2011 HOUSE EDUCATION

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HB 1229

2011 HOUSE STANDING COMMITTEE MINUTES

House Education Committee

Pioneer Room, State Capitol

HB 1229 02/01/11 13811

Conference Committee

Committee Clerk Signature

MINUTES:

Chairman RaeAnn Kelsch: We will open the hearing on HB 1229.



Chairman RaeAnn Kelsch: Questions? Support?

Kay Kiefer: Support. Testimony attachment 1.

Rep. Phillip Mueller: Just so I'm clear, it is not the intention of you or this bill to exclude those efforts that are now going on in health classes regarding sexuality?

Kay Kiefer: That is correct.

Chairman RaeAnn Kelsch: These are some pretty harsh statements to put into law.

Kay Kiefer: Are you speaking to the statements that are directly in the bill?



Chairman RaeAnn Kelsch: Yes. I think that you can agree with some of these statements, but I think there would be some legislators that would be offended by some of these such as number 6 where it says a child out of wedlock. And here is where I am going with this. I think that the basis is good and I think these are things that could be taught, but I am concerned about putting that language into statute because it can be seen as offensive to people that have had those unfortunate situations in their family and have had to deal with those issues. Certainly I know some of these people and they are not people that are

homeless and suffering. I understand the concept but I look at some of the statements and think they are awfully harsh to put into law.

Kay Kiefer: Unfortunately the reality is that children born out of wedlock are more at risk for many negative outcomes in their life. I think single parents would stand up and tell you it is difficult to be a single parent. I also know many single parents that are successful. I think if you look at almost any setting, children that are born into single parent households unfortunately are at more risk of having negative outcomes. This is not at all to say that everyone is going to have that reality but why should we stack the deck against our future generations when we can provide them the facts that they could be putting the future of their children at risk.

Chairman RaeAnn Kelsch: If we deleted everything below line 14 and had the first 3, can you teach numbers 4-9 without putting those into legislation since they are more philosophical or moral statements?

Kay Kiefer: I don't believe you would be prohibited from teaching those things. But looking at lines 20 and 21, in my estimation are not moral statements because there are ways to reduce unwanted sexual advances and I think that is an important skill to teach our children.



Rep. David Rust: My question deals with item 9. I think I know what you were driving for, but to say attain economic self-sufficiency, I'm not so sure that if I had to attain that, that any of children would have been born to me. Would you mind speaking to that?

Kay Kiefer: I don't think that self-sufficiency means having a home with a two car garage. I think everyone has a different view of what self-sufficiency should be. A big part of it is graduating from high school. We don't want them to have kids before graduating. We know it is very difficult it is to get anywhere in life without a high school diploma.

Rep. David Rust: I think that is exactly my point. When I look at attaining economic selfsufficiency that statement means a whole lot of different things to different people. I think that part needs some work.

Rep. Lyle Hanson: Have you ever taught health in middle school or high school?

Kay Kiefer: I'm not an educator I am a registered nurse. I have spoken to health classes and been asked to come in on different issues.

Rep. Lyle Hanson: What I'm getting at is some people wouldn't be comfortable teaching health with this law in it in the middle school or high school. Do you think you would feel comfortable teaching it?



Kay Kiefer: I can't answer that from the perspective of having taught professionally in that setting. I can tell you that 75% of the facilities that use our materials now are middle schools. It is presented to students in a way that is extremely appropriate for their age and developmental level.



Rep. Phillip Mueller: I will go back to item 9 but from a different stand point I would know that there are some people in middle school and high school that are fairly self-sufficient economically. It would seem to me that some of those would be important to get to. Your criteria looks like it would exempt them from that.

Kay Kiefer: None of these guidelines stand on their own. We don't teach one to the exception of a contradiction of another.

Rep. John Wall: Would this be a supplement to what is being taught now in terms of abstinence?

Kay Kiefer: I believe the intention is to make sure in those settings that abstinence is being taught.

Rep. John Wall: I guess part of my question is what is being taught now as far as abstinence or is it all over the board?

Kay Kiefer: It is all over the board.

Rep. Brenda Heller: This is a supplement that goes into the schools and it says on line 7 that we shall ensure that these schools take this on. So is this a whole bundle of curriculum that goes into the schools? And how much does it cost the school?

Kay Kiefer: I don't know how other programs or other schools do this but we have taken the curriculum we have provided to these schools and matched the standards to the content in the curriculum. So the schools know which standards are being covered by that curriculum.

Rep. Brenda Heller: Does it actually replace what they are using now?

Kay Kiefer: In some cases it would. As far as the cost, under the federal grant we provided all the material for the school. This year we went to a cost share scenario with them. The federal grant ended one year prematurely.

Rep. Brenda Heller: You don't know how much the schools will have to pay?

Kay Kiefer: It is three dollars per student.

Chairman RaeAnn Kelsch: Questions? Support?

Rebecca Meidinger: Support. Testimony attachment 2.

Chairman RaeAnn Kelsch: Questions? Support?



Christopher Dodson – Executive Director, ND Catholic Conference: I want to address concerns raised about criteria. If you go to the Department of Health site you will see that this is already state policy. Those programs based on those grants have already gone to



Rep. Phillip Mueller: Do you not think that including this in a school curriculum has some impact in varying on home schoolers becoming home schoolers?

Christopher Dodson – Executive Director, ND Catholic Conference: I think people choose home schooling for a number of reasons.

Rep. Phillip Mueller: Certainly you are correct. It seems to me that there are things being taught in public schools that, in their case, are not the business of the schools to be in. Would that being part of the school curriculum cause concern that his business should be taught at home?

Christopher Dodson – Executive Director, ND Catholic Conference: We are dealing with character education that affects so many aspects of life. No it is not just a home matter. It is not in our schools. We have health education now. We have character stuff now. The question is do you want good evidence based materials there which have been tried already and proven. This just sets the parameters.

Chairman RaeAnn Kelsch: Questions? Support?

Tom Freier – Executive Director, North Dakota Family Alliance: Support. Testimony attachment 3.

Rep. David Rust: I would imagine there must be schools in their health curriculum that don't get into sexual activity. It might be in standards but if they don't do that now, if this bill were passed it would mean they would have to start getting into it?

Tom Freier – Executive Director, North Dakota Family Alliance: Yes as it's laid out here the districts shall ensure the exposure. They would definitely have the opportunity to place emphasis on it but it would definitely include it in the curriculum.

Rep. Lyle Hanson: Do you think the parents ought to have the right to withhold their kids out of this if they want? Would you require every student to be taught this?

Tom Freier – Executive Director, North Dakota Family Alliance: This would not be something that most parents would need to or want to withhold. When I say comprehensive I mean comprehensive.

Chairman RaeAnn Kelsch: Questions? Support?



Robert Langenfelter: As to this language, what it sets forth has always been the foundation for civilization to exist. If children don't learn to control their sexual appetites, their sexual appetites will control them. If this does continue to break down our society then western civilization will cease to exist. It goes to the aspect of human behavior. Why should we include this in the law? Well for us to we need to set expectations. We need to teach our children that they need to control themselves

Chairman RaeAnn Kelsch: Questions? Support? Opposition?

Valerie Fischer – DPI: Testimony attachment 4.

Rep. Bob Hunskor: Are the requirements in HB 1229 already in the health curriculum?

Valerie Fischer – DPI: Each district has a curriculum committee. That committee determines the content in health education. We have some districts that decide not to teach anything and some that take an abstinence based program.

Rep. Bob Hunskor: Do you think if HB 1229 passed that it would cause our current health teachers to be uncomfortable and not want to do that and maybe avoid it?

Valerie Fischer – DPI: Sex education is a very sensitive. Students are becoming quite proficient in language because of the social media that is available and they often have questions about sexuality. Parents are assuming schools are teaching it and teachers are assuming that parents are teaching it. Personally I think an educator would put away personal feelings when it comes to teaching this. Should they be forced to teach this practice? It would ultimately be their decision.



Rep. Bob Hunskor: I know some parents currently hold their kids out of health related curriculum. Do you have any idea how many of those kids whose parents don't allow them to attend that?

Valerie Fischer – DPI: You are correct that parents have the right to remove their kids from what they deem uncomfortable. We don't know the number.

Rep. Karen Rohr: Any idea on percentage of parents that sit in while the courses are taught?

Valerie Fischer – DPI: I don't have that information either.

Chairman RaeAnn Kelsch: Further opposition?

Bev Nielson - NDSBA: We are in opposition to HB 1229 as it is written. We rarely support the selling of prepackaged curriculum which I think is going on here. Be believe that the policies related to sensitive issues only succeed when they are developed at the local level. The local communities decide what is acceptable to them and what is not. Having said that, if the will of the committee is to put something into statute, I would like to make a few suggestions. On lines 7 and 8 if it said each school district shall ensure that its curriculum for health, if they currently teach sexuality, includes exposure to students of abstinent content, deleting the word based. Number 3 would be acceptable. I would think taking "out of wedlock" out of there. Number 7 and 8 are acceptable as written.

Rep. Karen Rohr: The recommendations that you made, are those evidence based or research based or how did you come to the conclusion of those particular criteria?



Bev Nielson - NDSBA: I think they are true. I don't think they are pious statements. There are ways or tools we can give our students to reject unwanted sexual advances. Those three are factual. When you get into saying "out of wedlock" you cease talking to just children and you are making statements that also include the adult population. I think kids see through those kinds of statements.

Chairman RaeAnn Kelsch: Questions? Opposition?

Connie M. Hildebrand – AAUW-ND: Testimony attachment 5.

Chairman RaeAnn Kelsch: Questions? Opposition?

Renee Stromme – Executive Director, ND Women's Network: I want to stand in opposition to this bill I want to do a clarification on number 7 saying that there are ways to reject unwanted sexual advances. If we were to have a classroom filled with a couple of victims of sexual assault and you were told there was a way to reject that and they failed to do that there may be re-victimization as a further trauma. I think there are some concerns here with number 7.

Chairman RaeAnn Kelsch: Questions? Further opposition? We will close on HB 1229.



Submitted testimony: Attachment 6.

2011 HOUSE STANDING COMMITTEE MINUTES

House Education Committee

Pioneer Room, State Capitol

HB 1229 02/09/11 14237

Conference Committee

Eather. Committee Clerk Signature

MINUTES:

Chairman RaeAnn Kelsch: We will open the hearing on HB 1229. We had a couple of conversations and potentially starting on lines 12 and one lines 20 and 21, and then the rest of the language would be deleted. There was one conversation I had where you would leave in numbers 1, 2, 3, 7, and 8. The other statements are fairly philosophical and not necessarily something you would put into law.



Rep. Corey Mock: I think really the purpose is to ensure that if a school district is going to teaching any sort of sexual health, that it includes abstinence based concepts. I don't know if anything after line 8 is needed. I think that should be up to school district to decide. Instead of going in an defining everything, go in and let the districts decide.

Chairman RaeAnn Kelsch: You would be thinking you put a period after concepts and the rest would be deleted. There are three different things you could do. You could put a period after the abstinence based concepts. The second way to go is to keep that and including 3, 7, and 8. You could go with 1, 2, 3, 7, and 8. I know that the school districts are teaching abstinence anyway because it has to be taught.

Rep. David Rust: You are saying we already have law on that?

Chairman RaeAnn Kelsch: It's in the standards. I think the way school districts are teaching it represents the school district needs. I know some of our schools brought in parent groups to visit on how they wanted that approached.

Rep. David Rust: This says they shall ensure that it includes. It is a must. I'm guessing with local control of those curriculums that there are schools that probably don't teach anything dealing with the prevention of pregnancy and so forth. They probably don't touch much on sexual education. My fear is if this passed, it says they must do abstinence based. Now you have opened the door for having to present the other side as well when locally they have chosen not to get into that area at all. I think this is best as a local decision.

Chairman RaeAnn Kelsch: Is your fear if we put this in that the school districts that are currently teaching abstinence based and sexual, or is it the ones just teaching abstinence and not sexual would now think that they need to teach both?



Rep. David Rust: I think in some districts they have chosen not to get into that area at all. They feel those issues are probably left up to the parents and family or church.

Rep. Lyle Hanson: If I remember right the people that testified said they all were doing this now. I don't think there was anyone that said they were not teaching it.

Rep. Bob Hunskor: If you put "may" in there really is no teeth in it. If the schools are already covering it, then the bill doesn't really do anything. My preference if we were going to stay with the way the bill is would be 3, 7, and 8 unless those things are already covered in the health standards. Is that true that they are a part?

Chairman RaeAnn Keisch: I don't know if those are or not. All I can say is from anecdotal. I know at Mandan my daughter said they are being taught 3, 7, and 8. They are talked to about those in particular. That is all I can tell you. I haven't looked at the standards. We can if you would like to do that.

Vice Chair Lisa Meier: Would it be helpful to have Valerie Fischer come down and explain what the districts are already offering? I'm looking at 3, 7, and 8 as well and I think those would be reasonable points to keep in this bill.

Rep. Phillip Mueller: I'm not sure why we need this bill at all. I think Rep. David Rust talks about the difficulties of putting this in code. I don't know why we would want to be involved in something that is a local school district issue. On an issue such as this I would rather stay out of that arena.

Rep. Bob Hunskor: Rep. Mueller my response to that would be there very well could be some schools and some situations where kids aren't being exposed to this now. This being taught would save one girl or 5 or 10 from having her life put in turmoil then it is worth it.

Chairman RaeAnn Kelsch: It uses the word because it's up to the local school districts to determine how they want to teach it. Some places the local parents come in and say this is what I want taught and this is what I don't want taught. There were instances where some parent groups want it equally across the board and some that want it to be more abstinence less other, and some have basically strictly abstinence. That came from discussions from this legislature. When we talked about abstinence and looked at putting it into code probably about 10 years ago, that's when they put it into the standards. It says in the health curriculum that you have to teach it. However, it doesn't say what to teach or how to teach it.



Rep. Bob Hunskor: There are, in most schools, parents who take their children out of those classes and say they don't want their children exposed to that.

Chairman RaeAnn Kelsch: I remember getting the parental slips that I had to sign allowing my kids to be in health class for those discussions.

Rep. Mark Sanford: The issue I have is the specificity of the concepts. This is a curriculum outline and I don't recall any place else saying this is the curriculum outline. I go back to what Rep. Corey Mock said at the beginning that codifying this to say you have abstinence based concepts to me would be sufficient because we know it's backed up by these standards and benchmarks.

Chairman RaeAnn Kelsch: That is a concern because we have never done that before. I think if you did stop it at concepts and put a period there, what we have achieved is we have codified that the legislature believes abstinence based concepts are important enough that we have put it in code but is still allows districts to teach what they want to teach. We will do what the majority of this committee decides. I can tell you that if it survives in the senate, I can assure you it will not have the extra language in there.

Rep. Mike Schatz: If you did that and you went after 8 where it says abstinence based concepts, what are you abstaining from?

Chairman RaeAnn Kelsch: Abstinence based concepts and the way school districts have defined abstinence is by abstaining from risky behaviors and all risky behaviors. This would codify that we believe there should be abstinence based concepts.

Rep. Mike Schatz: Motion to amend HB 1229 to just include lines 1, 3, 7, and 8 and to take out the phrase "out of wedlock."

Rep. Karen Rohr: Second.

Chairman RaeAnn Kelsch: Discussion?

Rep. Mark Sanford: Regarding number 7, I think we did have testimony from folks on the efforts of domestic violence suggesting that this wasn't acceptable to them because it implies that they didn't know how to avoid the sexual advances.

Chairman RaeAnn Kelsch: We will try a voice vote. Motion fails

Voice vote: Motion fails.

Rep. Dennis Johnson: I move a do not pass.

Rep. Phillip Mueller: Second.

Chairman RaeAnn Kelsch: Discussion on the do not pass? We will take the roll. We will close on HB 1229.



10 YEAS 5 NAYS 0 ABSENT CARRIER: Rep. Dennis Johnson

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DO NOT PASS

2011 HOUSE STANDING COMMITTEE MINUTES

House Education Committee

Pioneer Room, State Capitol

HB 1229 02/16/11 14607

Conference Committee

Committee Clerk Signature Fulle too

MINUTES:

Chairman RaeAnn Kelsch: We will open the hearing on HB 1229.

Rep. Mike Schatz: I'd like to reconsider HB 1229 for the purpose of amending it.

Rep. Karen Karls: Second.



Chairman RaeAnn Kelsch: This is the abstinence bill. It came out with a do not pass. Rep. Dennis Johnson is the carrier. We did keep it in committee and it has not gone up to the floor yet for a vote. The motion is to reconsider our actions whereby HB 1229 came out with a do not pass and the purpose is to further amend. We will try a voice vote.

Voice vote: Motion carries.

Chairman RaeAnn Kelsch: We now have bill before us.

Rep. Mike Schatz: For purpose of amending after the word concepts on line 8. Abstinence based concepts health curriculum, beginning on July 1, 2012, each school district shall ensure that a curriculum for health includes the exposure of students to abstinence based concepts.

Chairman RaeAnn Keisch: And then all other language going through the rest of the bill would be gone?

Rep. Mike Schatz: Correct and I will move the amendment.

Vice Chair Lisa Meier: Second

Chairman RaeAnn Kelsch: All this is doing is codifying that students should have exposure to abstinence based concepts. Discussion?





Chairman RaeAnn Kelsch: It is my understanding that it will not. It is if they have a health curriculum then it has to be included in that health curriculum. If they are not teaching it now this doesn't mean that they have to teach it is my understanding.

Rep. Joe Heilman: I didn't hear of any that aren't teaching sex education.

Rep. Corey Mock: If they don't have to teach sex education and this requires it, do we expect someone to come in and require that contraceptives are taught? Do we open the door for more definition on what needs to be taught in these health classes? It is my understanding that when it is taught it is included. That is the curriculum and we were shown from DPI that it was in the standards. I'm ok with codifying that we teach abstinence based concepts but ensuring that it's not taking away the school board's discretion of teaching sex education. I don't want to be overstepping out boundaries and setting curriculum on school districts.

Chairman RaeAnn Kelsch: I didn't know there were school districts that didn't offer it. Rep. David Rust, do you know of any that don't?

Rep. David Rust: Quite frankly no. I couldn't say they do or don't.

Chairman RaeAnn Kelsch: Further discussion? We will try a voice vote.

Voice vote: Motion carries.

Chairman RaeAnn Kelsch: What are the wishes of the committee?

Rep. Mike Schatz: I move do pass as amended.

Rep. Karen Rohr: Second.

Chairman RaeAnn Kelsch: Questions? We will take the roll on a do pass as amended on HB 1229. We will close on HB 1229.

14 YEAS 1 NAY 0 ABSENTDO PASS as AmendedCARRIER: Rep. Dennis Johnson

Date:	02-09-11
Roll Call Vote #:	VOICE VOTE

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES BILL/RESOLUTION NO. 1229

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MOTION CAPPIES

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1K-2/16/11

February 16, 2011

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1229

Page 1, line 8, replace "<u>, including that:</u>" with an underscored period Page 1, remove lines 9 through 22 Renumber accordingly

Date:	07-16-11
Roll Call Vote #:	OZ-16-1 VOICE VOTEZ

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES BILL/RESOLUTION NO. <u>1229</u>

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VOICE VOTE ON AMENDMENT



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If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1229: Education Committee (Rep. R. Kelsch, Chairman) recommends DO NOT PASS (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1229 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1229: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1229 was placed on the Sixth order on the calendar.

