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COMMITTEE REPORT

April 3, 2014

**H. 3435**

Introduced by Reps. Skelton, Horne, J.E. Smith, Cobb‑Hunter, K.R. Crawford and Knight

S. Printed 4/3/14--H.

Read the first time January 29, 2013.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3435) to amend Section 59‑32‑10, Code of Laws of South Carolina, 1976, relating to definitions concerning the Comprehensive Health Education Act, so as to amend existing, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. Section 59‑32‑10 of the 1976 Code is amended by adding an appropriately numbered subsection at the end to read:

“(8) ‘Medically accurate information’ means information supported by peer‑reviewed research that complies with accepted scientific methods, published in or by medical, scientific, psychological, sociological, government, or public health publications, organizations, or agencies such as the United States Centers for Disease Control and Prevention or the United States Health and Human Services Office of Health Administration.”

SECTION 2. Section 59‑32‑20 of the 1976 Code is amended to read:

“Section 59‑32‑20. ~~Before August 1, 1988,~~ The board, through the department, shall select or develop ~~an~~ a medically‑accurate instructional unit with separate components addressing the subjects of reproductive health education, family life education, pregnancy prevention education, and sexually transmitted diseases and make the instructional unit available to local school districts. The board, through the department, also shall make medically‑accurate available information about other programs developed by other states upon request of a local school district.”

SECTION 3. Section 59‑32‑30 of the 1976 Code is amended to read:

“Section 59‑32‑30. (A) Pursuant to guidelines developed by the board, each local school board shall implement the following program of instruction:

(1) ~~Beginning with the 1988‑89 school year,~~ For grades kindergarten through five, medically‑accurate instruction in comprehensive health education must include the following subjects: community health, consumer health, environmental health, growth and development, nutritional health, personal health, prevention and control of diseases and disorders, safety and accident prevention, substance use and abuse, dental health, and mental and emotional health. Sexually transmitted diseases as defined in the annual Department of Health and Environmental Control List of Reportable Diseases are to be excluded from instruction on the prevention and control of diseases and disorders. At the discretion of the local board, age‑appropriate medically‑accurate instruction in reproductive health may be included.

(2) ~~Beginning with the 1988‑89 school year,~~ For grades six through eight, medically‑accurate instruction in comprehensive health must include the following subjects: community health, consumer health, environmental health, growth and development, nutritional health, personal health, prevention and control of diseases and disorders, safety and accident prevention, substance use and abuse, dental health, mental and emotional health, and reproductive health education. Sexually transmitted diseases are to be included as a part of instruction. At the discretion of the local board, instruction in family life education or pregnancy prevention education or both may be included, but instruction in these subjects may not include an explanation of the methods of contraception before the sixth grade.

(3) ~~Beginning with the 1989‑90 school year,~~ At least one time during the four years of grades nine through twelve, each student shall receive medically‑accurate instruction in comprehensive health education, including at least seven hundred fifty minutes of reproductive health education and pregnancy prevention education.

(4) The South Carolina Educational Television Commission shall work with the department in developing medically‑accurate instructional programs and materials that may be available to the school districts. Films and other materials may be designed for the purpose of explaining bodily functions or the human reproductive process. These materials may not contain actual or simulated portrayals of sexual activities or sexual intercourse.

(5) The program of medically‑accurate instruction provided for in this section may not include a discussion of alternate sexual lifestyles from heterosexual relationships including, but not limited to, homosexual relationships except in the context of instruction concerning sexually transmitted diseases.

(6) In grades nine through twelve, students must also be given medically‑accurate and appropriate instruction that adoption is a positive alternative.

(B) Local school boards may use the medically‑accurate instructional unit made available by the board pursuant to Section 59‑32‑20, or local boards may develop or select their own medically‑accurate instructional materials addressing the subjects of reproductive health education, family life education, and pregnancy prevention education. To assist in the selection of components and curriculum materials, each local school board shall appoint a thirteen‑member local advisory committee consisting of two parents, three clergy, two health professionals, two teachers, two students, one being the president of the student body of a high school, and two other persons not employed by the local school district.

(C) The time required for health instruction for students in kindergarten through eighth grade must not be reduced below the level required during the 1986‑87 school year. Medically‑accurate health instruction for students in grades nine through twelve may be given either as part of an existing course or as a special course.

