

**SENATE BILL NO. 2206**

Introduced by

Senators Naaden, Kelsh, Mutch

Representatives Boehm, Galvin, S. Kelsh

1 A BILL for an Act to create and enact three new sections to chapter 15-38 of the North Dakota  
2 Century Code, relating to sex education in the public schools.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 15-38 of the North Dakota Century Code is  
5 created and enacted as follows:

6 **Definitions.** As used in this Act, unless the context otherwise requires:

- 7 1. "Curricular material" means written plans on which instruction is based, curriculum  
8 guidelines or supplements, and books or other written or audiovisual material used  
9 for instruction.
- 10 2. "Sex education" means any instruction given as part of a planned course,  
11 curriculum, or other instructional program that is intended to impart information or  
12 promote discussion or understanding regarding human sexual behavior, sexual  
13 feelings and sexual values, human sexuality and reproduction, pregnancy  
14 avoidance or termination, or sexually transmitted diseases. It does not include:
- 15 a. Any discussion or instruction that occurs in a planned course designed for a  
16 purpose unrelated to sex education, provided that the instruction or discussion  
17 is reasonably designed to further the objectives of the course and is not  
18 undertaken for the purpose of circumventing this Act; or
- 19 b. Any instruction in physiology, biology, zoology, or a similar course of scientific  
20 instruction provided any information relating to sex education imparted by the  
21 course is limited to scientific instruction on the functioning of human  
22 reproductive organs.

23 **SECTION 2.** A new section to chapter 15-38 of the North Dakota Century Code is  
24 created and enacted as follows:

1           **Board approval - Sex education.**

- 2           1.    A school board may not permit or expand any sex education in any public school  
3                within the district unless the board adopts a resolution making sex education a  
4                formal part of the district curriculum and adopts standards for sex education.  
5                Curricular material may not be used for any sex education unless approved by a  
6                resolution of the board. Any curricular material that is used subject to board  
7                approval must be available for review and inspection by the public on and after the  
8                date of the publication of notice required in this section and must be available for  
9                public inspection at a meeting where approval of the curricular material is to be  
10              considered.
- 11          2.    A board may not adopt a resolution regarding sex education as part of the district  
12              curriculum until the board conducts a public hearing. The hearing must be held not  
13              more than sixty nor less than ten days before the board votes on the adoption of a  
14              resolution. The board shall give public notice of the hearing not more than thirty  
15              nor less than seven days prior to the hearing. A public hearing is required for the  
16              elimination or curtailment of sex education or the elimination of any curricular  
17              material used for sex education.

18           **SECTION 3.** A new section to chapter 15-38 of the North Dakota Century Code is  
19    created and enacted as follows:

20           **Sex education instruction - Contents.** All curricular material used to teach sex  
21    education must be age-appropriate. Any teacher who teaches sex education and all curricular  
22    material used to teach sex education must:

- 23          1.    Stress that abstinence is the only contraceptive method that is one hundred  
24              percent effective and that all other methods of contraception carry a risk of failure  
25              in preventing unwanted teenage pregnancy. Statistics that are based on the latest  
26              available medical information and which cite the failure and success rates of  
27              condoms and other contraceptives in preventing pregnancy must be provided to  
28              students.
- 29          2.    Stress that sexually transmitted diseases are serious possible consequences of  
30              sexual intercourse. Statistics that are based on the latest available medical  
31              information and which cite the failure and success rates of condoms in preventing

- 1                   the acquired immune deficiency syndrome and other sexually transmitted diseases  
2                   must be provided to students.
- 3           3.   Discuss the consequences of preadolescent and adolescent sexual intercourse  
4                   outside of marriage and the consequences of an unwanted adolescent pregnancy.  
5           4.   Stress that students should abstain from sexual intercourse until marriage.  
6           5.   Teach honor and respect for monogamous, heterosexual marriage.  
7           6.   Advise students of the laws relating to the financial responsibility of parents for  
8                   children born in and out of wedlock.  
9           7.   Advise students that it is unlawful for males of any age to have sexual relations  
10                   with females under age fifteen.  
11          8.   Emphasize that the student has the power to control the student's behavior.  
12                   Students must be encouraged to base their actions on reasoning, self-discipline, a  
13                   sense of responsibility, self-control, and moral considerations such as respect for  
14                   oneself and others.
- 15          9.   Teach students not to make unwanted sexual advances whether physical or verbal  
16                   and teach students how to reject unwanted sexual advances. Students must be  
17                   taught that it is wrong to take advantage of or to exploit another person.  
18          10. Encourage students to resist negative peer pressure.