Page 1, line 8, replace ". including that," with an underscored period

Page 1, remove lines 9 through 22

Renumber accordingly

2011 SENATE EDUCATION

HB 1229

2011 SENATE STANDING COMMITTEE MINUTES

Senate Education Committee

Missouri River Room, State Capitol

HB 1229 March 22, 2011 15799

Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

Relating to abstinence-based concepts within the school health curriculum.

Minutes:

See "attached testimony."

Chairman Freborg opened the hearing on HB 1229; no fiscal note attached.



Representative Grande, District 41 introduced the bill; the engrossed bill is a bit different than what was introduced in the House. Couple of important things; over the summer a committee discussed this issue. The provisions came from a Federal Health program, and starts out with an A - H; each letter had a particular topic that was taught dealing with abstinence education. (Handout #1 comparison of Health Dept criteria for abstinence grants versus HB 1229) The funding has gone away for the grants with the health bill, so asked about the opportunity to see that criteria so would know what guidelines would be taught and followed. Had asked for amendments to be drafted; Council did not get them drafted so could bring later.

Criteria are very significant; proper education to prevent STD's (sexually transmitted diseases) which have grown leaps and bounds. There was a time that 2-4 were talked about, now there are 100's that cause problems with children to the point of infertility. It is significant in the fact there is ONE absolute that will keep them from getting STD's and that is abstinence. If we don't teach that as a part of curriculum, we run into these problems. Come to the point of immunizing kids for STD's. Seems backwards.

Asks the committee to entertain putting those back in the bill; during the House hearing DPI spoke against the bill. Now has come to her attention there is a sex education course co-sponsored by DPI with Planned Parenthood (#2 flyer attached). We need to look at both curriculum and decide what best suits the needs of our children. Decide what you feel is the best way to proceed. Does have more information regarding the original bill versus the engrossed version that was amended in the House.



Senator Heckaman: On the handout from the Health Department, what kinds of organizations apply for and receive those grants? **Representative Grande:** First Choice clinic has been one; program called Sound Choice. They have handled that and have about 50 schools in the state utilizing that curriculum. Senator Heckaman: Do the schools that use the curriculum get the grant to use it? **Representative Grande:** Not sure



how the granting system worked for that. Think it is a portion that is paid per student and very nominal amount.

Senator Flakoll: Can we assume it is your intent, and intent of the bill that it would all be at an age appropriate time? **Representative Grande:** Absolutely; the curriculum is written that way.

Senator Berry, District 27, Family Practice physician testified in favor of the bill. He has worked with many patients over the years, and has seen an increased rate of infertility. The #1 cause in the United States today is from STD's. Thirty years or so ago there were only a few serious STD's, and they used to respond well to antibiotics. There was a time when mild symptoms were referred to as non-gonococcal infections; knew something was wrong but didn't know what it was; knew it responded to antibiotics of a certain class. Then an investigator discovered Chlamydia and turns out it is not a bacteria or virus. Tend to classify it in the bacterial category because it responds to antibiotics. Once indentified it became the #1 STD transmitted--the key is that it is sexually transmitted and it is in very high prevalence in adolescent adults. Now is a routine test in annual exams. It can be present without a lot of symptoms. Can live in the fallopian tubes and then causes scaring and damage to the point of scaring shut. Also is the cause for a lot of tubal pregnancies when the tubes get scared and narrow.

HPV or genital warts is more prevalent and a vaccine has been developed. There are 100 different types but the vaccine works for just four of them. Two of those play a role in cervical cancer. It takes time to grow so is more treatable if yearly exams are done. Making information available is crucial so kids know the issues. Condom use doesn't eliminate STD's; can decrease some types but not HPV as it is skin to skin contact.

Christopher Dodson, Executive Director, North Dakota Catholic Conference testified in support of the original bill. The original bill put those parameters in because it was seen as there had to be some parameters otherwise anything could be passed off as abstinence education. Now have evidence of what happens without those parameters; the workshop co-sponsored by DPI and Planned Parenthood where the qualifications for the speakers are that they push abstinence, birth control and condoms. They are members of SIECUS (Sexuality Information and Education Council of the US) which is an organization dramatically opposed to abstinence only education. Something to mention is that they received an award from Planned Parenthood. If we don't provide the parameters to educators at what we expect, the vacuum will be filled. Do you want the parameters that the Health Department has been successfully using or something like this workshop? The parameters in the original bill and the proposed amendments to return it do make people uncomfortable but they are evidence based, the criteria has been successful and has been age appropriate. Will see that in the schools it has been very positively received. Know it works and shouldn't be afraid because some of the sentences and facts are uncomfortable.



Senator Flakoll: It looks like in line 7 that it limits the scope of the legislation to school districts; would you support an amendment for inclusion of non-public schools? **Christopher Dodson:** No, matter of principle. Non-public schools are autonomous with matters of curriculum.



Barbara Frank, Bismarck FirstChoice Clinic director gives testimony on behalf of Kay Kiefer (#3 letter & #4 magazine)

Tom Freier, North Dakota Family Alliance testified in favor of the bill (#5 Testimony) Concerned about what would be taught and how it would be taught in regards to the conference being sponsored by DPI and Planned Parenthood.

Senator Heckaman: Do you know how many schools are not using abstinence based curriculum at all in the schools? **Tom Freier:** No, only know that the 50 that are and visiting with some folks that in some larger schools where teachers in the same building are using totally different programs. **Senator Heckaman:** If a smaller school teaches this and a parent requests to opt their child out, how would schools handle that? **Tom Freier:** Believes that parents can still opt out as they can currently do with certain topics.

Bev Nielson, North Dakota School Boards Association supports the engrossed version of HB 1229. Believes it makes a statement that the legislature wants abstinence education a part of the sex education curriculum without selling a prepackaged course being put forth by some people. Believe these types of curricula need to be developed locally based on state standards which do exist, but not a state curriculum. The engrossed bill gets the message across from the legislature but allows curriculum to be developed locally meeting state standards.

Jean Horner, RN, FirstChoice clinic read testimony for **Rebecca Meidinger, Program Director of Make a Sound Choice program.** (#6 Testimony & #7 program benchmarks)

No further testimony in favor; no opposition. Hearing closed.

Senator Heckaman: During the break she visited with Sandy Tipke, DPI, and she (*this portion ended up at the beginning of the tape—over some of Representative Grande's testimony*) gave some information. Would like her to come to the podium to present what the definition of abstinence-based concepts are; was confusing.

Sandra Tipke, Health Education Coordinator, DPI, areas she covers are HIV-AIDS and adolescent sexual health. This is the programming she is tasked to cover for DPI. She and school districts will need clarification in moving forward with this policy. The department is in support of abstinence-based concept language, but if Representative Grande brings back the lines A-H and adds them as amendments that were taken out in the House, that would be abstinence only language. There is a difference-abstinence based education emphasizes abstinence as the only certain way to prevent pregnancy, HIV, and other STD's (all in agreement about that). It also advocates for the discussion of methods to reduce risks for HIV, other STD's and pregnancy so young people will be prepared with information should they make the decision not to remain abstinent. Abstinence only education promotes total abstinence as the only option. Abstinence only until marriage education is even more restrictive and is grounded in a value that sex is not allowed until marriage. Abstinence only until marriage education is what is being proposed if that language is added back on as an amendment. If this bill moves forward with the amendments proposed by Representative Grande the title would have to be abstinence only. Title 5, A-H amendments is abstinence only language.



Senator Heckaman: If it stays this way, it would be okay what is currently being done in the state but gives them more of a directive that they have to address this issue in health education? Sandy Tipke: Yes, abstinence based concepts are currently being used in the state. About 80% of the schools are using abstinence within their school districts; local control issue. They always promote abstinence first; all are in agreement on that. Typically most schools do cover prevention messages in 9th grade-birth control. Some districts don't cover sex education at all. They avoid it; feel it is a community issue and should not be in the school system. Senator Heckaman: If this bill (engrossed version) is defeated, it would not affect any of the schools? Sandy Tipke: No, this is what is currently being done. The actual curriculum that a lot of the school districts use is from DPI and does really mirror abstinence based; does talk first and foremost to avoid early age sex. As they age it goes in more to prevention messaging in high school. From her House testimonywhat they know statewide from youth risk surveys-in 9th grade 27.9% of teens report having sexual intercourse; in grade 10 it is 40%, grade 11 is 49.7% and grade 12 is 59.8%. That is with abstinence messaging already occurring within the communities. Want to stress prevention, no early age sex-but also give youth good information and information they may use when they are married.

Senator Gary Lee: The definitions you use—where did they come from? Sandy Tipke: Title V, Federal government abstinence only language. Senator Gary Lee: So the federal government is saying those are the definitions? Sandy Tipke: Yes, the federal government is. Senator Gary Lee: This piece here, the conference-does this come out of DPI? Sandy Tipke: It does; the departments of education in MN, SD & North Dakota and Planned Parenthood joined together to provide professional development for school board members, teachers, community educators-Make a Sound Choice will be attending this event. These components were brought together because they were getting requests from school districts to provide this information. It is abstinence based; bringing in national speakers and they understand out state and her focus which is abstinence based with prevention messaging just like being done now. Senator Gary Lee: Interestina abstinence piece . . . Sandy Tipke: Abstinence BASED-there is a difference. Tend to not politicize sex education; thinks it is pretty basic. Here is the information, we want you to abstain. In her mind it is critical all work together and provide good information. Don't have an abstinence only curriculum in the state that is evidence based according to the CDC. There is one curriculum that is evidence based according to the CDC but is not being used in this state---evidence based meaning "effective".

Senator Flakoli: The districts that provide this, compared to the districts that don't provide this currently—are we seeing any reduction at all by providing these programs within the districts that adopted that or any evidence that those districts that have it have a statistically significant reduction compared to those that don't offer it? **Sandy Tipke:** There is no evidence showing a reduction in early age sexual activity; there is much more than just sexual intercourse that teens are engaging in—exposing to STDs in different ways. Are no curriculums that are evidence based, approved by the CDC that are being used in the state currently. Need a five year timeline of research to have any time of statistical data that can prove there is a reduction or increase.

Senator Flakoll: He would like to see the committee's reaction to amend it by adding non-public schools.

Senator Heckaman: She wouldn't have a problem with that. Think that non-public schools have a curriculum based pretty much like the public schools do. Don't see a problem with that.

Senator Gary Lee: What would be your interest in doing that? **Senator Flakoll:** If the concern is to reduce teen pregnancy, STDs and the like then should we have more people exposed to this if they think this is a viable means to help in that regard.

Senator Marcellais: Agree with Senator Flakoll; may have a non-public school student would be going with a public school student. Educate them both.

Senator Heckaman: Just a question—how do we address that with those non-public schools that are just elementary? Would it be age based—what do we do with the K-8 or K-6 non-public schools? **Senator Flakoll:** Guess it would the same as in a district with buildings—not all buildings would have access to this. That is why he asked Representative Grande if this was all age appropriate as far as what would go. She said yes.

Senator Flakoll: Move to amend HB 1229 and add "and non-public schools" on page 1 line 7; second by **Senator Heckaman.** Motion carried 7-0-0 (Vote 1A)



Senator Heckaman moved Do Pass as amended to Engrossed HB 1229; second by **Senator Gary Lee.** Motion carried; 7-0-0 (Vote 1B) Senator **Gary Lee** will carry the bill.

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If the vote is on an amendment, briefly indicate intent:

add-non-public schools



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2011 SENATE STANDING COMMITTEE ROLL CALL VOTES BILL/RESOLUTION NO. _/229

Senate Education	Committee							
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Com Standing Committee Report March 23, 2011 11:51am

REPORT OF STANDING COMMITTEE

HB 1229, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1229 was placed on the Sixth order on the calendar.

Page 1, line 7, after "each" insert "public and nonpublic"

Renumber accordingly



2011 HOUSE EDUCATION

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CONFERENCE COMMITTEE

HB 1229

2011 HOUSE STANDING COMMITTEE MINUTES

House Education Committee

Pioneer Room, State Capitol

HB 1229 04/06/11 16407

Conference Committee

Committee Clerk Signature

MINUTES:

Chairman David Rust: We will call the conference committee to order on HB 1229. I think what we will do to start this out is to ask for an explanation of the amendments from the senate.



Sen. Gary Lee: The 02000 version is the version that came to us from the house. The bill you are dealing with now is version 04000. The current bill that you see was a hog house amendment in our chamber and I think it seeks to provide a broader definition for abstinence education as a part of the health curriculum or a school district. It also sought to deal with some of the issues that were heard in testimony in your committee in regard to the original bill itself. The person who brought the amendment forward was looking to improve some of the language.

Sen. Joan Heckaman: I would add that I am not in support of the amendments that were provided on the floor in the hog house amendments. It is not specifically because of the issue but because of delineating curriculum for the schools. I believe in talking about the health curriculum and the form of the bill that came over to us from your chamber is the one that I would like to see continue. When we start delineating curriculum you start to dig yourself into a deep hole. It isn't that schools aren't addressing this. When we start mandating this we will start seeing this come into every curriculum across the board. That is one reason I was opposed to the amendments and the bill in the form that it currently is.

Rep. Phillip Mueller: I like the version we sent over. It would seem to me that we have got rather descriptive in this version and our original version was that way. There was a reason we decided more general terminology was in order. I think the other point to be made here is we have the criteria by which these things need to be done in our curriculum and standards.



Rep. Mark Sanford: I would concur closely with Sen. Heckaman on this one. We've had some interesting discussion in the house about policy versus appropriations and we were reminded about the policy role of certain committees. I've reflected about what that means in this particular case. It seems to me that policy is appropriate at the legislative level and I am seeing that this one steps from policy down into curriculum. State law directs the state superintendent of public instruction to provide frameworks and standards and benchmarks across all the curriculum areas. That has been done. The second thing I would is in

reviewing those state standards and benchmarks, they seem to address most of the specifics. The idea is that districts are to use those as guides in developing their curriculum and I think that it is happening. What is does demonstrate to me is that it is organized around those standards and benchmarks.

Chairman David Rust: I guess I am going to weigh in on this as well. I too believe that the state will list the things that need to be taught. The state has never got into prescribing what the contents are. We don't list in our state laws the things that should be taught in math, U.S. history, and so on. Those are all part of our standards and benchmarks. I have been involved in a school district when they wrote a health curriculum. I believe many if not all school districts have a health curriculum that they have already written. It is done with a great deal of input from people within the community and that especially goes for the health curriculum. I believe with the health curriculum there are a wide variety of ways that it is taught simply because in one community you might be able to teach a little bit of the abstinence and in another you could teach a lot more of it. I really believe that it is a local control issue and a local school board issue. This one says "shall ensure" which I believe is good and they shall ensure that they are exposed to the abstinence based concepts. That is probably an increase from what we have now in the law. If those things are not being taught, this says that they shall be. I would have to say that I believe in local control and not for the state to prescribe down what shall be taught.

Sen. Joan Heckaman: I did support the amendment that the senate education committee put in dealing with nonpublic schools and I am willing to give that up because that has been taken out already. I do have a problem with line 8 in your versions and that is the word exposure. I don't know how to change that and I don't know if anybody else in the committee has difficulty with that word. We happened to think of one in the education committee and I can't remember what that word exactly is. That word sort of sticks out in this line of the bill. Again I would like to say that I think that your version is very acceptable to me.

Rep. Phillip Mueller: I guess I would be interested in what the discomfort with the word exposure is. Can you describe what it is that you didn't like about that?

Sen. Joan Heckaman: I think it has to do with the topic that it is on the same line with. It is not going to change my view on how I feel about this version. It was just a thought I had on an alternative word that could be put in there.

Chairman David Rust: Was the word stronger or was it just more clarification?

Sen. Gary Lee: My sense of what is in front of us offers a broader scope. I think the point is to broaden that definition to say this is an appropriate definition of abstinence education. That definition is to clarify or make more succinct. It isn't intending to be a curriculum per say. It is just a modern definition of what abstinence education is. I hear curriculum and I don't see it that way. Curriculum is a listing of educational courses by definition. This is just a broader definition of what abstinence education is.



Chairman David Rust: There have been a couple of things pointed out to me. There is discomfort with the phrase has as its objective. Some people see that as rather narrow and when you say it is the objective, then that probably is a concern that it is the only objective.

Sen. Gary Lee: I say that if we teach and talk about tobacco in our curriculum we would say that it is probably not healthy for us. It would be fairly succinct and practical in terms of what they thought about it as well as alcohol and drugs. With nutrition we might offer that kind of succinct and practical approach to say these are healthy habits.

Chairman David Rust: You don't see it as restrictive to one objective?

Sen. Gary Lee: I think it offers a broader approach in terms of those pieces that are there.

Chairman David Rust: When I think of a health curriculum I think of a variety of things that are taught in health. You teach nutrition, physical activity, and a variety of things. I think abstinence and sexual discussions are one facet. This says that the curriculum for health has as its objective. To me that narrows it.

Rep. Phillip Mueller: I have some concerns here on a number of levels. This whole thing can get to be a sensitive type of issue. If the parents feel it is their responsibility to deal with these four issues having to do with abstinence, I am not sure why we as a state would take away the local district's options on how that is handled. I can see some fairly irate parents coming in and saying it is not our job to do and that they and their church or whoever they might enlist will take care of it. I don't believe it is wise course for school systems, districts, and our state say here is how you ought to be doing this.

Sen. Layton Freborg: Evidently the parents and the churches are failing. If they weren't I don't think we would be sitting here trying to come up with a bill on abstinence. I think it is our job to do something. What we do remains to be determined. Evidently we won't come to agreement with your bill or our bill. The reason we are here is to find a compromising position that will satisfy both parties. If the churches and the parents were doing their jobs we wouldn't be here. We have a major problem and statistics show us that.

Rep. Phillip Mueller: I certainly agree it is an issue that needs attention. I still am not so sure that it shouldn't remain a local issue. We pride ourselves in local control. If a school board wants to do exactly what is listed here they can do that. We are saying that they need to deal with some fashion of the abstinence issue. It would be very difficult for me to go much farther than that.

Rep. Mark Sanford: I think one of the problems I have with the 04000 version is that it focuses on abstinence from sexual activity and abstinence is a concept that is broader than that. We should be talking about drugs and other risky behaviors as well. The intent of the house was to leave it so it included a broader degree of risky behaviors.

Sen. Gary Lee: I don't think there is anything here that precludes a school district from doing that at all. If there are things the parent doesn't want their student to be taught in a class, they can opt out of those things as well.



Rep. Phillip Mueller: While I understand that is certainly an option, I hope it isn't my kids sitting off in study hall while the rest are in the classroom studying health. There are some risks with that as well. I don't know why we would want to set our kids up for that circumstance.

Chairman David Rust: It appears to me we need some time to think about this. We will schedule another meeting. I am suggesting at this point in time if there is no discussion we will have to look at some type of compromise or amendment. We will adjourn the conference committee on HB 1229.

2011 HOUSE STANDING COMMITTEE MINUTES

House Education Committee Pioneer Room, State Capitol

> HB 1229 04/11/11 16487

Conference Committee

Committee Clerk Signature

MINUTES:

Chairman David Rust: (Attachment 1). We will call the meeting to order on HB 1229. Are there any thoughts with regards to this bill? I am going to pass out an amendment for discussion (see attachment 1). This is the way the bill was passed out of the Senate Education Committee when it went to the floor. I am wondering what your thoughts on that would be? This is exactly the way it came out of the Senate committee. Do you think we would be comfortable with that?