(D) No contraceptive device or contraceptive medication may be distributed in or on the school grounds of any public elementary or secondary school. No school district may contract with any contraceptive provider for their distribution in or on the school grounds. Except as to that instruction provided by this chapter relating to complications which may develop from all types of abortions, school districts may not offer programs, instruction, or activities including abortion counseling, information about abortion services, or assist in obtaining abortion, and materials containing this information must not be distributed in schools. Nothing in this section prevents school authorities from referring students to a physician for medical reasons after making reasonable efforts to notify the student’s parents or legal guardians or the appropriate court, if applicable.

(E) Any course or instruction in sexually transmitted diseases must be taught within the reproductive health, family life, or pregnancy prevention education components, or it must be presented as a separate component.

(F) Instruction in pregnancy prevention education must be presented separately to male and female students.”

SECTION 4. Section 59‑32‑40 of the 1976 Code is amended to read:

“Section 59‑32‑40. (A) As part of their program for staff development, the department and local school boards shall provide appropriate staff development activities for educational personnel participating in the comprehensive health education program. Local school boards are encouraged to coordinate the activities with the department and institutions of higher learning.

(B) No later than August 1, 2020, school district employees responsible for teaching comprehensive health education must hold current certification in health education that is issued by the department.”

SECTION 5. Section 59‑32‑60 of the 1976 Code is amended to read:

“Section 59‑32‑60. The department shall assure district compliance with this chapter. Each local school board shall consider the programs addressed in this chapter in developing its annual district report. The department shall withhold one percent of funding allocated to that district until the report is filed. Each local school district shall publish on its website the title and publisher of any and all health education materials they have approved, adopted, and use in the classroom.”

SECTION 6. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

PHILLIP D. OWENS for Committee.

**A** **BILL**

TO AMEND SECTION 59‑32‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING THE COMPREHENSIVE HEALTH EDUCATION ACT, SO AS TO AMEND EXISTING DEFINITIONS; TO AMEND SECTION 59‑32‑20, RELATING TO THE REQUIREMENT THAT THE STATE BOARD OF EDUCATION PROVIDE AN INSTRUCTIONAL UNIT IN COMPREHENSIVE HEALTH EDUCATION TO LOCAL SCHOOL DISTRICTS, SO AS TO REQUIRE THIS UNIT BE PROVIDED BIENNIALLY; TO AMEND SECTION 59‑32‑30, RELATING TO THE REQUIREMENT THAT LOCAL SCHOOL DISTRICTS IMPLEMENT COMPREHENSIVE HEALTH EDUCATION PROGRAMS, SO AS TO PROVIDE REPRODUCTIVE HEALTH INSTRUCTION BE MEDICALLY ACCURATE IN ADDITION TO EXISTING REQUIREMENTS, TO CHANGE THE GRADE LEVELS IN WHICH THE INSTRUCTION MUST BE OFFERED, TO PROVIDE A DEFINITION, TO PROVIDE THAT IF A LOCAL SCHOOL BOARD DOES NOT REVIEW AND SELECT AN INSTRUCTIONAL UNIT IN COMPREHENSIVE HEALTH EDUCATION IN A CERTAIN MANNER, THEY MUST USE THE UNIT OFFERED BY THE STATE BOARD, AND TO DELETE THE REQUIREMENT THAT INSTRUCTION IN PREGNANCY PREVENTION EDUCATION BE PRESENTED SEPARATELY TO MALE AND FEMALE STUDENTS; TO AMEND SECTION 59‑32‑40, RELATING TO STAFF DEVELOPMENT, SO AS TO PROVIDE CERTIFICATION REQUIREMENTS FOR TEACHERS OF COMPREHENSIVE HEALTH EDUCATION AND REPRODUCTIVE HEALTH AND PREGNANCY PREVENTION INSTRUCTION; AND TO AMEND SECTION 59‑32‑60, RELATING TO THE REQUIREMENT THAT THE DEPARTMENT OF EDUCATION REPORT COMPLY WITH THE REQUIREMENTS OF THE ACT, SO AS TO REQUIRE EACH DISTRICT REPORT ITS COMPLIANCE IN A CERTAIN MANNER AND THAT THE DEPARTMENT SHALL COMPILE AND PROVIDE A SUMMARY OF THESE REPORTS TO SPECIFIC RECIPIENTS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 59‑32‑10 of the 1976 Code is amended to read:

“Section 59‑32‑10. As used in this chapter:

(1) ‘Comprehensive health education’ means health education in a school setting that is planned and carried out with the purpose of maintaining, reinforcing, or enhancing the health, health‑related skills, and health attitudes and practices of children and youth that are conducive to their good health and that promote wellness, health maintenance, pregnancy prevention, and disease prevention. It includes, either as part of existing courses or as a special course, age‑appropriate, sequential instruction in health ~~either as part of existing courses or as a special course~~ education. All health education instruction must be verified and supported by research in compliance with scientific methods, published in peer‑reviewed medical or health journals, be medically accurate and objective according to leading medical or health organizations including, but not limited to, the American Medical Association, American Academy of Pediatrics, American College of Obstetrics and Gynecology, and the United States Centers for Disease Control and Prevention.

(2) ‘Reproductive health education’ means instruction in human physiology, conception, prenatal care and development, childbirth, and postnatal care~~, but does not include instruction concerning sexual practices outside marriage or practices unrelated to reproduction except within the context of the risk of disease~~. Instruction must be medically accurate and factual information that is age‑appropriate and includes education on abstinence, contraception, and methods of disease prevention to prevent unintended pregnancy and sexually transmitted diseases, including, but not limited to, HIV/AIDS. Abstinence and the risks associated with sexual activity outside of marriage must be strongly emphasized.

(3) ‘Family life education’ means instruction intended to:

(a) develop an understanding of the physical, mental, emotional, social, economic, and psychological aspects of close personal relationships and an understanding of the physiological, psychological, and cultural foundations of human development;

(b) provide instruction that will support the development of responsible personal values and behavior and aid in establishing a strong family life for themselves in the future and emphasize the responsibilities of marriage.

(c) provide instruction as to the laws of this State relating to the sexual conduct of minors, including criminal sexual conduct.

(4) ‘Pregnancy prevention education’ means instruction intended to:

(a) stress the importance of abstaining from sexual activity until marriage;

(b) help students develop skills to enable them to resist peer pressure and abstain from sexual activity;

(c) explain methods of contraception and the risks and benefits of each method. Abortion must not be included as a method of birth control. Instruction explaining the methods of contraception must not be included in any education program for grades kindergarten through fifth. Contraceptive information must be given in the context of pregnancy and disease prevention, including, but not limited to, sexually transmitted diseases, HIV/AIDS, as well as future family planning.

(5) ‘Local school board’ means the governing board of public school districts as well as those of other state‑supported institutions which provide educational services to students at the elementary and secondary school level. For purposes of this chapter, programs or services provided by the Department of Health and Environmental Control in educational settings must be approved by the local school board.

(6) ‘Board’ means the State Board of Education.

(7) ‘Department’ means the State Department of Education.”

SECTION 2. Section 59‑32‑20 of the 1976 Code is amended to read:

“Section 59‑32‑20. ~~Before August 1, 1988~~ Beginning with the 2014‑2015 school year and at least once every two years afterward, the board, through the department, shall select or develop an instructional unit with separate components addressing the subjects of reproductive health education, family life education, pregnancy prevention education, and sexually transmitted diseases and make the instructional unit available to local school districts. The board, through the department, also shall make available information about other programs developed by other states upon request of a local school district.”

SECTION 3. Section 59‑32‑30 of the 1976 Code is amended to read:

“Section 59‑32‑30. (A) Pursuant to guidelines developed by the board, each local school board shall implement the following program of instruction:

(1) Beginning with the ~~1988‑89~~ 2014‑2015 school year, for grades kindergarten through five, instruction in comprehensive health education must include the following subjects: community health, consumer health, environmental health, growth and development, nutritional health, personal health, prevention and control of diseases and disorders, safety and accident prevention, substance use and abuse, dental health, and mental and emotional health. Sexually transmitted diseases as defined in the annual Department of Health and Environmental Control List of Reportable Diseases are to be excluded from instruction on the prevention and control of diseases and disorders. At the discretion of the local board, age‑appropriate, medically accurate instruction in reproductive health may be included.

(2) Beginning with the ~~1988‑89~~ 2014‑2015 school year, for grades six through eight, instruction in comprehensive health must include the following subjects: community health, consumer health, environmental health, growth and development, nutritional health, personal health, prevention and control of diseases and disorders, safety and accident prevention, substance use and abuse, dental health, mental and emotional health, and reproductive health education. Sexually transmitted diseases, as defined in the annual Department of Health and Environmental Control List of Reportable Diseases, are to be included as a part of instruction or the prevention and control of diseases and disorders. At the discretion of the local board, instruction in family life education or pregnancy prevention education or both may be included, but instruction in these subjects may not include an explanation of the methods of contraception before the sixth grade.

