student will be enrolled in the abstinence-based comprehensive sexuality
4 health education program. Schools shall offer both options to all parents of
5 students attending public school grades seven through nine."

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

7 "(5) The State Board of Education shall make available to all local school
8 administrative units for review by the parents and legal guardians of students
9 enrolled at that unit any State-developed objectives for instruction, any
10 approved textbooks, the list of reviewed materials, and any other
11 State-developed or approved materials that pertain to or are intended to
12 impart information or promote discussion or understanding in regard to the
13 prevention of sexually transmitted diseases, including HIV/AIDS, to the
14 avoidance of out-of-wedlock pregnancy, or to the abstinence only until
15 marriage ~~curriculum~~ curriculum or abstinence-based comprehensive
16 sexuality curriculum. The review period shall extend for at least 60 days
17 before use."

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

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

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

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

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

38 **SECTION 10.** This act is effective when it becomes law and applies beginning
39 with the 2009-2010 school year.