Sen. Gary Lee: You are correct in terms of it coming out of the committee that way but on the floor the nonpublic was an amendment that was defeated.

Chairman David Rust: If you took out the nonpublic then that would be exactly what the House had?

Sen. Gary Lee: That is correct.

Rep. Phillip Mueller: I guess for discussion purposes I certainly have a problem with the nonpublic part being taken out as was done on the Senate floor which leads us back to what you have before you minus the nonpublic piece.

Chairman David Rust: You said that was taken out on the floor?

Sen. Gary Lee: The amendment was on the nonpublic and that didn't pass.

Chairman David Rust: For discussion, how about the following (see attachment)?

Rep. Phillip Mueller: I will let the group take a look at what is passed out.

Chairman David Rust: The handout says that beginning July 1, 2012, each school district shall ensure that its curriculum for health includes the instruction in abstinence based concepts.

Rep. Phillip Mueller: For discussion purposes I would move that amendment.

Rep. Mark Sanford: Second.


Chairman David Rust: Committee discussion?

Rep. Phillip Mueller: I think one of the Senate conferees indicated some degree of discomfort with the word exposure. I think this particular amendment eliminates that terminology and uses instruction instead. I think that is a nice substitution.

Chairman David Rust: Further comments?

Sen. Gary Lee: Without that word "exposure" that is what the Senate rejected in terms of what it passed so we are back then to what the House said so I don't see that as an acceptable alternative.

Chairman David Rust: I guess I see the word instruction being stronger than the word exposure. Exposure could be pretty limited. Instruction would definitely be a stronger directive and that was the thinking in the amendment.

Sen. Joan Heckaman: I would be able to support this amendment as it is written here and I like the word instruction versus the word exposure in there and that it just includes that but is not limited to that. I like the fact that we are not just delineating curriculum here which I think would be taking us down the wrong road in any area. When I looked at the schools around my district that have abstinence education in their health curriculums, they use a variety of curriculums. Putting this into code would allow them to use whatever their district wishes to use and they would still be doing something with abstinence.

Chairman David Rust: I don't have the statistics to prove it, but I would venture to bet that in the state of North Dakota that you have some school districts that probably don't do a lot when it comes to sex education and that they have deferred that to the parents and the church. You probably have others that are possibly in the middle and you may have some that probably cover it all. I've always been an advocate of local control and in that particular area especially. It is best left up to local school boards to have a curriculum developed that is generally done with community involvement, staff, teachers, and I really feel that is where it belongs. I don't think the state should prescribe what should be taught. I think we name the courses but we don't get into the content. I am also a strong believer in parents' rights and that parents should have the option to exempt their child without penalty from any part of that curriculum they find offensive to their values and beliefs. That is where I am coming from on all of this.

Sen. Joan Heckaman: I guess I agree with your comments on that. We never did get a chance to look at the state standards for the health curriculum but I am sure it is addressed someplace in there to include something to this nature. I would agree with you to leave the content up to the local school districts. This would basically cover that they make sure that it is touched on in the health curriculum.



Rep. Phillip Mueller: I think Sen. Heckaman is absolutely right. This is an intriguing and an important issue we are dealing with. We rank 41st in the country in terms of teen pregnancies in this state. That means 40 of them are worse than we are in terms of numbers of teen pregnancies. Research seems to back this up and the state of Texas is



the largest recipient of sexual abstinence only moneys from the Federal Government and they have the third highest teen pregnancy rate of any state in our country. The abstinence only concept approach isn't working that well in Texas. I don't know that is necessarily what we are talking about but to put the concept in perspective, research will tell you that you need to do some other things. Certainly it should be part of the curriculum but to the exclusion of all else has not proven to work very well. I think we do have a motion before us.

Chairman David Rust: Anything else before we go to a vote? We will try a roll call vote on the amendment.

Roll call vote: 4 YEAS, 2 NAYS, 0 ABSENT. Motion fails.

Rep. Mark Sanford: Can I take a few minutes to review some of those standards? I don't know if it would be helpful to the committee or not.

Chairman David Rust: Yes.



Rep. Mark Sanford: (Attachment 2). This is a copy of the state health standards and benchmarks. If you look at the front of this it gives you the 7 major units that are found in the state standards and benchmarks. These are put together because the legislature has put in law the requirement of the state superintendent that DPI will produce a set of standards and benchmarks in each of the curriculum areas that we teach. The legislature essentially is saying this is the job of DPI and what is to be taught. Local schools take this and around that is what we call curriculum. What the bill, in any of these shortened versions that we have looked at, says is that you will teach this. This is not an option. When DPI does this, the bill is saying thou shall teach abstinence based standards and benchmarks and content. If we take a look in here we can see what the state's standards and benchmarks say about abstinence. If they are there and if the law says you shall teach them, it isn't an option at the local level. If you look at the top page, those are the major standards. If you look at the standard 1 on page 1, what this is telling us if you look at the number 7-8.1.3, this is grades 7 and 8, and the 1 tells you it is the first standard and it is the third benchmark. It says the students should be able to explain the processes of conception, prenatal development, and birth and it should be taught in 7 and 8 grade health. (Refer to attachment 2). As you go through this you can see what grades they are identifying the issues at and that it is identified for age appropriate. As you go through this you can see that there is some information that is expected to be taught that relates to risky behaviors and specifically sexual behaviors and abstinence. Each of the standards is teaching a form of abstinence. So when I look at this, what this is saying to local schools is that these are the things that should be in a health curriculum and they have to figure out how to teach it. The bill says there is no leeway here and they will teach it. So whether or not it has been taught in the past, what this bill does in its shortest version is it says you will teach it and here are the guidelines. When I look at this I think that it is a strong statement on the part of the legislature. I think it is all we need. We don't need curriculum in law. We need the intent to have curriculum in law.

Rep. Phillip Mueller: What is interesting to me is there is no reference to abstinence from the 6th grade on down. There are other references that one might tie into health living and



those types of things. Abstinence is not mentioned until you get to the sixth grade. The bill we have in front of us says if you offer health it has to include abstinence concepts and it gets a little prescriptive about how that is done. I am not sure we really want to tell the first grade teacher that he/she needs to teach abstinence. The way it is structured now, the bill would require teaching abstinence in the first grade and I think that is a problem.

Chairman David Rust: We are at the 3:30 PM mark so we will adjourn.

House Education Committee

Pioneer Room, State Capitol

HB 1229 04/15/11 16674

X Conference Committee

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Committee Clerk Signature

MINUTES:

Chairman Rep. David Rust: We will open the conference on HB 1229. For committee's consideration I would hand out the following. (Amendment, attachment 1). It appears to me that we are at a point where one side would like something a little narrower and one side that would like it a little broader. This amendment goes to 15.1-21-02 which is for high schools and it is the required units part. It is a big part of the law and it has been for a long time. It is kind of the key element of the curriculum or required subjects. What this would do is add the following statement to item e. which says "One-half unit of health, including abstinence based concepts" as a requirement. I would move the amendment.

Rep. Phillip Mueller: Second.

Chairman Rep. David Rust: Any discussion?

Sen. G. Lee: We are back to the original bill as we got it from the House. I will stick to the principle that we do need a broader definition in terms of working with this topic. This concept's idea has been there for a while and those concepts include things that reach in directions that I don't see as a way I would like this to be done. I think it moves in a different direction from how I think it should be taught. I would like to see it moved back to a more balanced approach in terms of a definition that includes topics that I think are good and appropriate for our kids to be learning and I would suggest that the broader population as a whole would like to see us move towards. I would reject this.

Chairman Rep. David Rust: Further comments?

Rep. Phillip Mueller: In response to Sen. G. Lee, what do you envision in regards to abstinence based concepts? I'm not sure I understand what it is you don't think is in there.



Sen. G. Lee: I think that is a term that is used in whatever manner someone may want to use it without a broader definition as we've proposed in the bill you have before you. I've seen it in lesson plans and in a seminar that was offered last fall that it is a term used in a passing paragraph and is really dismissed in terms of the other things that they would like to taught or think they should be teaching. It really says nothing other than what someone wants to do?



Chairman Rep. David Rust: Further discussion? We will take the roll.

Roll call vote: motion fails.

Chairman Rep. David Rust: (Amendment, attachment 2). With that I would like to propose another amendment. This one says that beginning July 1, 2010, in addition to meeting other state standards of a health based education, each school district shall present abstinence based concepts related to sexual health to students through health classes. The school district shall educate the students to the potential dangers of not using abstinence when exposed to risky behaviors. I would move for the adoption of the amendment.

Rep. Phillip Mueller: Second.

Chairman Rep. David Rust: This amendment does rewrite what we have been using in the past amendments. This states that there are other state standards that need to be taught. It says that they shall present abstinence passed concepts related to sexual health and it also talks about educating students to potential dangers of not using abstinence when exposed to risky behaviors. This is slightly different.

Sen. Joan Heckaman: What grade levels does this include in chapter 15.1-21?

Chairman Rep. David Rust: This would allow school boards to adopt a health curriculum and most school boards have already adopted a health curriculum. The state has a health curriculum but they don't mandate that school districts adopt that curriculum and in fact they advise or recommend that you have a community based meeting where a curriculum is developed. That is the way most school districts in the past have adopted their health curriculum. Basically in the state of North Dakota there is a lot of local control right now with the health curriculum because it is not a mandated curriculum. It would be the local school districts that would determine at what grade level this shall be presented and they shall be educated in.

Rep. Phillip Mueller: It talks about state standards and we kind of know what is in state standards but it says in addition to meeting state standards of health based education in each district, we shall present absence based concepts. Going back to a concern I had last time we met, the third graders have a health class of some kind so would this mean if this were adopted that we would have to teach abstinence to second and third graders?

Chairman Rep. David Rust: Again health curriculums are adopted by local school boards and local school boards know their community best. When we try to legislate a one size fits all, I am not so sure it is a good idea. Some communities are very reluctant to touch any part of it and leave it up to the parents and the church to do it. Other communities deal with and some may touch more on it. It is a local decision with regard to a health curriculum and what is taught and when it is taught. Further discussion? We will take the roll on the amendment.



Roll call vote: motion fails.



Chairman Rep. David Rust: Anything else that might be presented?

Sen. G. Lee: (Amendment, attachment 3). This is an attempt to address some of the things I have heard today in terms of what age is appropriate. It essentially puts in language using age appropriate methodologies. The curriculum must include those things. In number two it redefines that section in the bill that we have before us and takes out some of the defense teaching that was included in that one. With that I would move the amendment 11.0467.02007.

Sen. Larry Luick: Second.

Chairman Rep. David Rust: Further discussion? As I am going through this the beginning statement has been changed and item 1 remains the same. Is that correct?

Sen. G. Lee: That is the intent. Yes.

Chairman Rep. David Rust: Item 2 eliminates the words "including self-defense?"

Sen. G. Lee: Correct.

Chairman Rep. David Rust: Item 3 just drops the word "inform," correct?

Sen. G. Lee: Yes.

Chairman Rep. David Rust: In item 4, instead of using the word "explain" it has the word "how." Correct?

Sen. G. Lee: That is correct.

Chairman Rep. David Rust: The first statement uses the same year. It eliminates the words "has as its objective," replaces that with "requires," and adds the words "until marriage." Instead of "the curriculum must" it says "using age appropriate methodology." Are there any comments on the amendment?

Rep. Phillip Mueller: Could we have some explanation about using age appropriate methodologies?

Sen. G. Lee: We've heard here that we are not sure what ages things should be taught at and this is just an attempt to say that the ages should be appropriate and let some definition at the local level be determined.



Sen. Joan Heckaman: I guess I am coming from the same side that I did on the amendments that were handed out earlier. If this must be taught, even if you are using age appropriate materials it must be taught in first grade, second grade, and third grade. I think we are getting into an area where I don't think those things should begin in those grades. The other reason I won't support this amendment is because we are delineating content here. When I see that it requires you to do this, you are going to have to do this in first

grade. Even though the methodologies are age appropriate you are still going to have to do this in those grades under this current amendment. There are no age exceptions on here.

Sen. G. Lee: I don't read it that way. I think if we are using age appropriate determinations based on what is here, we can decide or they can decide in the school district what may be appropriate to be taught in the grade levels. In my view it would be middle school and high school ages. It doesn't say that definitively but I would suggest that is where it would be chosen.

Sen. Larry Luick: I agree that the content of teaching abstinence at a first, second, and third grade level is obviously going to be quite watered down if it happens at that age. My wife and I taught sex programs to seventh graders through high school and we almost felt that we were hitting them too late in their growth cycles. Starting at the first and second grade level, there would be some very watered down information given and that is why the age appropriate methodologies are in here. I think it is important.

Rep. Phillip Mueller: A point Sen. Luick made referenced if it is taught. There is no "if" in this bill. You will teach it. I don't know if we have a very good definition of age appropriate in code or anywhere else. I am having a few problems with the concepts that are outlined here.



Sen. Larry Luick: In respect to that you obviously don't teach or try to teach algebra to first or second graders. Age appropriated would be directing those children at that age of what they are capable of understanding and don't inundate them with something they obviously can't understand.

Sen. Joan Heckaman: That is my point exactly. When you look at the requirements for elementary math you don't put in algebra and you don't say you have to teach differential equations at an age appropriate level. You just put in math and then the school looks at the state standards and uses those and I think that is the position we are in with this bill. We have a bill where we are trying to tell the schools what you need to teach to first, second and third graders. I agree with Rep. Mueller. It doesn't say "maybe you should," "if," or "if the local community says we want it." It says this must be taught. I think we are looking at two different things. In math you don't prescribe differential equations at an age appropriate level, you look at math and here we are looking at health and a heath curriculum. I am still going to oppose this.

Chairman Rep. David Rust: Further discussion? Seeing none we will take the roll on the amendment.

Roll call vote: motion fails.

Chairman Rep. David Rust: So far I think we've agreed that beginning July 1, 2012 is ok. I'm trying to figure out if we are going to be able to come together.





for you as well. You can either defeat it or pass it on the floor if that is the wish of your body.

Chairman Rep. David Rust: I would submit to you that there is another option and that is to ask for three committee members from your side and three committee members from our side to be replaced. We have a couple of options before us but it appears to me that we are probably at a point where some what it a little narrower and some want it broader. We do have some options. Any thoughts?

Rep. Phillip Mueller: I think you and Sen. G. Lee are right. There are options here and none of them are appealing to me. We have been charged with the responsibility and I would have liked to see us come together in a better way than we have. I think I will go back to the genesis of the bill to begin with. Maybe someone on this committee has the answer and maybe not but where did it come from? Did we have a huge cry from our public school systems that this is major problem and they don't know how and what to teach in regards to the health curriculum and the role of sexual abstinence in that? We could pass this bill and some of us will feel good about it, but I am not sure that it is not much more than just that. Are we doing what we ought to do in regard to the young people that it will affect?



Rep. Mark Sanford: I think there is one other thing we do agree on. Both versions of the bill have abstinence in it. It is not an argument about that as a concept. It really is a debate about the amount of detail we should be doing legislatively. I view it as a major step when this concept reaches statutes because it really is a curriculum issue but nevertheless both sides seem to be ok saying this would be in the curriculum. When this came to the committee in the House it got a do not pass and overnight there was an attempt to reach out the chair of our committee who brought it back with the idea that all the detail that was underneath the concept of abstinence would be removed. The second day we undid what we had done before and we passed it with just that commitment to abstinence. I think from the majority of the committee that we were serving on that it was a significant step in agreement there. I think the difference is really in the amount of detail on this particular concept you want to legislate. I am not opposed to getting new committee members to look at it if we can't go any further on this.

Chairman Rep. David Rust: As I thought about this I agree with what Rep. Sanford said that we are agreeing on abstinence. We are at some agreement that is noteworthy.

Sen. G. Lee: I do think the bill that passed in our chamber was largely supported. Even though the amendments came on the floor, those amendments were widely supported with the detail that was there. They felt that detail was necessary based on what is often seen to be the direction abstinence has been taken by school districts or the department in terms of what their purporting should be taught to the teachers that are going to be teaching this. That was problematic. This maybe pulls it back toward the direction that it defines what should or can be taught at least in terms of the definition and what would be included in those teachings. I still think that what we offered and came back to this committee to look at is good in terms of not just saying abstinence concepts. I saw what Rep. Sanford ran through for us in terms of what the standards were and in phrase or two, here and there, abstinence was there but that was all. DPI is then beginning to define a curriculum for what



the schools will offer. I am just saying that what we have here defines and puts in code a definition that we feel as policy makers is important. We are the policy making branch. We define what is important in terms of what should be in a definition and this offers that. It isn't completely flushed out. Districts can pick and choose in terms of how they present that but this is, in my mind, what should be included as part of that definition. It isn't exclusive in terms of what they can only teach. It says this is what you need to teach in regard to the abstinence and the definition we are making as a policy body here.

Chairman Rep. David Rust: We have exceeded our time. I would like to take one more run at it before we throw in the towel. Are there any problems with that? Seeing none we will adjourn.

House Education Committee

Pioneer Room, State Capitol

HB 1229 04/16/11 16681

☑ Conference Committee

XL

Committee Clerk Signature

MINUTES:

Chairman David Rust: We will call the conference committee on HB 1229 to order. We are trying to see if we can come to a resolution on a subject where we have agreed on the date and the abstinence part but we just can't agree on the wording. I am wondering if we have any particular thoughts we would like to share.



Rep. Phillip Mueller: (Amendment, attachment 1). We have another version of how this could be done. It is pretty short and simple. With this amendment after July 1, 2012, each school district shall provide a grade-appropriate abstinence-based sex education according to state curricular standards. That obviously doesn't get as prescriptive as it has been suggested that we might want to. I do think those things that are in the curricular standards have all of it in there. I think it is all that we would ask to be done. How they do that, when they do that, and what emphasis they put on it would certainly be up to that local school board and school district. What we have in public schools is a fairly definitive separation of church and state. I think that most of us agree that it is the way it ought to be. I think the law says that is the way it ought to be. I think that if we are going to get into some kind of version of this issue we do run the risk of becoming involved in what the church had ought to become involved in and we have made comments to that effect before. I don't know that is a road we want to go down and for that reason I think this kind of an amendment would make sense. The other point I would make is that it is a dilemma. We continue to do things at the school level that we need to do. There are health issues and curricular issues that have gone into the area of whether it is the job of the school people or the folks at home. I know sometimes that isn't done very well. The point I would make about that is we do not serve to shift those things back to family units that ought to be in the family unit, by continuing to tell these people that they don't need to be concerned about it anymore because we are taking care of it at school. I don't know that it is a very good approach to that. The more of those things we do that belong to the family unit, the more we are going to be expected and asked to do. With that I would move amendment 02011.

Rep. Mark Sanford: Second.

Chairman David Rust: Further discussion?