(3) Beginning with the ~~1989‑90~~ 2014‑2015 school year, at least one time during ~~the four years of~~ grades nine through ~~twelve~~ ten, each student shall receive instruction in comprehensive health education, including at least seven hundred fifty minutes of reproductive health education and pregnancy prevention education.

(4) The South Carolina Educational Television Commission shall work with the department in developing instructional programs and materials that may be available to the school districts. Films and other materials may be designed for the purpose of explaining bodily functions or the human reproductive process. These materials may not contain actual or simulated portrayals of sexual activities or sexual intercourse.

(5) The program of instruction provided for in this section may not include a discussion of alternate sexual lifestyles from heterosexual relationships including, but not limited to, homosexual relationships except in the context of instruction concerning sexually transmitted diseases.

(6) In grades nine through ~~twelve~~ ten, students ~~must~~ also must be given appropriate instruction that adoption is a positive alternative.

(B) Local school boards may use the instructional unit made available by the board pursuant to Section 59‑32‑20, or local boards may ~~develop or~~ select ~~their own instructional materials addressing~~ curricula that addresses the subjects of reproductive health education, family life education, and pregnancy prevention education as defined in Section 59‑32‑10. If a local school board does not annually review and select an instructional unit by the beginning of the academic year, the district shall use the instructional unit made available pursuant to Section 59‑32‑20. To assist in the selection of components and curriculum materials, each local school board shall appoint a thirteen‑member local advisory committee consisting of two parents, three clergy, two health professionals, two teachers, two students, one being the president of the student body of a high school, and two other persons not employed by the local school district.

(C) The time required for health instruction for students in kindergarten through eighth grade must not be reduced below the level required during the ~~1986‑87~~ 1986‑1987 school year. Health instruction for students in grades nine through ~~twelve~~ ten may be given either as part of an existing course or as a special course.

(D) No contraceptive device or contraceptive medication may be distributed in or on the school grounds of any public elementary or secondary school. No school district may contract with any contraceptive provider for their distribution in or on the school grounds. Except as to that instruction provided by this chapter relating to complications which may develop from all types of abortions, school districts may not offer programs, instruction, or activities including abortion counseling, information about abortion services, or assist in obtaining abortion, and materials containing this information must not be distributed in schools. Nothing in this section prevents school authorities from referring students to a physician for medical reasons after making reasonable efforts to notify the student’s parents or legal guardians or the appropriate court, if applicable.

(E) Any course or instruction in sexually transmitted diseases must be taught within the reproductive health, family life, or pregnancy prevention education components, or it must be presented as a separate component.

~~(F)~~ ~~Instruction in pregnancy prevention education must be presented separately to male and female students.~~”

SECTION 4. Section 59‑32‑40 of the 1976 Code is amended to read:

“Section 59‑32‑40. (A) As part of their program for staff development, the department and local school boards shall provide appropriate staff development activities for educational personnel participating in the comprehensive health education program. Local school boards are encouraged to coordinate the activities with the department and institutions of higher learning.

(B)(1) An instructor responsible for the delivery of reproductive health and pregnancy prevention instruction must have professional development in the area of reproductive health, pregnancy prevention, or both at least once every two years.

(2) An instructor responsible for teaching comprehensive health education must have a certificate in health education before August 1, 2016.”

SECTION 5. Section 59‑32‑60 of the 1976 Code is amended to read:

“Section 59‑32‑60. (A) The department shall assure district compliance with this chapter. Each local school board shall consider the programs addressed in this chapter in developing its annual district report.

(B) By June fifteenth of each year, each school district shall report to the department an assessment of the district’s compliance with the provisions of this chapter. This assessment must include:

(1) a disclosure of health advisory committee meeting minutes; and

(2) the compliance of the district to the South Carolina Academic Standards for Health and Safety Education.

(C) The department shall compile information reported from the districts under item (2) and provide a summary of this information to all members of the State Board of Education, the Chairman of the Senate Education Committee, and the Chairman of the House Education and Public Works Committee by December first of each year of implementation. This report also will be disseminated to the board of trustees of each school district and the legislative delegation for each school district.”

SECTION 6. This act takes effect upon approval by the Governor.

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