Sen. Joan Heckaman: I did a lot of research on this issue because I think we do need to come to a compromise today on something. I don't have any problem with teaching

abstinence in the school health curriculum. In looking at some information, North Dakota is eligible for some federal grant money through the Department of Health on the title 5, section 5-10, Abstinence Education Program through the Social Security Act. That has been reauthorized from 2010 to 2014 and there will be 50 million dollars available every fiscal year for state grants. I don't know that North Dakota accesses that. It may be something we want to look into and see how they use it or if we do use it. The ages on that are what I was interested in and they are from ages 12 to 18. If we put in here gradeappropriate, hopefully that would get us to age 12 or in the fifth, sixth, and seventh grade range. I still have a problem when we are looking at younger children and introducing this concept and these topics. Another thing I found is that the success and failure of abstinence education in the school becomes irrelevant from whatever is taught in the classroom and it says that success is based on factors outside the classroom. We can teach these things in the classroom but they aren't going to be carried over until we have the structure in the home, church, and the community to uphold this so then it gets into what our responsibility in the classroom is. I think the amendment before us will provide a base. I thought about putting a study in this because there are a number of issues we need to look at. Does North Dakota access these funds and if we do how are they used? What agencies in our state use these funds and how are they put into the school? So I probably have more questions than I do answers. I think putting this into law will give us a couple years to look at it. It does not have a sunset clause on it but that doesn't mean we can't revisit it next session. Those are my thoughts.

Sen. Larry Luick: Rep. Mueller alluded to the churches being involved with the teaching of abstinence. I don't see that in the amendment we failed yesterday. Nowhere in here do I feel like that is represented. Obviously it is important for not only the schools to be focusing on this but also the parents and the churches themselves too. To focus on the fact that we have a health issue here that is astronomical to the point where we have infertility issues going on and the regrets of something like this going beyond what these children can comprehend, I think it is imperative that we stick to something more definitive in what we are trying to get across to these kids. I think this is too vague also. I can't support this.

Rep. Phillip Mueller: I appreciate the comment. I guess the inference might be that someone should tell the churches in what they should do in the regard to teaching abstinence and I am not so sure that is or role or if that is exactly what you said. That is way above my pay grade in terms of telling the churches or maybe anybody else exactly what they need to be doing in regards to abstinence and the teaching of it. I think that became fairly clear when the nonpublic schools said they didn't want to be any part of this. You might ask the question too that if they have that figured out as they purport to, why would we want to go and become prescriptive in the public school because that is really what the Senate version does? We require mathematics, science, and social studies be taught but under mathematics and so on we don't talk about what they have to teach and how they should be teaching it. We don't ask them to have a particular methodology by which they teach algebra and statistics. We leave that up to the local folks and the curriculum standards and guidelines and it seems to have worked pretty well. I think what are doing with the amendment is saying that you need to teach this. It isn't an option but at least it leaves how and when they do it up to the local people.



Sen. Joan Heckaman: I guess the thing I like about this amendment is that it does give the schools options to go into that curriculum and we do that in every other area. We allow them the leeway of using standards and benchmarks but the difference in this amendment and the bill that passed the Senate is this amendment puts it at grade-appropriate. The Senate version says you will teach this at every grade level. It doesn't' have an exception to it. It says "each district shall ensure that the curriculum for health has as its objective" and that is it. You don't have an exception for kindergarten, grades 1, 2, 3, 4, or wherever. With this amendment the schools have an option with grade-appropriate. I think the amendment we have this morning has some direction for us. It gives the schools a mandate that says you will focus on this in health at a grade-appropriate level so I think we should support this amendment.

Sen. G. Lee: In my perfect word we wouldn't be teaching this at all in schools. The matter of fact is we do. My personal bias is that we teach things that go in a direction that I would prefer they not be teaching it. What I would like to see is that we bring some balance to what is taught and it seems to me we need to define what the definition is that we are asking them to teach the subject of. I think I heard someone say that we don't have much control over what the kids do and I don't disagree. I've sitting here for three or four days and I am watching out the window and I see people coming and going from the little building out there. I'm just thinking how many times they have been told that this is not very good or healthy for you? They can read the inscription on the package of cigarettes that they pull out that says this is bad news. There are billboards and television ads. Do we stop telling them what the right answer is? No we don't. We don't stop telling them. Some will make the wrong decision but I believe we owe them the right information to make the best decisions they can. We can't control whether they use that information or not but I don't think this goes in the direction I think we need to go to bring balance to what is being taught.

Chairman David Rust: Well we probably know where this is going so we will take the roll on the amendment.

Roll call vote: motion fails.

Sen. G. Lee: (Amendment, attachment 2). I have another option here I will pass out. This replaces the bill that the Senate passed and it takes out some of the issues that were in that bill. It shortens it up considerably and it just says that the portion of its health curriculum that is related to sexual health includes those things in number 1 and those factors in number 2. I think it moves in the direction we need to go in terms of bringing balance and it is a smaller version than we had before.

Sen. Larry Luick: I move the amendment 11.0467.02010.

Sen. G. Lee: Second.

Chairman David Rust: Is there any discussion on amendment 02010?

Sen. Joan Heckaman: I guess I don't see anything about age appropriate or grade appropriate in here.

Sen. G. Lee: I think the intent is that the portion of its health curriculum in whatever grade they think is appropriate could be taught. I don't think it says that they have to teach it in kindergarten or fourth grade or wherever. I think they make that decision in this language.

Rep. Phillip Mueller: I think it is getting better but the argument could be made why we would put this in code as opposed to one we just killed when in fact this is the kind of stuff that is already in the curricular standards. It is what the first amendment would have done without getting prescriptive. I agree with the whole business of abstaining from sexual activity until marriage but how are we going to do that in the classroom and not get involved in that role that should be played by someone other than the school people?

Sen. Larry Luick: I think part of that is a descriptor of how important it is to identify the differences between adolescent sexual activity and the activity and responsibilities of after marriage. You can't explain to these children or young adults that you are going to be damned if this happens in your life but it is a helpful avenue to take to save that activity for someone that you feel that activity is safe with. I think that is a big proponent of that instruction. The health ramifications are an important part of that.

Rep. Mark Sanford: I have a procedural question. We were given the suggestion by the School Boards Association so is it possible to look at that suggestion side by side with this one? I know the motion is there but it is fairly close and that is what I am getting at. On a personal level I have struggles with this because of the issue of local control. What I have learned this session is local control is an evolving target or evolving definition. The School Boards Association and the school boards of North Dakota are the local control. When I was looking at this the chairman asked me to present this but when I look at it, it's fairly close.

Chairman David Rust: Does anybody object to that being handed out for discussion purposes?

Rep. Phillip Mueller: My sense would be that we probably need to vote on the bill before we look at another version of the bill. That is not to say that we can't come back and reconsider something else but it is your call.

Chairman David Rust: I am going to poll the group.

Sen. Joan Heckaman: I guess we have a motion on the table and I think we should vote on that and then look at the next one to see if we can combine something together.

Chairman David Rust: I think we have the right to discuss and we wouldn't have two amendments before us. It is in the discussion stage so I am going to rule that we look at the two and compare them and see if we are in the ballpark.



Rep. Mark Sanford: (Amendment, attachment 3). It strikes me that there are strong similarities between the two and perhaps what the School Boards Association's one does is it leaves individual sentences for the sexual activity and it does include alcohol and drugs and the impact on sexual decision making and what we were kind of getting at. When they

leave the classroom door it still comes down to a personal decision and that time of thing. It is actually a value. You start with content, then you get to skill levels, and then you hopefully get to values when it comes to a decision making pyramid. I don't know if there is potential of this being combined. They are fairly similar.

Sen. Larry Luick: In every amendment that was offered other than ours, the words "before marriage" have been excluded. Can I get an opinion of why that is? To me that is important.

Chairman David Rust: I haven't particularly noticed that. As I am thinking about my own personal family, it is not what you would call a traditional family in the strictest sense. We have children in our school who are single parents, we have children who have never met their mother or father, we have children that are adopted, we have children that have probably figured out that they came a little early in the marriage process, and I wonder when you insert that clause if you are devaluing them in saying that you are basically here wrongly. While I agree the idea and the value and the morality of waiting until marriage, I wonder how those children, and there are more of them than you might think, are going to feel about themselves when they are told that they were a mistake. Two of my greatest blessings and children may have been a mistake for somebody but they were an exceptional blessing for me.



Sen. Larry Luick: I agree 100% with that. There is an importance that we have to look at here in making sure that the language in whatever we do doesn't damn those people and those kids that are affected by this. Holding the line on before marriage on sexual activity is not degrading those kids. I think what it is doing is it is causing an instructional guideline for them to look at. It will give them the guideline where they can say my parent made that mistake but I don't need to go down that same route of smoking cigarettes, doing drugs, and doing sexual activity. I think it is important that the language be inclusive into whatever instruction there is in that classroom. I don't think that taking it out of the amendment is a healthy thing to do.

Chairman David Rust: We have to adjourn but we have a motion on the table. We will take the roll.

Roll call vote: motion fails.

Chairman David Rust: We will adjourn and schedule another meeting.

House Education Committee

Pioneer Room, State Capitol

HB 1229 04/16/11 16686

Conference Committee

Committee Clerk Signature

MINUTES:

Chairman David Rust: We will call the conference committee to order on HB 1229.



Rep. Mark Sanford: (Amendment, attachment). This is a piece of work that was suggested by the School Boards Association and I would say it is very similar to what was considered at the last session. The Senate versions says the factors that influence on healthy sexual decision making by adolescents and the school boards' one says the impact of alcohol, drugs, and social media on sexual decision making and it also talks about peer pressure in the third one. There is a strong similarity on the factors. It comes down to the fact that an individual is faced with decision making that probably goes back to values more than it does information. It seems to me that we have the disagreement on number one on both versions and we have zeroed in on "until marriage" as the difference in the language between the two versions there. All I would say is we probably need to reconcile the differences between those two or try the school boards' version.

Sen. G. Lee: I do agree that there are commonalities here that seem to be heading us in a direction but I am not willing to just take what is here on what we are talking about currently. We have next week and if we can give it a little thought on how they can be pulled together maybe we can come up with some better language that will satisfy me at least. I am not going to vote for it as it is currently.

Sen. Joan Heckaman: I would like to propose that we add in the bill somewhere that these concepts are introduced no earlier than whatever kind of a grade we can come up with so we have some starting point where the concepts are appropriately introduced to the students. I like the amendment we have right here if we could add that. I think there is just a typo on the first line. I am guessing it is supposed to be a curriculum "for" health and not "or" health. If we are going to wait and look at this later, my suggestion would be that we think about the first two lines there and that its curriculum for health includes abstinence based concepts that are introduced no earlier than grade blank and then address the following things. I would like a grade in there. I don't know what grade we could concur on but maybe that is something we could think about.



Chairman David Rust: How about grade appropriate?



Sen. Joan Heckaman: If we are going to do grade appropriate, it includes based concepts introduced at a grade appropriate level and addresses? If so then I can quit harping on this issue.

Rep. Phillip Mueller: I am not ecstatic about anything we have looked at up to this point but I would say that this version of the bill gets us closer to what I would envision. Items 3 and 4 talk about a broader set of issues and I think that is appropriate. I am not exactly sure how you teach that but I think it is important to recognize that those are important pieces of growing up. I don't know that it necessarily speaks specifically to sexual abstinence. I think it also talks about drugs, alcohol, and those types of issues that are pretty important in that process as well.

Chairman David Rust: Further comments? Rather than having this introduced as an amendment and taking a vote today, I think the idea of mulling this over and getting together again probably has some merit.

Sen. G. Lee: If we could do it a little bit later in the day it would give some time to look at some things.

Chairman David Rust: I don't have a problem with that. I will ask for the next meeting to be scheduled later on in the day to make sure we have time to think about this. Is there anything else? We will adjourn.

House Education Committee

Pioneer Room, State Capitol

HB 1229 04/18/11 16740

Conference Committee

Committee Clerk Signature

MINUTES:

Chairman David Rust: We will call the conference committee on HB 1229 to order. The last time we met we probably had it boiled down a bit. An amendment was given to us and we also handed out one that appeared to be similar. The thought at that point in time was to take a couple of days to look at it. Do we have anything further for us to discuss?

Sen. Gary Lee: I wanted to look at the language myself.

Chairman David Rust: I believe when Rep. Sanford went through it he kind of showed that if you look at the four we had and the two you had that they correlated pretty well. Are there any thoughts about anything?

Sen. Larry Luick: It is the 04000 version, correct?

Chairman David Rust: Yes although I think the individual has been using the same number in all of ours. It is the one that has the four stipulations below. Your amendment was the 02010. That was the 02010 amendment and it actually went to a vote and was defeated 1-2 and 2-1.

Rep. Phillip Mueller: If we are discussing the 04000 amendment, I think there was some concern on the part of some on the committee that we would have introduced grade-appropriate ages behind the word concepts.

Chairman David Rust: Rep. Sanford would you like to address that?

Rep. Mark Sanford: (Amendment, attachment 1). I think the difference here is there is a second sentence added using age-appropriate methodologies. My understanding is that the legislative council advised on age rather than grade to be used there as the language.



Chairman David Rust: I was informed that "age-appropriate methodologies" is kind of the terminology that has been used predominantly by legislative council. It basically means the same thing. You could probably put grade-appropriate but that is the terminology they use. Any discussion?



Sen. Joan Heckaman: I guess I would wonder why you would put age-appropriate methodologies when the standards and benchmarks are listed in grade. I would think grade would be more appropriate because you could have a grade with three age levels in there. That is why I would think grade would be more appropriate but if council has a reason for using it I guess I can't go against their legal opinion on that. You could have a grade where there would be several ages in that grade. The standards and benchmarks we have in North Dakota all relate to grade levels I believe.

Rep. Mark Sanford: I will move this amendment.

Sen. Joan Heckaman: Second.

Chairman David Rust: At this point in time if you would like to amend the amendment I don't know that it would be out of order.

Sen. Joan Heckaman: In looking at the 04000 amendment before us right now, I would move to amend age to grade.

Rep. Phillip Mueller: Second.

Rep. David Rust: Discussion?

Sen. Joan Heckaman: When we are looking at delineating concepts here to be taught in the school I am not really a fan of that. I think that should be left up to the local school district. Since we have been on this for so long and we need to get somewhere on this, I don't have an objection to anything that is in the concepts there. I think they are all appropriate. My objection is that we are delineating content to schools and I am not big fan of that. To move the section along I will support this.

Chairman David Rust: Further comments. We will try a voice vote.

Voice vote: motion carries.

Chairman David Rust: Discussion in regard to the amended amendment before us?

Sen. Larry Luick: I regretfully say that I can't support this again. I think those two little words we are avoiding are very important to me. I think they have to be in there for me to support this.

Chairman David Rust: Further discussion? We will take the roll.

Roll Call: motion fails.



Chairman David Rust: Further thoughts? Sen. Lee do you have something to present?

Sen. Gary Lee: (Amendment, attachment 2). I would move the amendment 02012.

Sen. Larry Luick: Second.

Sen. Gary Lee: With this I tried to address some of the issues we have talked about here in terms of providing some remedies. Section 1 is attempting to address a health curriculum and if sexual topics are taught, a., b., and c. will be included in that. There is an out for those that chose not to include that in their health curriculum. Those three are pretty much what we have seen several times already. Number 2 is looking to address the grade-appropriate topic that has been discussed and this indicates that those sexual topics within its health curriculum won't be addressed before grade 6. That was used looking at the middle school concept and that is a little bit fluid. It could be grades 7, 8, and 9 or it could be grades 6, 7, and 8. It is just to try to address it at that particular level.

Chairman David Rust: In reading the first line you have each school district that addresses sexual topics and what you are saying is that if they choose not to do that then the remaining doesn't apply. Is that correct?

Sen. Gary Lee: That is correct. It is intending to say that if they have a health curriculum that doesn't include the sexual topics then they can exclude those but if they choose to put those in then that is what they have to include.

Chairman David Rust: Any questions? Discussion? A. is the same as our 1 in 04000 and b. is the same as 2 in 04000. Is that correct?



Sen. Gary Lee: I believe so.

Chairman David Rust: Would c. be the same as 02010?

Sen. Gary Lee: That is correct.

Chairman David Rust: Further discussion?

Rep. Phillip Mueller: I guess I am not exactly sure what we would want to do with number two where it says "may not address sexual topics within its health curriculum before grade six." Certainly that is the direction that I think we are pointing to but to specifically say that is something we cannot do may be inappropriate on certain occasions if that topic comes up.

Sen. Larry Luick: With it saying "may not," it gives them that option. "Shall" or "may," I think the "may" will give them that option.

Rep. Phillip Mueller: I am not so sure that "may not" in this context is any different than "shall not" or anything else.

Sen. Gary Lee: I think the intent is not to have the topic addressed formally before grade six. If the question comes up in a class it is sometimes hard to avoid but the intent is that it wouldn't be formally addressed in a district's curriculum.

Rep. Phillip Mueller: I appreciate that explanation but really it goes back to the position many of us have held. Why are we doing this? We can make all kinds of statements that

make some of us feel good but I think that the people that should drive this whole issue are the local school boards, the administrators and the teachers that are involved, and maybe more importantly the parents. What we are doing here doesn't seem to be necessary at all. It is going to be taken care of on the part of the local school people. I am not sure why we need to do anything with this topic.

Chairman David Rust: Further discussion?

Rep. Mark Sanford: On number two, I would be concerned that people would not be clear what the definition of sexual topics is. I think it is pretty common that you build up from various parts of the body in the anatomy and biology in a health class. At some point in time does that anatomy become a sexual topic? By putting a limit on it at grade six, I don't know if that could lead to issues or not.

Sen. Gary Lee: Just o try to clarify it, those topics would be the a., b., and c., above. If you are teaching a class that includes anatomy and those kinds of things, I think that is different than if we are intentionally looking to address the issue.

Sen. Larry Luick: I have a thought about adding a word. The school district may not instructionally address sexual topics within its health curriculum.



Rep. Phillip Mueller: I have another suggested one-word change. In 1 c., if we were change "until" into "outside of," how would the senators or anyone else feel about that?

Sen. Larry Luick: Take out the word "until" and add in "outside of."

Chairman David Rust: Abstaining from sexual activity outside of marriage.

Sen. Gary Lee: Could you offer an explanation on what you are looking at in terms of the difference?

Rep. Phillip Mueller: I guess it would be exactly what it says. If there are benefits to be realized by abstaining from sexual activity then that is probably true up until marriage and probably true outside of marriage.

Chairman David Rust: Is that an amendment to the amendment?

Rep. Phillip Mueller: It is a topic for discussion.

Chairman David Rust: Any thoughts? I personally like that idea.



Rep. Mark Sanford: I want to come back to number 2 because I probably didn't do a good job of sharing what my issue was there. My issue was not so much that you can't teach it. What is the interpretation going to be at the local level by individual parents and individual community members? When you have something like that and it is date certain and can't happen until this point in time, someone is going to come in and say they were talking about how the body works and in my mind that is a sexual activity. In the instruction of the anatomy that builds up to that, someone is going to come in and confuse that.

Sen. Larry Luick: That is why I was thinking instructionally because if that conversation does come up, the teacher or the instructor can handle it. To base some ideas as far as a program or a more in depth instruction before sixth grade is maybe premature. I am not sure but that is why I threw that word in there.

Chairman David Rust: Do we want to progress with an amendment to this or should we go to a vote on this? I've heard a couple of good suggestions that might make this palatable.

Sen. Larry Luick: Let's look at number 2. Are we splitting hairs with that "instructionally addressing sexual topics?" Is that even worth considering?

Chairman David Rust: I think the easiest way to do it is to amend the amendment and see where it goes.

Sen. Larry Luick: I so move that amendment – that word.

Chairman David Rust:Insert the word "instructionally" between the words "not" and "address."



Sen. Larry Luick: Correct.

Chairman David Rust: Is there a second? Seeing none the amendment dies for a lack of a second.

Rep. Phillip Mueller: I will attempt to throw mine in as an amendment to the amendment which would involve striking the word "until" and inserting "outside of."

Sen. Joan Heckaman: Second.

Chairman David Rust: Further discussion? We will try a roll call vote.

Roll call vote: motion fails.

Chairman David Rust: Do we want to try a vote on the amendment?

Sen. Gary Lee: I call the question.

Sen. Larry Luick: Second.

Chairman David Rust: We will take the roll on the amendment.

Roll call vote: motion fails.

Rep. Phillip Mueller: If we are going to continue to meet on this, maybe we should go back and look at the original bill as it came out of the Senate.



Chairman David Rust: We will meet again and see if we can come to a decision. We will adjourn.

House Education Committee

Pioneer Room, State Capitol

HB 1229 04/20/11 16791

Conference Committee

Committee Clerk Signature

MINUTES:



Chairman David Rust: (Amendment, attachment 1). We will call the conference committee on HB 1229 to order. We have come to a point in time where we are getting down to crunch time if we have any ambitions of finishing up on HB 1229. I have had several conversations with our committee chair and I do have an amendment to run by you that isn't that much different than in previous times. We will see what your thoughts are on this and go from there. There are a couple points that are sticking points. The one that appears to be the most talked about deals with marriage. At one time we talked about public and nonpublic and we didn't really do much with that. If you look at this amendment it basically has a date certain of beginning. This one states each school district and nonpublic school and the feeling was that it was good for both groups. I don't know that it would be a problem with the nonpublics because my guess is that they probably teach abstinence already and probably even at a heightened level. This bill certainly doesn't restrict them from going beyond the four points that would be lists. If you notice the bill says "shall" and that means there is no choice for the schools and they must teach abstinence. The wording in abstinence instruction because abstinence based concepts can maybe be a little nebulous for some people. This delineates that it is abstinence instruction. Another portion of this deals with appropriate grade levels. One of the amendments had grade six and it is my understanding that there are some schools that choose to touch on these subjects before grade six and the ones that were listed to me in particular were Native American schools. They felt that grade six wasn't good enough for them. They felt that they needed it at those younger grades because of the maturity level of students. Using appropriate grade levels allows for some discretion with regards to local school districts. The four areas listed are the areas that must be addressed which deal with health risks associated with adolescent sexual activity, the impact of alcohol, drugs, and social media on sexual decision making, ways to deal with peer pressure proactively, and personal choices and responsibility. Are there any thoughts with regards to this?

Sen. Gary Lee: The nonpublic language was something we attempted to put in on our side that was pretty soundly defeated. For me to take that back and suggest they were wrong probably wouldn't have much favor in the Senate. I think the two words that are left out are important to keep in. I still don't accept what we have here.

Rep. Phillip Mueller: I have a question for Sen. Lee. You just indicated that the nonpublic language was in and then taken out. Can you give us some sense on why that happened?

Sen. Gary Lee: It was something that our committee suggested. The nonpublic schools hadn't asked for it and when it came up to the floor as that amendment, there was quite a bit of discussion about those schools not wanting to be included in this. I don't remember the specific rationale but it was rejected.

Chairman David Rust: When we looked at the list of courses and curriculum to be taught they apply to both public and nonpublic schools. Since this would be part of the health curriculum, why wouldn't they be included? I could understand their level of discomfort with it if they were limited in scope but I don't see this as limiting them. It just lists the four that they must address and they can obviously go beyond that. Did that come up at all in your conversations?

Rep. Phillip Mueller: I think Sen. Lee made an interesting point that the nonpublics didn't ask to be involved in this issue and this whole discussion but I would submit that neither did the public schools. If that is a criterion for the bill then I would submit that we shouldn't do it in any way, shape, or form because I don't believe the public schools asked for it either.

Sen. Gary Lee: I would suggest that they are involved in it already. We are just trying to clarify and define what areas they should and shouldn't be involved in. They are involved whether we like it or not. In my perfect world they wouldn't be but they are so I think we need to establish some policies and set a definition that is acceptable to most.

Chairman David Rust: Further discussion?

Rep. Mark Sanford: I will move amendment 02014.

Sen. Joan Heckaman: Second.

Chairman David Rust: Further discussion? We will take the roll.

Roll call vote: motion fails.

Chairman David Rust: The motion fails. Is there anything else?

Sen. Joan Heckaman: (Amendment, attachment 2). I have an amendment. We have been sitting here and I believe we are on the seventh meeting and it doesn't seem like we are making any progress. I have an amendment to turn the topic we have before us into a study. It seems like we have two sides here that are pretty well entrenched in what they think should be taught in the public schools. I would have to agree with some of the comments before. I don't think the public schools or private schools have come forward with this issue. I think all of them do present some form of it in their health curriculum right now. Until we can get a better handle on this as a legislature I don't think we should prescribing any more than what they are doing right now. The amendment we have before us will have legislative management study elementary and secondary school curricula with respect to the manner in which human sexuality and reproduction is addressed including a review of the curricula that is now being used in the districts and the nonpublic schools as well as recommended curricula that could be introduced, appropriate grade level content,



effectiveness of current approaches in preventing sexually transmitted diseases and teenage pregnancies, and then report the finding to the sixty-third legislative assembly. think we are at a point in this committee and I don't know that appointing another committee at this point in time would change much. The House definitely came with their recommendation which is the recommendation that the Senate basically brought to the floor and that would be just to put the word abstinence in the health curriculum. As that was rejected and a floor amendment came forward, it has changed the whole complex of both sides of the chamber. It is not that either side is right or wrong. I think we should study this and see what should be brought forward and this would be an opportunity to do that. If this doesn't please any of the members I do have another suggestion to add in here. After line 5 where it says "appropriateness of the grade level content," we add "the degree to which and manner in which sexual abstinence before marriage is addressed." I wouldn't be opposed to putting that in. That was not my first suggestion. You can see where that word would go. There is another recommendation later that I don't care for as much. I think we are at the point right now where we are sitting on two sides of the fence and maybe neither of us is right, maybe both of us are right, or maybe one of us is right. If we bring this forth as a study then it is an opportunity to get the right information out to our schools instead of guessing at this. It would be some information that would be studied over the interim. Before I move this amendment I would like some discussion on whether you would like the additional insert. The additional insert was more of what I was looking for. It would give us more specific information and I think that is appropriate considering the topic we have worked on here.

Chairman David Rust: Did you ask anyone in legislative management if the legislative body has ever studied this issue before?

Sen. Joan Heckaman: I did not. I don't have any information on that and I don't know if any of you know or not.

Rep. Phillip Mueller: I do not recall that but I think in my time we have not dealt with this issue.

Chairman David Rust: Any discussion with regard to that?

Rep. Phillip Mueller: I think I like the idea. Often times we get into these circumstances and I think Sen. Heckaman out lined the issue that we have a couple sides to the issue with people that are dug in pretty hard. I think this makes sense. We do need to find out what the science says, what the best practices are across the country, what works, what doesn't work, and this will afford that. I think all of us need a little time to think and soften our harden positions on whichever might be appropriate. This not only gives us the opportunity to look at what best practices are across the country and discuss those, but it also gives us the opportunity to go home and find out what our school districts are doing, what they think they should do, what they want to do, and more importantly what our constituents as a whole want to do. I think it is a good idea and I would certainly support it.

Sen. Joan Heckaman: I think in the mean time it will give the schools and the boards a year and a half to consider this. We haven't gone to that direction at all as far what local school boards feel about this. It will give them time to consider this as part of an agenda





Chairman David Rust: Personally I don't see the harm in doing that especially if it hasn't been studied in fifteen to twenty years or more. The option is if we don't do this we would probably have to have a different committee appointed which I am not sure would have any different results. The other option would be running the bill to the floor and having it voted on as it came from the Senate. I think this would give an opportunity for legislative management to find out what really is being taught out there. As I briefly looked at that I would have no problem including that last phrase which states "the degree to which and manner in which sexual abstinence before marriage is addressed." I would have no problem having that in there as well.

Sen. Joan Heckaman: That is the form that I preferred it in. When it came down from legislative council it was in the first form that I handed out and I said that wasn't exactly what I was looking for. Council brought this copy and it was more of what I was looking for. With that I would move amendment 02013 to engrossed HB 1229.



Rep. Mark Sanford: Second.

Chairman David Rust: Further discussion?

Sen. Gary Lee: I think it is a tactic we often use when we are seemingly in a hard spot. We recommend or suggest a study to do something we don't know what to do with, don't want to deal with, or don't know how to deal with it. I think some of the instruction needs to have a broader definition. This is a "shall consider" and it doesn't mean it is going to be selected. I think we have an opportunity to see what the legislature thinks and where they are at. We have a bill you can take up to the floor and we can see what happens. I am willing to risk whatever the consequences of that vote are.

Rep. Phillip Mueller: I don't know if I would agree with Sen. Lee's assessment of looking at it. I think we have talked about it before and we have certainly done some things in regard to studies that have resulted in pretty good pieces of legislation after the study. I will go back to the discussion that had to do with publics and nonpublics. None of them have asked to have this in. Maybe it is time for us to determine and figure out if in fact we need to address this subject in a prescriptive or even a more prescriptive way than the Senate is suggesting. We really don't know that. I think it is time for some serious deliberation on what we want to do with this. I will support the suggestion.

Chairman David Rust: I will also. When I look at it I think there are some good things to find out about what is really happening in our state. We probably really don't know what is out there. I like the idea of finding out public versus nonpublic, I like the idea of appropriateness for grade level, I like the idea of effectiveness of preventing sexually transmitted diseases and pregnancies, and I like the idea of finding out about sexual abstinence before marriage being addressed. I know a study like that would give me a



greater comfort level in making a decision. Right now I would be making a decision more on feeling than on facts. I do like this idea.

Sen. Joan Heckaman: I guess we have some guidelines in here for a study committee but I wouldn't have to be limited to that either. As I've served over interim committees and we have done studies, we have looked at things and they brought up other points we wanted to look at. I think this leaves some wiggle room. If we voted on this amendment and we pass it, we will have a study. If we go to the floor with the bill and it is defeated we won't have anything. We would be at the point when we come back in a year and a half we wouldn't have any more information than we have now. I think your point on feelings versus facts right now is very apparent to all of us with this bill. We need some facts and this would provide them to us.

Chairman David Rust: With regards to the facts, I was referring to the facts of what is taking place in North Dakota.

Rep. Mark Sanford: I would support the study and I think a good example would simply be the level of background that this committee has gained in the last three weeks. If you go back three weeks ago, we didn't a standard and a benchmark from a curriculum. We didn't have any knowledge of what was in those so we ask people to vote on something without any background. This is an important issue. The study would give us a chance to learn more as an entire body so when you do make a determination it is an informed one. As I look at our progress we still are probably short of what we would like to know in more detail. To me it makes a lot of sense.

Chairman David Rust: I would think that if we did a study, what is currently being done would continue to be done for the next couple years. It would mean that we would have the chance to look at the results of that study and maybe a law similar and maybe with modifications being introduced at the next legislative assembly. If what the Senate gave to us fails, then I suppose that there is also a possibility that is will be passed which means next session there will probably be another law to refine the law we passed. I think the study provides direction.

Sen. Larry Luick: I would like to ask if Sen. Heckaman would be open to a friendly amendment to this.

Sen. Joan Heckaman: I would welcome any friendly amendments.

Sen. Larry Luick: The amendment would basically move the study inclusive of the amendment number 02012. Basically it will add a study to what we are trying to get accomplished here.

Chairman David Rust: This is the one that was defeated last time.



Sen. Larry Luick: If we aren't attacking this correctly then the study would hopefully come up with answers to what we are doing wrong. I do feel very strongly that we need to get something moving at this point.



Rep. Phillip Mueller: That it doesn't make sense at all to me. Basically we are saying here are the rules you are going to live by for the next two years and then if we decide that it is not what we should be doing we will have a whole new set of criteria for you. I think the study should come before any directives from the legislature in regard to this issue. I can't support that.

Chairman David Rust: We do have a question on the table. Do you want to remove it or vote?

Sen. Joan Heckaman: I will withdraw my motion on the study.

Rep. Phillip Mueller: I remove my second.

Chairman David Rust: I will arrange for another time to meet. Meeting adjourned.

House Education Committee

Pioneer Room, State Capitol

HB 1229 04/20/11 16807

Conference Committee

Committee Clerk Signature

MINUTES:

Chairman David Rust: We will call the conference committee to order on HB 1229. We will note that everyone is here including the recipient of the UND Alumni Achievement Award Rep. Mark Sanford. When we left we had an amendment that was on the table that was taken off the table. What do we have at this point in time?

Sen. Joan Heckaman: (Amendment, attachment). I would move the amendment 02013 and this is the one with the line that is being added in.

Rep. Phillip Mueller: Second.

Chairman David Rust: Further discussion?

Sen. Joan Heckaman: There was some discussion this morning about moving this in someplace else and I don't think that I am interested in that right now because that is basically one of the areas we are not agreeing on. In looking at this I would like us to consider this by itself.

Chairman David Rust: If that would be moved into one place, we would probably want to move that into another place so we would probably be right back to where we started from.

Rep. Phillip Mueller: I'm not sure I am seeing it here but would this basically attempt to reflect nonpublic schools and what they are doing in their curriculum?

Chairman David Rust: It is in there.

Rep. Phillip Mueller: I found it.



Sen. Joan Heckaman: I think that is important too. It gives us a good base to start from if we are going to suggest any content to be put into code right now. I think need some facts behind it. What is going on in our schools right now, how many are doing this, and how many are not? It could be that a lot of them are doing this right now but I don't have the answer to that and this would give us those answers.

Chairman David Rust: Further discussion? We will take the roll.

Roll call vote: motion fails.

Chairman David Rust: It appears to me that we are deadlocked. At this point in time I would like to ask the committee chairs to determine whether or not they think we should have new members appointed or that the bill goes to the floor of the House as it was passed in the Senate. I think I should get some feeling from them in that regard. I haven't received a definitive answer on that question. That is where we are unless anyone here as another suggestion. It appears that we are close on some things but we are not close on a couple other things. It gets down to about three or four words where there is a difference. First of all I want to thank members of the committee for remaining civil. This is something where isn't always easy to remain civil. It is an emotional issue that we sometimes have conflicts within ourselves about what we believe in and whether we believe it should be in law or not. I do thank you for your patience with each other and for discussion this issue. At this point in time I see no point in offering other amendments. I think that is an exercise in futility. I would like to consult with consult with the committee chair and ask you to do the same thing so we can make a determination to have new members appointed or to run the bill as it was passed in the Senate.

Rep. Phillip Mueller: If the committee is replaced, does that mean the whole committee is replaced or is it just the House members or just the Senate members?

Chairman David Rust: That is above my pay grade. That is exactly why I would contact the committee chair. They should be able to give some input on that. Unless there is anything further we are adjourned.

House Education Committee

Pioneer Room, State Capitol

HB 1229 04/25/11 16858

Conference Committee

the Furth

Committee Clerk Signature

MINUTES:

Chairman RaeAnn Kelsch: We will call the conference committee on HB 1229 to order. We have new conferees on the House side. We would appreciate it if the Senate would bring us up to speed and in doing so if you will tell us areas where you have compromised.



Sen. Gary Lee: The bill that we have before us has the Senate amendments on it and the current bill seemed to have pretty broad support in the Senate and it seeks to provide a definition that is different than what the House passed in terms of it being broader and more specific. I think we tried to do some things in the last amendment 02013. We have had several amendments offered from both sides. I think some of the issues were trying to stay with local control, offer grade placement of where things should be taught, and "until marriage" was an issue that was a sticking point as well in terms of not being able to get by that. There was a study offered that didn't meet with committee satisfaction.

Chairman RaeAnn Kelsch: Wasn't that the 02013 amendment?

Sen. Gary Lee: Yes.

Chairman RaeAnn Kelsch: What was the other amendment? You said 02013 twice but you didn't say the 02013 was the study.

Sen. Gary Lee: Amendment 02013 was the study. There were two versions of that. One and some additional language that a little different than the actual amendment itself.

Chairman RaeAnn Kelsch: It is my understanding that there have been other amendments that have been introduced other than the study.

Sen. Gary Lee: There have been about half of a dozen on either side.

Chairman RaeAnn Kelsch: Are there questions committee members?



Rep. Bob Hunskor: I just found out about this on Friday and I did some checking with our local superintendents this morning about their thoughts on this. I tried to read through what has been done in conference committee and in our committee when we had it in the House. I have come up with some thoughts I want to share with the committee members. I

think we all know that the abstinence and the sexual relations area with kids and adolescents, parents aren't doing the job. As a legislative body we get caught in the mix and have to decide if we are going to step in and help the situation out and make life better and adult life better for kids if they abstain from sexual activities prior to marriage. It is a hard mix. How far do you go with it? It is a parental responsibility and we are stepping in and saying we have some ideas. I know there is some good in doing this but I get caught up in the scenario of how far we go with it. Number two on the bill says teach how to reject sexual advances including self defense. I have taught in a classroom for a lot of years and I thought if I was trained in this, what I would say and do to a classroom with 20 or 30 kids in it. Let's say two kids are out parked in a vehicle and the boy is overly aggressive and we are going to talk about that and go to the girls in the class and say these are the things you need to do to reject those sexual advances. I can see all kinds of problems coming out of that. Are all health teachers in North Dakota able to go in a classroom and say the right words and come across in the right way so it doesn't create all kinds of mixed feelings in the kids so that they go home and talk to their parents about what happened and say this is what the teachers said about when we are out in a parked car. I see a hornets' nest there if The superintendents that I visited it isn't handled right. Now some teachers can do that. with say they would never put their teachers in a situation to discuss that particular arena. I am not saying they are going to get into a parked car but that is part of the scenario and how do they reject that? I have a huge problem with number two. Going to number one, it seems to be misleading where it says "explain why abstinence from sexual activity until marriage" and that idea is wonderful and good but it is a little bit misleading because getting involved with diseases and pregnancy and those kinds of things can happened after marriage too and this just says from sexual activity until marriage. If you are going to put something in code is needs to be very finite and it should do the thing it is intended to do. Many of the superintendents I talked to said to be careful what you put in code because if we go to reject sexual advances and I put a teacher in the classroom and the teacher says I am not going to touch that, then they are not doing what the law says they have to do. Being it is in code, this is what teachers would have to do. I have some real concerns with one or two of the issues in here and I certainly couldn't support them. Those are my general thoughts.

Sen. Joan Heckaman: Going back to the 4000 version of the bill, lines seven through nine are very concerning to me. It says the school district shall ensure that its curriculum for health has as its objective. It doesn't mention any other things to be taught other than this topic and that is concerning to me. Also there are no grade levels in here so basically my concern is we will be teaching this in grades K-12. I think there are some local school districts that will certainly find that objectionable especially at the lower level.

Chairman RaeAnn Kelsch: If someone on the Senate side could explain this to me. When I read that I read that it is the only think that the school districts will be able to teach. Is that correct if you have that as its objective?



Sen. Larry Luick: No. That is not. I would believe that they would be able to teach other types. As one of the objectives, abstinence needs to be focused on more than what it has been and is currently. There are many ways to address these issues. The easiest way to approach these problems isn't necessarily the best way. It may take more effort to teach abstinence in these classrooms. It may take more effort for the efforts that are put into



these. I believe that effort will be far better in the long run and I typically look at things in the long run.

Chairman RaeAnn Kelsch: As the bill was introduced in the House and as the bill when over to the Senate, the language was that each school district shall ensure that its curriculum for health includes the exposure of students to abstinence based concepts. Why was that language changed because that seemed to be very consistent with the way the bill was introduced and the way House passed it over? Why did you feel as though you needed to make a change to that portion of the original bill?

Sen. Larry Luick: I believe it needed to be more defined and more pinpointed so that we don't just continue on with the mentioning of the word abstinence and then just continue on with what is happening. If we continue on the path we are going I believe that we are going to see a huge problem evolving, worse than it already is. The number of parents that actually instruct abstinence to their kids. I believe is diminishing. The number of single parent families we have is rising. The students are relying on other venues to get their information from that maybe are not the healthiest choices that they can choose. By doing this, the numbers of young adolescents that are coming up with STDs and in the long term ending up infertile and with health issues because of the consequences of the controls of STDs, should diminish or at least give those kids information on how to prevent those By focusing on and pressuring more of the students to take more or a situations. responsibility in their own lives is nothing but beneficial in my eyes. We can put something in code that may not be attainable by every student but I believe it is attainable by a vast majority of them if they have information that is projected to them and that they have the opportunity to shoot for and maybe improve their own lives. It is obviously going to be beneficial.

Rep. John Wall: I have two questions. The first one deals with line eight and the objective. I haven't seen the amendments but in any of the amendments did it read that this would have as abstinence as one of its objectives and that this would not be the only objective?

Sen. Gary Lee: I think in several of the amendments that were offered that there was language in those that allowed teaching other things and not just abstinence. The objective language of the bill that came through the Senate has "as its objective" but I think it allows other things to be taught. It wasn't simply abstinence only. There were other things that could be taught as well.

Rep. John Wall: What is happening in the field as far as abstinence is concerned? Is it just mentioned? What did DPI, School Boards Association, and school administrators say about what is going on out in the field? What is going on now? I guess I assumed that abstinence was being taught and not just mentioned but I don't know.



Sen. Gary Lee: You had the bill originally and it was much more extensive in terms of its parameters than what the Senate bill ended up being so I think you had some of the same testimony we did in regard to the bill itself. There was testimony on the original bill that you amended that was similar to what we had in terms of how it ended up. I don't know if you received any less information in terms of that.

Rep. John Wall: It seems to me that abstinence is being taught now. Is the purpose of your changes to put more emphasis on abstinence?

Sen. Gary Lee: I think the word abstinence is in the curriculum. If it was up to me we wouldn't teach anything beyond biology, anatomy, and physiology in terms of what is in the context of what is in those particular subjects but it has been taught in the health curriculum. If we are going to it deal with health issues as a public policy, then I think we owe the kids the right, best, and correct information as we know it to be. What I have seen in some of the information in terms of what is being offered in seminars out of DPI; it really doesn't include in it those kinds of things. It is things beyond that. I think on the Senate side we were trying to get to the information that would provide for the best opportunities for our kids to get the best health information they could when it relates to sexual health topics if they are going to be taught in the school health curriculum and they are. From my perspective what DPI was offering led to that kind of teaching.

Chairman RaeAnn Kelsch: Sen. Lee, since the three of you sit on the policy committee, why didn't the amendments come out of the policy committee? It seemed to me that the bill came out of the policy different and I am curious why it didn't come out this way if it was that important to the Senate Education Committee? I am just curious why it didn't come out of committee that way?



Sen. Larry Luick: I have a very logical reasoning for that. Our testimony that morning began at 9:00 o'clock and we heard testimony for an hour in our education committee. At that particular time myself and another senator where pulled from the committee to go on a tour of the North Dakota State Prison. When we got that it was voted on and had come out of committee without our input so we never got to voice any of our opinions. I asked our chairman as to what I should do because I wanted to have some input on this and I had an amendment for that and he said I could do it on the floor. It was preferred that I take it to the floor since it was already passed out of committee so that is what I did.

Rep. Bob Hunskor: The bill as it came out of the House said the school districts shall ensure the curriculum will include exposure to students to abstinence based concepts. It is my belief that our good teachers and administrators across North Dakota are going to take that and each teacher is going to do what he/she feels capable of doing and can handle with some degree of confidence in order to not stir up a hornets' nest among the kids or the parents. I think they will do the best they can. Some of them might not care to address some of these issues. They might not be qualified or might be nervous about it and that isn't going to work. I think with the way it came out of the House is that our teachers and administrators will do the job. If we get too specific, we are going to create issues where teachers are not going to be able to do what the code says. It may create some problems with the students and parents with what is covered if the teacher isn't well qualified and can't put the words and concepts out in the right context. Those are my thoughts.



Chairman RaeAnn Kelsch: Can someone remind me why we don't want to include nonpublic students in this? I would certainly think that if we trying to say to the young people of North Dakota that abstinence is important, why wouldn't we want to say that to all of our young people and not just a select few?



Sen. Gary Lee: I don't know if I can answer that well but that was included in what came to the floor as an amendment. The floor rejected that amendment. I am not sure there are arguments other than we couldn't get that on the bill when it was on the floor. In talking to some of them outside of that, they do teach abstinence in sexuality but they have a spiritual component that is included that probably doesn't fit into state code. I think the spiritual part of it is the difficult piece they are trying to deal with.

Chairman RaeAnn Kelsch: IT looks to me that you could say that this is what you teach and it isn't contained all in this and that you would have the flexibility to teach a little bit more. I truly believe that if you are going to say to our young people that abstinence is the way to go then you should be saying it to all students in North Dakota and not just those in the public school. With that we will adjourn.

House Education Committee

Pioneer Room, State Capitol

HB 1229 04/25/11 16870

☑ Conference Committee

Committee Clerk Signature

MINUTES:

Chairman RaeAnn Kelsch: We will call the conference committee to order. Did anyone have anything new and enlightening happen to them between 10:00 o'clock this morning and 2:00 o'clock this afternoon? I am going to look at some potential amendments. I did not get a chance to meet with Anita Thomas this morning do to some other conflicts with conference committees. I am guessing we will have something that can be proposed tomorrow morning. We may meet again tonight. We will adjourn.


2011 HOUSE STANDING COMMITTEE MINUTES

House Education Committee

Pioneer Room, State Capitol

HB 1229 04/26/11 16887

Conference Committee

Committee Clerk Signature

MINUTES:

Chairman RaeAnn Kelsch: (Amendment, attachment 1). We will call the conference committee on HB 1229 to order. I have some proposed amendments. This is amendment 02017. Are there any motions on this one?

Rep. John Wall: I would move amendment 02017 to engrossed HB 1229.

Rep. Bob Hunskor: Second.

Chairman RaeAnn Kelsch: Any thoughts?

Sen. Joan Heckaman: The one think I see in here that is ok is that we don't have to delineate the grade levels in here because it says when you get to the sexual health topics, that is when it will pertain to it. My concern on the original bill that came out of the Senate is that it would have to be taught in kindergarten, first grade, and second grade. This pretty much puts it at a grade level where those topics are introduced into schools. I am happy with that in this amendment.

Chairman RaeAnn Kelsch: Further discussion? Seeing none we will take the roll on 02017.

Roll call vote: motion fails.

Chairman RaeAnn Kelsch: (Amendment, attachment 2). Has everyone read the amendment 02016? Here is my purpose for changing "until" to "outside of." I was reading an article a couple days ago that was taking about STDs and it was talking about the population where it is growing. I understand that there is a population that is growing in 18, 19, and 20 year olds, but I also know there is a population that is growing and that is individuals who are married and I think if you are teaching children about abstinence, a marriage certificate apparently is just a piece of paper to some individuals. I think you need to be teaching them that sexual activity outside of marriage, which by having outside of marriage also includes the fact that when you are married you do not go outside of your marriage to have sex because that is where you can pick up these diseases as well. I think that is probably a more important statement than "until marriage." That is why I am

offering up this amendment. I think you have had this in the past but perhaps in a different context.

Sen. Gary Lee: I don't disagree with your comments in terms of the importance of that relationship in a marriage but I think it adds a different dimension to what we've been talking about. We are talking about a health curriculum for our schools and that "until marriage" seems to be a more definitive timeline. When you move into "outside of marriage" you are bringing a whole new dimension into the scenario we are talking about. It is not that I disagree with your comments. I just think in terms of the health curriculum that the other language is more appropriate.

Sen. Joan Heckaman: I see that these are very appropriate words here because, just as Sen. Lee just mentioned, there are other scenarios out there. In reading the newspaper yesterday, STDs and diseases are becoming more prevalent in the order than average group that may have lost a spouse already and choose not to remarry. I think there are a lot of scenarios out there just like Sen. Lee said that we need to address. While you wouldn't talk so much about that to the younger kids, I think there are a lot of thinks that "until marriage" wouldn't cover. I like the wording in this.

Rep. John Wall: I realize that "until marriage" and "outside of marriage" have been sticking points in the conference committees. Frankly I am not comfortable with either. I think the inference is there. I don't think we need to define until when. If we have to define until when, I think a monogamous adult relationship should probably replace "until marriage." I have a problem with "until marriage" and I have a problem with "outside of marriage."

Rep. Bob Hunskor: I think kids in school should also be told about the risks of sexual activity outside of the marriage. We have a multitude of marriages that are broke, divorces, and problems. It is gaining and growing. What is a more proper time to address that for kids that are not married yet and cause them to think about the problems of being promiscuous outside of their marriage for later life? I feel alright about "outside of marriage."

Chairman RaeAnn Kelsch: Is there a motion?

Sen. Joan Heckaman: I will move the amendment 02016.

Rep. Bob Hunskor: Second.

Chairman RaeAnn Kelsch: Further discussion? We will take the roll on 02016.

Roll call vote: motion fails.

Chairman RaeAnn Kelsch: (Amendment, attachment 3). Has everyone had a chance to read amendment 02015? What are the wishes of the committee? Does the Senate have a different amendment?

Sen. Gary Lee: For discussion purposes I will move amendment 02015.

Sen. Larry Luick: Second.

Chairman RaeAnn Kelsch: Discussion?

Rep. John Wall: I have a question for the Senate conferees. I am still not clear why we have the hang up with "until marriage." What is lost by putting a period after "activity?" I don't understand.

Sen. Gary Lee: We are talking about adolescents here. These are kids that are looking for definitive answers and this isn't any different than any of the other public policies we have in regards to those social ills that we talk about regularly. In regards to tobacco we spend millions of state dollars to tell kids not to do it. We talk about alcohol and we put a timeline in there as well. We say don't do it until you are 21. We talk about illicit drugs and we say lifelong abstinence is pretty good with illicit drugs. It isn't out of the realm of what we do for other public policy issues and this definitely is one in my mind. We need to tell kids the right answers, what we know to be true, honest information, factual data, and this supports their health, social environment, and social situation. This also gives them information that tells them they are not ready and they are not responsible enough to handle some of the long-term effects of having a relationship outside of marriage that involves sexual activity. I think those are good answers that kids really want from us as parents. I think if you look at the polls, the majority of parents what this information told to their kids. I think it is good public policy that promotes good health, relationships, and good social policy for us as well.

Rep. John Wall: I think I agree with about everything you said. I do have one problem and that is that we are putting this in curriculum. As you said we are dealing with adolescents. I am not sure that we need to deal with this after they graduate from high school. It isn't that we then don't want them to abstain, however I don't know that we want to dictate in law to a certain age if they marry at age 40 or whatever. It just doesn't seem to work for me.

Rep. Bob Hunskor: I guess I would like the Senators to try to answer my question. As I look at sexual activity until marriage and then outside of marriage, why wouldn't we want to teach kids the dangers of bad sexual activity after marriage in their adult life? Why shouldn't they hear that? Why should it just be up until marriage because there is an extreme danger after marriage as we well know? We are not dictating to them what to do after they become adults. We are simply teaching to them in the health curriculum what is wise. If they get married they should stay within their marriage for their sexual activity. I think kids should hear that up until they graduate and that same message carries through until they pass from this earth. Why not? I go back to amendment 02016 where it has abstaining from sexual activity outside of marriage. That seems to me to be a perfect fix. They should hear it is bad not matter what age they are and no matter if they are married or not married.

Sen. Larry Luick: You are absolutely correct. I believe "outside of marriage" and "until marriage" is very important. Anything we can instruct these adolescents to look at and to better themselves I believe should be thrown at them and instructed as best we can. The comment about whether we should be looking at trying to instruct these young adults after they are out of high school, I think that maybe we shouldn't, however we can still have married people that don't understand sexual activity even if they are married. I think all of

the information that we can give them is going to actually better their relationships no matter what age. If it is after they get out of high school and they still retain that information, then that is great because I think if they are to the point where they understand sexual activity when they are a freshman, sophomore, junior, senior age levels, it will be retained even after high school and on through college. That part of it is hopefully that they will be past that point of curiosity and maybe then it will stay with them a little bit longer. If I were rewriting this, I would say put them both in there. What it is going to do is get them to understand that you do have a little more safety if you are monogamous with that partner you have chosen.

Rep. John Wall: Are you suggesting another amendment?

Sen. Larry Luick: At this point I don't have that. I guess the thought came to me because we were discussing "until marriage" and "outside of marriage." I can see the differences there and I can see that with a little bit of distinction between then or with them both inclusive, it may make this better yet. I guess I need to ruminate on that.

Chairman RaeAnn Kelsch: We have a motion on the table for 02015.

Sen. Gary Lee: I call the question.

Chairman RaeAnn Kelsch: The question has been called for. We will take the roll on 02015.

Roll call vote: motion fails.

Chairman RaeAnn Kelsch: We are going to adjourn and come back in to get this done.

2011 HOUSE STANDING COMMITTEE MINUTES

House Education Committee

Pioneer Room, State Capitol

HB 1229 04/26/11 16892

Conference Committee

Committee Clerk Signature

MINUTES:

Chairman RaeAnn Kelsch: We will call the conference committee back to order on HB 1229. The chair will note that all members are present. We have an amendment offered by Sen. Luick.

Sen. Larry Luick: (Amendment, attachment 1). I would move amendment 02022.

Sen. Gary Lee: Second.

Chairman RaeAnn Kelsch: Any discussion?

Sen. Larry Luick: I agree that any direction we take is not going to be perfect by any means but this is another avenue that we can take a shot at.

Chairman RaeAnn Kelsch: I have a bit of a problem with grade six. I think that probably would have been a true statement thirty years ago when I was in school but it is not a true statement any longer. For anyone that has had daughters in recent years, the age of menstruation has gone from being in sixth, seventh, and eighth grade down to third, fourth, and fifth. I think, not that they are going to be engaging and you would certainly hope not, the problem is that they are able at that age once they start menstruating. You certainly would want to have that message out to them earlier rather than later.

Sen. Larry Luick: I agree one hundred percent. With that I would accept a friendly amendment to take that off if we can come to a point. There was conversation earlier about that and testimony about that earlier and we decided we needed to have an area for a starting ground.

Rep. John Wall: I call the question.

Chairman RaeAnn Kelsch: The question has been called on 02022. We will take the roll.

Roll call vote: motion fails.

Rep. John Wall: I would like to amend 02016. I would like to amend the last line before "renumber accordingly." I would like to insert two words after "activity" I would like to insert "before and." I would move the amended version of 02016.

Rep. Bob Hunskor: Second.

Chairman RaeAnn Kelsch: The way it would read is beginning July 1, 2012, each school district and nonpublic school shall ensure that the portion of its health curriculum which is related to sexual health includes instruction pertaining to the risks associated with adolescent sexual activity and the social, psychological, and physical health gains to be realized by abstaining from sexual activity before and outside of marriage. Is there any committee discussion?

Rep. Bob Hunskor: My thoughts would be that this covers all school children, both public and nonpublic, which is good. It is fair and it should cover all. It also covers the sexual activity prior to and in later life. To me it covers it.

Rep. John Wall: Sen. Luick remarked that there probably won't be a perfect bill but I think this does bring some resolution and I think it is in pretty good shape.

Sen. Gary Lee: I'm going to stick with my conviction in terms of that final language. I understand what you are trying to do but I think we are adding a dimension here that is moving into an area that is outside of the curriculum of the health care of the K-12. It is not that it isn't something I personally don't agree with, but it adds some things there to a group where I think we are just trying to state a message to them that includes until that point. I think it is easier language for them to understand.

Chairman RaeAnn Kelsch: I have to say that I am a little bit stunned because I think this sends a much stronger and louder message and is probably more true to the facts that you do need to abstain. Once you are married it doesn't mean that abstaining from outside issues goes away. Children should be taught that. If we truly are trying to get at those students and young people and we want to make sure what the direct message is, we have got to be telling them the truth and this is the truth. This is the way it should be taught. I cannot imagine any objection to it. I honestly cannot. It seems to be that it makes probably the most sense and is a very good compromise because it does talk about the ills before and outside of marriage.

Rep. Bob Hunskor: I guess when I read this where it says until marriage, I guess if I was kid sitting in a classroom I would understand that once marriage comes that it doesn't go beyond that. In addressing Sen. Lee's question, why wouldn't we want our children in school to hear from a teacher or hear a discussion that deals with not only prior to marriage but also outside of marriage? Why wouldn't we want them to hear that? There is nothing negative there.

Sen. Larry Luick: The emphasis on the differences between before and outside would have to be placed on if we want to have those kids trying to understand the ramifications of having sexual activities outside of their marriage after they are married at that age group. Let's focus on individuals being married at age 19, 20, 21, or whatever it is. Do we want

these adolescents to be focusing on things that are going to happen after their marriage or do we want them to be focusing on things that are prevalent to what they are experiencing at the age they are at right now. We are trying to expand their thought process out to after they are married and considering things after that and that could be to the point that they are going to think that they will deal with that at that time. We are trying to focus them on what they are doing currently and what they are experimenting with currently.

Rep. John Wall: I agree with Sen. Luick and I believe if we are thinking of currently in adolescence in the here and now, then we are back to putting a period after activity.

Sen. Joan Heckaman: I agree completely with Rep. Wall. If we are thinking about the here and now for these high school students, they don't think about tomorrow. They are thinking what is going on today and they are not even looking at the marriage part of this. I would agree with Rep. Wall that the period should be after activity again if that is what Sen. Luick is looking for.

Rep. Bob Hunskor: I see nothing wrong with kids seeing the big picture. I don't think if we talk about sexual affairs later in life that it is wrong for kids to hear about that. It doesn't that the emphasis will be put on later in life rather than current. I agree with you that it is the life they are living at that present time that we are all concerned about. I don't know why we would eliminate later. I don't see the emphasis being put there. They need to see the big picture.

Sen. Larry Luick: I would like to clarify that when I say now I don't mean what is happening in that particular activity but within two or three years of when this is taught which is more in line with talking about current timeframe.

Chairman RaeAnn Kelsch: I don't necessarily think that when kids are in third, fourth, and fifth grade when they are learning health that you will be talking to them about marriage or outside of marriage. I say that do to the fact that it is probably a pretty difficult concept for them to be thinking about. I think little girls always think that they are going to get married some day but it isn't right at the forefront of their mind and little boys can't stand girls at that age so it is not at the forefront of their mind either. I think it is more about the message that needs to be delivered perhaps when they are adolescents and when they are getting ready to go out into the world and start thinking about these things. I think that is when it is appropriate for these discussions to be had. I can honestly say that just because someone gets married it doesn't mean that all of their social, psychological, and physical issues go away just because you have the marriage certificate. That is one of the problems that we have in society today. I've thought a lot about this and just thought that why would stop at marriage. I don't understand why you would do that. If it is truly good to go all that way I think that you would want to teach children the ills of what happens after marriage. We are not a perfect world and we know that. I actually thought it was a nice strong statement coming out of the North Dakota legislature saying that is what our beliefs are and to let the young people of our state know that is what we believe.

Rep. Bob Hunskor: If I was a teacher in a classroom and we just had before marriage in statue, then that is exactly what I would talk about if I was going to follow what the law says and I would leave the other part out complete. I think I am hearing that they would learn

that they shouldn't be involved in sexual activity before marriage would just carry over then and we don't address later on in the classroom. Because of the learning they have had at that high school setting, they will get the message. I think that is what I am hearing you say. Why not emphasize and give the teacher the liberty to talk about both of them and let them use their own wisdom to get the message across in the way that they think is right. It is going to be left up to them anyway. I have such a hard time with stopping and not addressing these issues that come in later life. What is wrong with that? I am hearing you say that it takes emphasis away from the current time. Does it hurt to go beyond that?

Sen. Larry Luick: It absolutely does not hurt but again the focus comes back to drilling it into them as much as we can in their younger years before they are to consider marriage. I guess that is what our thought process was. We want to get them to understand that there is a time that they would be waiting for this and it is very important that they do wait for this. After they are married, that becomes very different. If the instructor took it beyond that point then great but we didn't feel that it needed to be put into print that they instruct outside of marriage besides going up to marriage because that could be an entirely different ten chapters. That is why we didn't want to add that in there. I agree if there is time to do that then that is fantastic but we are limited to the amount of minutes we have with these students. Is it reasonable to continue on and drive this any further other than up until marriage?

Rep. Bob Hunskor: My response to that would be that you could drive home the importance of this in their adolescence up until marriage but it doesn't take days and weeks to cover the later part. It sounds like you are talking about an extended period of time and that wouldn't have to be done. It could be done in 10-15 minutes just adding on to the way it is for the next two or three years and having a teacher just responding and adding a little bit to it. That carries over. The time element would seem irrelevant completely. It is just to get the message across.

Sen. Joan Heckaman: I will call for the question.

Chairman RaeAnn Kelsch: The question has been called and we will take the roll.

Roll call vote: motion passes

Chairman RaeAnn Kelsch: We now have the amended amendment. What are the wishes of the committee?

Rep. John Wall: I would move the amended version.

Chairman RaeAnn Kelsch: So the Senate would recede from its amendments and we would have amended with the amended version of 02016.

Sen. Joan Heckaman: Second.

Chairman RaeAnn Kelsch: Any discussion? Hearing none we will take the roll. We will close the conference committee.



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ATTACHMENT 1

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Sixty-second Legislative Assembly of North Dakota

A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to abstinence-based concepts within the school health curriculum.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Abstinence - based concepts - Health curriculum.

Beginning July 1, 2012, each school district shall ensure that its curriculum for health includes the instruction of abstinence-based concepts.

Committee	HOL	LSE E	EDUCA	TION			
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Attachment 1

11.0467.04000

Sixty-second Legislative Assembly of North Dakota

A BILL for an Act to amend and reenact subsection 1 of section 15.1-21-02 of the North Dakota Century Code, relating to abstinence-based concepts within the school health curriculum.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 15.1-21-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02. High schools - Required units.

1. In order to be approved by the superintendent of public instruction, each public and nonpublic high school shall make available to each student:

a. Four units of English language arts from a sequence that includes literature, composition, and speech;

b. Four units of mathematics, including:

(1) One unit of algebra II; and

- (2) One unit for which algebra II is a prerequisite;
- c. Four units of science, including:

(1) One unit of physical science; and

(2) One unit of biology;

d. Four units of social studies, including:

(1) One unit of world history;

(2) One unit of United States history; and

- (3) (a) One unit of problems of democracy; or
 - (b) One-half unit of United States government and one-half unit of economics;

e. One-half unit of health, including abstinence based concepts;

f. One-half unit of physical education during each school year, provided that once every four years the unit must be a concept-based fitness class that includes instruction in the assessment, improvement, and maintenance of personal fitness;g. Two units of fine arts, at least one of which must be music;

h. Two units of the same foreign or native American language;

i. One unit of an advanced placement course or one unit of a dual-credit course; and

j. Two units of career and technical education from a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction.

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Sixty-second Legislative Assembly of North Dakota

A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to abstinence-based concepts within the school health curriculum.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Abstinence - based concepts - Health curriculum.

Beginning July 1, 2012, in addition to meeting other state standards of a health based education, each school district shall present abstinence based concepts related to sexual health to students through health classes. The school district shall educate the students to the potential dangers of not using abstinence when exposed to risky behaviors.

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MOTION FAILS

11.0467.02007 Title.

ATTACHMENTS Prepared by the Legislative Council staff for

Senator G. Lee April 13, 2011

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1229

That the Senate recede from its amendments as printed on pages 1177 and 1178 of the House Journal and page 890 of the Senate Journal and that Engross House Bill No. 1229 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to the inclusion of abstinence within the health curriculum.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Teaching of abstinence - Health curriculum.

Beginning July 1, 2012, each school district shall ensure that its curriculum for health requires the teaching of social, psychological, and health gains to be realized by abstaining from sexual activity until marriage. Using age-appropriate methodologies, the curriculum must include:

- 1. Why abstinence from sexual activity until marriage provides safety from sexually transmitted diseases, pregnancy, and other associated health issues;
- 2. How to reject sexual advances;
- 3. <u>How drugs, alcohol, irresponsible use of social media, and peer pressure</u> can negatively influence unhealthy sexual decisionmaking and lead to aggressive sexual behavior; and
- 4. How the negative influences of the sex-saturated media present teen sexual activity as an expected norm with few risks or negative consequences."

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ROLLCALL ON: 02007 - MOTION FAILS

11.0467.02011 Title.

ATTACHMENT 1

Prepared by the Legislative Council staff for Representative Mueller April 15, 2011

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1229

That the Senate recede from its amendments as printed on pages 1177 and 1178 of the House Journal and page 890 of the Senate Journal and that Engrossed House Bill No. 1229 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to abstinence-based sex education.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Abstinence-based sex education.

Beginning July 1, 2012, each school district shall provide grade-appropriate abstinence-based sex education according to state curricular standards."





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ATTACHMENT 2

11.0467.02010 Title. Prepared by the Legislative Council staff for Senator G. Lee April 13, 2011

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1229

That the Senate recede from its amendments as printed on pages 1177 and 1178 of the House Journal and page 890 of the Senate Journal and that Engrossed House Bill No. 1229 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to the inclusion of abstinence within the health curriculum.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Teaching of abstinence - Health curriculum.

Beginning July 1. 2012, each school district shall ensure that the portion of its health curriculum which is related to sexual health includes:

- 1. The social, psychological, and health gains to be realized by abstinence from sexual activity until marriage; and
- 2. <u>The factors that influence unhealthy sexual decisionmaking by</u> adolescents."

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Representatives REP. RUST REP. SANFORD	Yes No	Senators SEN. G. LEE SEN. LAICK	Yes No
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ATTACHMENT /

11.0467.04000

Sixty-second Legislative Assembly of North Dakota

A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to abstinence-based concepts within the school health curriculum.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Abstinence - based concepts - Health curriculum.

Beginning July 1, 2012, each school district shall ensure that its curriculum for health includes abstinence-based concepts. Using age-appropriate methodologies, the curriculum shall address:

- 1. Health risks associated with adolescent sexual activity;
- 2. The impact of alcohol, drugs, and social media on sexual decision-making;
- 3. Proactively dealing with peer pressure; and
- 4. Personal responsibility and choices.







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LC Number of engrossme of engrossme Emergency clause added or deleted	Represent REP. RUST REP. SANFI REP. MUEL	atives ORD LER		Yes X X X	No	SEN SEN SEN	Senators G. LEE LUICK HECLAMAN		Yes	N X X
Emergency clause added or deleted	Represent REP. RUST REP. SANFI REP. MUEL	atives ORD LER Yes:	4	Yes X X X	No	SEN SEN SEN No:	Senators G. LEE LUNCK HECLAMAN 2 Ab	osent: _C	Yes X	
	Represent REP. RUST REP. SANFI REP. MUEL Vote Count House Carrier	atives	4	Yes X X	No	SEN SEN SEN No: Senate	Senators G. LEE LLAICK HECLAMAN 2 Ab Carrier	osent:	Yes X	
Statement of purpose of amendment BOLL CALL ON AMENDED AMENDMEN	Represent REP. RUST REP. SANFI REP. MUEL Vote Count House Carrier LC Number	atives	4	Yes X X	No	SEN SEN SEN No: Senate	Senators G. LEE LUNCK HECKAMAN 2 Ab Carrier	osent:	Yes X >	N X X
	Represent REP. RUST REP. SANFI REP. MUEL Vote Count House Carrier LC Number LC Number	atives	4	Yes X X	No	SEN SEN SEN No: Senate	Senators G. LEE LUNCK HECKAMAN 2 Ab Carrier	osent:	Yes X >	N X X

11.0467.02012 Title.

ATTACHMENT Z

Prepared by the Legislative Council staff for Senator G. Lee April 18, 2011

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1229

That the Senate recede from its amendments as printed on pages 1177 and 1178 of the House Journal and page 890 of the Senate Journal and that Engrossed House Bill No. 1229 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to abstinence instruction within the health curriculum.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Abstinence instruction.

- 1. Beginning July 1, 2012, each school district that addresses sexual topics within its health curriculum shall provide abstinence instruction and include:
 - a. The health risks associated with adolescent sexual activity:
 - b. The impact of alcohol, drugs, and social media on sexual decisionmaking; and
 - c. The social, psychological, and physical health gains to be realized by abstaining from sexual activity until marriage.
- 2. A school district may not address sexual topics within its health curriculum before grade six."



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Con	nmittee:	Housi	e educ	ATION	2	_		
Bill/	Resolution N	Io. HB	1729	as (r	e) engrosse	∋d		
	C	Date: <u>4</u> -	-18-11					
	F	Roll Call Vote	e #: <u>Z</u>					
Action Taken		E accede to S E recede fro	Senate amen Senate amen m Senate an m Senate an	idments and nendments			ws	
	House/Ser	nate Amendr	nents on HJ/	SJ page(s)				
		to agree, re mmittee be a	commends th appointed	nat the com	mittee be d	ischarge	ed and	i a
((Re) Engrossed	·			wa	s placed on t	the Seve	nth or	der
of business on th								
Motion Made by:	REP.	MUELLE	Second	ded by: <u>S</u>	en. He	KAMA	AN	
Represent	atives	Yes	No	Senato	ors		Yes	No
REP. RUST REP. SANFO	PED	XX	A LOOK AT THE CORE A	N. LUICK		$\left\{ \left\{ \left\{ \right\} \right\} \right\}$		X
REP. MUEL	ER	×	5E	n. Heck	Aman		X	
Vote Count	Yes: _	4	No:	<u></u>	Abs	ent: <u>0</u>		
House Carrier			Sena	te Carrier _		·····	_	
LC Number			·	<u></u>		of ame	ndme	nt
LC Number								
Emergency cla	use added o	or deleted						
Statement of p ROLL CF			D Am	ENDME	NT OZ	012		
	M	otion	FAIL	5				

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	mittee:	POUSI	EEDI	LCATI	on	<u> </u>		
Bill/F	Resolution No.	HB	1224	7	as (re) engro	ssed		
	Da	te:	4-18-	•				
Action Taken	HOUSE a	ccede to ccede to recede fr	DMENT Senate a Senate a om Sena	imendme imendme te ameno	ents and further	-	lows	
	House/Senat	e Amend	lments or	n HJ/SJ p	bage(s)			
	Unable to new com	-			he committee be	e dischar	ged an	da
((Re) Engrossed)					was placed (on the Sev	enth or	der
of business on the	e calendar							
Motion Made by:	SEN. G.	LEE	Se	econded t	Dy: SEN. L	uck	.	
Representa	itives	Yes	No	-	Senators		Yes	No
REP. BUST REP. DANF	~? ^	X	- without a stream in		S. LEE		X	
REP. MUELL	ER		A PIULICAR AND		HECKAMAN			Χ
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Vote Count	Yes:	3		No:	3 A	bsent:	ð	
House Carrier					arrier			
LC Number								
LC Number								
		leleted						
Emergency clau	ise added or c	.0.0100						
Statement of pu	irpose of ame	ndment	NDME	ent	02012	•		

11.0467.02014 Title.

ATTACHMENT)

Prepared by the Legislative Council staff for Representative Rust April 19, 2011

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1229

That the Senate recede from its amendments as printed on pages 1177 and 1178 of the House Journal and pages 890 of the Senate Journal and that Engrossed House Bill No. 1229 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to abstinence instruction within the health curriculum.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Abstinence instruction.

Beginning July 1, 2012, each school district and nonpublic school shall ensure that its health curriculum includes abstinence instruction at appropriate grade levels. The instruction must address:

- 1. The health risks associated with adolescent sexual activity:
- 2. The impact of alcohol, drugs, and social media on sexual decisionmaking;
- 3. Ways to deal with peer pressure proactively; and
- 4. Personal choices and responsibility."

Bill/F	Resolution No). <u>H</u> E	12	29	as (re) engre	ossed		
	D	ate:	4-20	2-11				
Action Taken		accede to Frecede f Frecede f	Senate Senate rom Se rom Se	nate ame nate ame	nents and further ndments ndments and am		lows	
		o agree, nmittee b			the committee b	be dischar	ged and	d a
((Re) Engrossed)					was placed	on the Sev	enth or	de
of business on th	e calendar							
Motion Made by:		SANFO	RD_	Seconded	by: SEN. H	iecka'	MAN	
Motion Made by: Representa	REP.		NO	Secondec	by: <u>SEN, H</u> Senators	IECKA	MAN Yes	<u></u>
Representa REP, RUST	REP. E	Ye	s No	Secondec		IECKA	<u></u>	N
Representa REP. RUST REP. SANFO	REP. S atives	Ye X	s No	Secondec	Senators G. LEE LUICK	IECKA	Yes	<u> </u>
Representa REP, RUST	REP. S atives	Ye	s No	Secondec	Senators	IE CKA	<u></u>	N
Representa REP. RUST REP. SANFO	REP. S atives	Ye X	s No	Secondec	Senators G. LEE LUICK	IE CKA	Yes	N
Representa REP. RUST REP. SANFO	REP. S atives	Ye X	s No	Secondec	Senators G. LEE LUICK HECKAMAN	Absent:	Yes	N
Representa REP. RUST REP. SANFO REP. MUEL	REP. S	Ye X X X X	s No	SEN.	Senators G. LEE LUICK HECKAMAN	Absent:	Yes	N XX
Representa REP. RUST REP. SANFO REP. MUEL	REP. E	4 4	s No	No:	Senators G. LEE LUICK HECKAMAN	Absent:	Yes	N XX
Representa REP. RUST REP. SANFO REP. MUEL Vote Count House Carrier	REP. :	4 4	s No	No:	Senators G. LEE LUICK HECKAMAN Z Carrier	Absent: of am		N XX
Representa REP. RUST REP. SANFO REP. MUEL Vote Count House Carrier LC Number	REP. :	4 4	s No	No:	Senators G. LEE LUXICK HECKAMAN Z Carrier	Absent: of am		N XX
Representa REP. RUST REP. SANFO REP. MUEL Vote Count House Carrier LC Number LC Number	REP. :	4 Ve: X	s No	No:	Senators G. LEE LUXICK HECKAMAN Z Carrier	Absent: of am		

11.0467.02013 Title.

ATTACHMENTZ

Prepared by the Legislative Council staff for Senator Heckaman

April 19, 2011

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1229

That the Senate recede from its amendments as printed on pages 1177 and 1178 of the House Journal and page 890 of the Senate Journal and that Engrossed House Bill No. 1229 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to study the teaching of human sexuality and reproduction within the elementary and secondary school curriculum.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. HUMAN SEXUALITY AND REPRODUCTION - CURRICULAR REQUIREMENTS - STUDY. During the 2011-12 interim, the legislative management shall consider studying elementary and secondary school curricula with respect to the manner in which human sexuality and reproduction is addressed. The study must include a review of the curricula being used in the school districts and nonpublic schools of this state, as well as recommended curricula, to determine the appropriateness of the grade level content and the effectiveness of the current approaches in preventing sexually transmitted diseases and teenage pregnancies. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

11.0467.02013 Title.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1229

That the Senate recede from its amendments as printed on pages 1177 and 1178 of the House Journal and page 890 of the Senate Journal and that Engrossed House Bill No. 1229 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to study the teaching of human sexuality and reproduction within the elementary and secondary school curriculum.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. HUMAN SEXUALITY AND REPRODUCTION - CURRICULAR REQUIREMENTS - STUDY. During the 2011-12 interim, the legislative management shall consider studying elementary and secondary school curricula with respect to the manner in which human sexuality and reproduction is addressed. The study must include a review of the curricula being used in the school districts and nonpublic schools of this state, as well as recommended curricula, to determine the appropriateness of the grade level content, and the effectiveness of the current approaches in preventing sexually transmitted diseases and teenage pregnancies. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Renumber accordingly

, the degree to which and manner in which sexual abstinence before marriage is addressed,



Comn	nittee: HO	<u>USE E</u> [DUCAT	1012		
Bill/R	esolution No.	HB /2	29	as (re) engross	sed	
	Date:	4-20	-1)	_		
Action Taken	HOUSE acce	ede to Senate a ede to Senate a ede from Sena	amendment amendment ate amendm	s and further ar		NS
1	House/Senate A	mendments o	n HJ/SJ pag	je(s)	bren	
		ree, recomme ee be appointe		committee be o	discharge	d and a
((Re) Engrossed)				was placed on	the Sever	th order
of business on the	calendar					
Motion Made by:	REP. HELK	kaman s	econded by:	REP. MV	ELLER)
Representat	ives	Yes No	S	enators		Yes No
REP. RUST	2 22	X	SEN. G. SEN. LU		K K	- `
REP. SANFO REP. MUELL			SEN. HE	CKAMAN	* *	X
· · · · · · · · · · · · · · · · · · ·						
Vote Count	Yes: L	.	No: 2	Ab	sent: 🧲	>
			Senate Cari	rier		
LC Number		,			_ of amen	Idment
Emergency claus	se added or dele	eted				
Statement of pur ROLL CA	pose of amendn		NT OZ	.013:		
	Ma	tion Fi	AILS			

ATTACHMENT

11.0467.02017 Title. Prepared by the Legislative Council staff for Representative R. Kelsch April 25, 2011

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1229

That the Senate recede from its amendments as printed on pages 1177 and 1178 of the House Journal and page 980 of the Senate Journal and that Engrossed House Bill No. 1229 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to health curriculum content.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Health curriculum - Content.

Beginning July 1, 2012, each school district and nonpublic school shall ensure that the portion of its health curriculum which is related to sexual health includes instruction pertaining to the risks associated with adolescent sexual activity and the social, psychological, and physical health gains to be realized by abstaining from sexual activity."

Bill/	Resolution I	No. <u>1</u>	HB	12	29	6	as (re) en	grosse	b		
					6-11						
		Roll Ca	all Vo	te #:							
Action Taken	HOUSI	E acce E rece	de to ede fr	Sena om Se	enate am	dments nendme	and furth			ows	
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((Re) Engrossed)	new co)	ee De	арро	inteu		was place	ed on th	e Seve	enth oi	rder
of business on th									0.001		
Motion Made by:	ard	4.1	<u> </u>			بر ما ام ر	Ptb	11144		D	
Motion Made by:											
			<u> 7 4 4 </u>	·	_ Second	ea by:	Ner.	HW		/	
Represent				No			nators			Yes	No
Represent	atives		· · · · -·		SEN	Sei . Éi . L	nators EE			1	X
Represent	atives LSCH		Yes		SEN	Sei . 6 . L	nators EE			1	L
Represent REP. R. KE REP. WAU	atives LSCH		Yes		SEN	Sei . 6 . L	nators HE			1	X
Represent REP. R. KE REP. WAU REP. HUNSK	atives LSCH OR		Yes		SEN	Sei . 6 . L	nators HE	Abse		1	X
Represent REP. R. KE REP. WAU REP. HUNSK	atives LSCH OR	4	Yes X X		SEN SEN SEN	Sei . <u>6</u> . L . LUN . HEC	nators EE KAMAN	Abse	nt:	Yes X	X
Represent REP. R. KE REP. WAU REP. HUNSK Vote Count House Carrier	atives LSCH OR Yes:	4	Yes X X		SEN SEN No: Senat	Ser . <u>G</u> . L . LUN . HEC Z e Carrie	nators EE KAMAN er	Abse	nt:	Yes	×
Represent REP. R. KE REP. WAU REP. HUNSK Vote Count House Carrier LC Number	atives LSCH OR Yes:	4	Yes		No:	Ser . <u>G</u> , L . <u>LUI</u> . <u>HEC</u> Z e Carrie	nators EE KAMAN er	Abse	nt:	Yes X	ent
Represent REP. R. KE REP. WAU REP. HUNSK Vote Count House Carrier	atives LSCH OR Yes:	4	Yes		No:	Ser . <u>G</u> , L . <u>LUI</u> . <u>HEC</u> Z e Carrie	nators EE KAMAN er	Abse	nt:	Yes X	ent
Represent REP. R. KE REP. WAU REP. HUNSK Vote Count House Carrier LC Number LC Number	atives	br dele	Yes X X ted		No:	Ser . <u>G</u> . L . <u>LUN</u> . <u>HEC</u> Z e Carrie	hators EE KAMAN er	Abse	nt:	Yes X	ent

TACHMENTZ

11.0467.02016 Title. Prepared by the Legislative Council staff for Representative R. Kelsch April 25, 2011

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1229

That the Senate recede from its amendments as printed on pages 1177 and 1178 of the House Journal and page 980 of the Senate Journal and that Engrossed House Bill No. 1229 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to health curriculum content.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

<u>Health curriculum - Content.</u>

Beginning July 1, 2012, each school district and nonpublic school shall ensure that the portion of its health curriculum which is related to sexual health includes instruction pertaining to the risks associated with adolescent sexual activity and the social, psychological, and physical health gains to be realized by abstaining from sexual activity outside of marriage."
2011 HOUSE CONFERENCE COMMITTEE ROLL CALL VOTES

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BIII/F						as (re) eng	grosse	a			
	D	ate:			26-1	<u>1.</u>					
	R	oll Cal	ll Vot	e #:	2						
ction Taken	HOUSE	acced E rece	le to : de fro	Sena om Se	enate ame	ments and furth			bliows	S	
	House/Sena	ate An	nendi	ment	s on HJ/S	J page(s)					
	Unable t					it the committee	e be dis	scha	rged	and	1 a
((Re) Engrossed))					was place	ed on th	ne Se	eventl	h or	de
of business on th	e calendar										
Motion Made by:		<u>i ECI</u>	Lam	2AN	_ Seconde	d by:	>	tu	NS A	<u>lo</u> k	2
Motion Made by: Represent	SEN. H	1 ECI		2AN No	_ Seconde	d by:RET	> +	tu	<u>.</u>	loy les	
Represent	SEN. 1- atives	A ECI	Yes	[SEN	Senators G. LEE	> +	tu	<u>.</u>	T	
Represent REP. R. KEL REP. WAU	SEN. H atives .SCH	A ECI	Yes	[SEN	Senators		tu	<u>.</u>	T	
Represent	SEN. H atives .SCH	A ECI	Yes X	[SEN	Senators G. LEE LUICK		+u	<u>.</u>	T	
Represent REP. R. KEL REP. WAU	SEN. H atives .SCH	HECI	Yes X	[SEN	Senators G. LEE LUICK			<u>.</u>	T	
Represent REP. R. KEL REP. WAU REP. HUNSK	SEN. H	4	Yes X X		SEN SEN SEN.	Senators G. LEE LUICK HELKAMAN Z	Abse	ent: _	C	∕es ⊁	
Represent REP. R. KEL REP. WAU REP. HUNSK Vote Count House Carrier	SEN. H	4	Yes X X	No	No:	Senators G. LEE LUICK HECKAMAN Z Carrier	Abse	ent: _	C	∕es ⊁	
Representa REP. R. KEL REP. WAU REP. WAU REP. HUNSK Vote Count House Carrier LC Number	SEN. H	4	Yes X X	No	No:	Senators G. LEE LUICK HELKAMAN Z Carrier	Abse	ent:		ves	
Representa REP. R. KEL REP. WAU REP. WAU REP. HUNSK Vote Count House Carrier LC Number	SEN. +	4	Yes X X	No	No:	Senators G. LEE LUICK HECKAMAN Z Carrier	Abse	ent:		ves	
Represent REP. R. KEL REP. WAU REP. WAU REP. HUNSK Vote Count House Carrier LC Number	SEN	u r delet	Yes	No	No:	Senators G. LEE LUICK HELKAMAN Z Carrier	Abse	ent:		ves	

MOTION FAILS

ATTACHMENT 3

11.0467.02015 Title. Prepared by the Legislative Council staff for Representative R. Kelsch April 25, 2011

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1229

That the Senate recede from its amendments as printed on pages 1177 and 1178 of the House Journal and page 980 of the Senate Journal and that Engrossed House Bill No. 1229 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to health curriculum content.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Health curriculum - Content.

Beginning July 1, 2012, each school district and nonpublic school shall ensure that the portion of its health curriculum which is related to sexual health includes instruction pertaining to the risks associated with adolescent sexual activity and the social, psychological, and physical health gains to be realized by abstaining from sexual activity until marriage."

Renumber accordingly

2011 HOUSE CONFERENCE COMMITTEE ROLL CALL VOTES

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Bill	Resolution No.	HB	1229	as (re) engro	ossed		
	Date	= <u>4-</u>	26-11	····			
	Roll	Call Vote	#:				
Action Taken	HOUSE ac	cede to Se ecede from	n Senate am	iments and further		ws	
	House/Senate	Amendme	ents on HJ/S	SJ page(s)			<u>_</u>
	Unable to a new comm	-		at the committee b	e discharge	ed an	da
((Re) Engrossed)			was placed	on the Seve	nth or	der
of business on th	ne calendar			······			
Motion Made by:	SEN. G.	LEE	Seconde	ed by: <u>SEN. L</u>	UICK		
Represent	atives	Yes N	ο	Senators		Yes	No
REP. R. KE			SEA	I. G. LEE		K	
REP. HUN		×		. LUICK . HECKAMAN			X
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Vote Count	Yes	2	No:	4 A	bsent C	4	
Vote Count	Yes:	2	No: _		bsent:	<u>, </u>	
		2	_	e Carrier			
House Carrier			Senate				
House Carrier			Senate	e Carrier	of amer	ndme	nt
House Carrier LC Number LC Number			Senate	e Carrier	of amer	ndme	nt
House Carrier LC Number _ LC Number _ Emergency cla	use added or de	eleted	Senate	e Carrier	of amer	ndme	nt
House Carrier	use added or de		Senate	e Carrier	of amer	ndme	nt
House Carrier	use added or de		Senate	e Carrier	of amer	ndme	nt

ATTACHMENTI

11.0467.02022 Title. Prepared by the Legislative Council staff

April 25, 2011

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1229

That the Senate recede from its amendments as printed on pages 1177 and 1178 of the House Journal and page 980 of the Senate Journal and that Engrossed House Bill No. 1229 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to abstinence instruction within the health curriculum.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Abstinence instruction.

- 1. Beginning July 1, 2012, each school district that includes sexual topics within its health curriculum shall provide abstinence instruction and address:
 - a. The health risks associated with adolescent sexual activity;
 - b. The impact of alcohol, drugs, and social media on sexual decisionmaking; and
 - c. The social, psychological, and physical health gains to be realized by abstaining from sexual activity until marriage.
- 2. A school district may not address sexual topics within its health curriculum before grade six."

Renumber accordingly



2011 HOUSE CONFERENCE COMMITTEE ROLL CALL VOTES

BIII	Resolution N	lo HE	1229	as	(re) engross	əd		
	C	Date:	4-26-11	•				
	F	Roll Call Vo	te #:					
Action Taken		accede to E recede fr	om Senate	endments ai amendment	nd further arr s s and amend		ows	
	House/Sen	ate Amend	ments on H	J/SJ page(s)			
		to agree, re nmittee be		that the cor	nmittee be d	ischarg	ed and	la
((Re) Engrossed))			w	as placed on t	he Seve	enth or	der
of business on th	e calendar							
Motion Made by:	_SEN	·LUIC	Seco	nded by:	SEN.G	<u>. LE</u>	E	
Represent	atives	Yes	No	Sena	tors		Yes	No
REP. R. KE			100000001=00-	IN. G. L			X	
REP. HUNS				N. HECK				X
		2	No	<u> </u>	Abse	ent:	3	
Vote Count	Yes:							
Vote Count House Carrier			Ser	ate Carrier				
House Carrier								
House Carrier			<u> </u>			of ame	ndme	nt
House Carrier			<u> </u>			of ame	ndme	nt
House Carrier LC Number LC Number Emergency clar Statement of pu	use added or urpose of am	r deleted endment				of ame of eng	ndme rossme	nt ent

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2011 HOUSE CONFERENCE COMMITTEE ROLL CALL VOTES

		TUNO	EG	DUCATION	J	
Bill/F	Resolution No	. <u>HB</u>	122	29 as (re) engrossed	
		ate: 4	-			
	Ro	oll Call Vot	e #:	2		
Action Taken		accede to s recede fro	Senate a om Sena	amendments amendments and ite amendments ite amendments a		
	🗌 Unable to		commer	n HJ/SJ page(s) nds that the comm ed	ittee be disc	 charged and a
((Re) Engrossed)					placed on the	e Seventh order
of business on th	4					
Motion Made by:						
	REP. 1	NALL	S	econded by:	EP. HUN	JSKOR
Representa		A)ALL Yes		econded by: R Senator:	·····	Yes No
Representa	atives ELSCH	, , , , , , , , , , , , , , , , , , , 		Senators	s E	···
Representa	atives ELSCH	, , , , , , , , , , , , , , , , , , , 		Senator	5 E	Yes No
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ROLL CALL TO AMEND AMENDMENT UZO16

11.0467.02023 Title.05000

Adopted by the Conference Committee

April 26, 2011

1) 4/26/11

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1229

That the Senate recede from its amendments as printed on pages 1177 and 1178 of the House Journal and page 890 of the Senate Journal and that Engrossed House Bill No. 1229 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to health curriculum content.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Health curriculum - Content.

Beginning July 1, 2012, each school district and nonpublic school shall ensure that the portion of its health curriculum which is related to sexual health includes instruction pertaining to the risks associated with adolescent sexual activity and the social, psychological, and physical health gains to be realized by abstaining from sexual activity before and outside of marriage."

Renumber accordingly



2011 HOUSE CONFERENCE COMMITTEE ROLL CALL VOTES

Con	nmittee:	ouse edu	CATION	
Bill/	Resolution No.	HB 1220	as (re) eng	rossed
	Date	4-25-	11 /4.26-	1
		Call Vote #:	3	
Action Taken		cede from Senate	nendments and furth	
	House/Senate	Amendments on	HJ/SJ page(s)	77 - 1178
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of business on ti	·	<u>,</u>		
Motion Made by:	REP. L	NALL Se	conded by: SEN	HECKAMAN
Represent	atives	Yes No	Senators	Yes No
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Vote Count	Yes:	5	No:	Absent:
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House Carrier	REP. R. KE	strained and a second s	enate Carrier <u>SEN</u>	of amendment
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REPORT OF CONFERENCE COMMITTEE

HB 1229, as engrossed: Your conference committee (Sens. G. Lee, Luick, Heckaman and Reps. R. Kelsch, Wall, Hunskor) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1177-1178, adopt amendments as follows, and place HB 1229 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1177 and 1178 of the House Journal and page 890 of the Senate Journal and that Engrossed House Bill No. 1229 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to health curriculum content.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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Renumber accordingly

Engrossed HB 1229 was placed on the Seventh order of business on the calendar.

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2011 TESTIMONY

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HB 1229

TESTIMONY ATTACHMENTI

Madam Chairman and members of the committee, my name is Kay Kiefer. I live in West Fargo and work for FirstChoice Clinic in Fargo. For the past several years, I have had the opportunity to directly oversee FirstChoice Clinic's positive youth development program called Make a Sound Choice. It was most recently funded by a Community Based Abstinence Education (CBAE) grant from the US Department of Health and Human Services in 2006 and was developed under those federal guidelines. The Make a Sound Choice program partners with schools and youth service facilities operating in the state of North Dakota and western Minnesota and provides character-based risk-avoidance education with a focus on abstinence from sexual activity for 12-18 year olds. The program was developed and continues to function under the same guidelines that are being proposed in House Bill 1229. I am in favor of this bill for several reasons:

First of all, it is important that we all 'speak the same language'. The parameters included in this bill would ensure that key concepts are included with abstinence education and would provide consistency between districts. Abstinence education programs that adhere to these guidelines (the a-h guidelines developed originally by Robert Rector of the Heritage Foundation for programs receiving federal abstinence education monies) provide youth with critical life skills, including the ability to engage in positive decision making and the development of healthy relationships for a lifetime. The guidelines are each based on a broad base of social science research.

Secondly, these standards have already been tested by our program within our state and have been shown to have a positive impact on the knowledge, attitudes and behavioral intent of students. Over the past four school years, independent evaluation of our program, established by the guidelines similar to those included in this bill, has been provided by the School of Education at North Dakota State University under the direction of Dr. Myron Eighmy. I have provided you with an attachment that portrays the impact of this education on both middle and high school students in our region, as determined by the evaluation team. After working with FirstChoice Clinic for several years, Dr. Eighmy and his team have stated that: "(The MSC Program's) commitment to evidence-based program management has resulted in students consistently achieving or exceeding

outcome benchmarks." There is a growing body of evidence from not just our state but from across the nation showing that abstinence education programs can be an effective means of reducing adolescent sexual activity and other associated risk behaviors.

Finally, and most importantly, abstinence education is a form of primary prevention... the same model that we use for other public-health related concerns in our education system. Primary prevention seeks to prevent diseases or conditions before they can begin. This is done, in part, by providing education to reduce risk-taking behavior. We use this approach with many issues, such as: cigarette smoking, drug use/abuse, underage drinking, seat belts, obesity, etc. And, generally, those messages are repeated frequently and in varied media. The Centers for Disease Control includes this statement on its many fact sheets regarding sexually transmitted diseases: "The surest way to avoid transmission of STDs is to abstain from sexual intercourse, or to be in a long-term mutually monogamous relationship with a partner who has been tested and is known to be uninfected." Surely as the caring adults overseeing the education of our youth, we want them to know that reserving sexual expression until marriage is the safest choice.

Over 50 schools and youth service organizations throughout North Dakota have partnered with FirstChoice Clinic's Make a Sound Choice program in the past several years to bring a strong abstinence message to 12-18 year olds. Overwhelmingly, those entities have indicated that their desire to continue to provide this education. House Bill 1229 will provide a solid conceptual base from which to share these concepts.

Thank you for your attention.



TESTIMONY ATTACHMENT Z

Testimony for: House Bill 1229

Madam Chairman and members of the committee, my name is Rebecca Meidinger. I live in Fargo and work for FirstChoice Clinic in Fargo. In my work I have very frequent opportunities to speak with teens in schools and conferences throughout North Dakota about the benefits of saving sex for marriage and building healthy relationships based on abstinence. I know firsthand how positively students receive abstinence education, and thus I am in favor of House Bill 1229.

The message of abstinence until marriage gives students hope. Kids recognize that teen sex causes mental and emotional stress, whether they've experienced this personally or through friends. Teens also recognize that sex is serious and extremely vulnerable, but they often think that something is wrong with them that's making them feel that way. Our culture and media throw sex around as casual and meaningless, and this confuses our teens. Fully 2/3 of teens who've had sex *regret ever having sex.* If it's so casual and meaningless, then why does it cause such stress in their lives? When I speak with teens about abstinence, they are encouraged and empowered. Students often tell me that they didn't realize saving sex for marriage was an option, or that they didn't know anyone ever did that.

Teaching teens to save sex for marriage teaches them to value:

- Themselves Abstinence teaches teens that each one of them has such inherent value that they should not give their bodies away to someone who isn't married to them.
- Character Abstinence is character-based, building a foundation of patience, perseverance, trust, loyalty, friendship, honesty, and commitment to reaching goals & dreams.
- Their goals Abstinence teaches teens the realities of teen pregnancy, unwed child-rearing, and STD's. There are consequences of sex outside of marriage that can profoundly impact one's future.



 Their future spouse – Abstinence teaches teens to be future-oriented & marriage-oriented and to respect their spouse so much that they decide to wait for that one person.

One of our educators who used to teach at Oak Grove said this about the importance of abstinence education:

"A good educator empowers his/her students. There is very little "empowerment" when it comes to teaching a child how to put on a condom. On the contrary – character and abstinence education is all about empowerment. It encourages a child to respect not only himself but those he relates to. I heard a quote the other day related to this – I will paraphrase: "Regarding abstinence – from the point of a man – there is a great difference between conquering a woman vs. conquering yourself for the sake and out of respect for a woman." An example of how this program has empowered students in my school is: I now have students in senior high asking to be trained so they can bring a similar message to the middle school students. That's empowerment!"

- Bob Noel

Throughout the state of North Dakota, teachers and students report that they love teaching and receiving abstinence education. The curriculum our teachers consists of 8 chapters, and typical use is one chapter per day (taking 8-10 class periods). However, because of great conversations and reception in the classroom, many teachers stretch this curriculum out to take 3-5 days per chapter. Some have even designed the course to cover an entire quarter or trimester.

We all know that even amidst the oil, the farmland, and the natural energy, that our teenagers and youth are the state's greatest resource. They have amazing power and potential for our state. The very best for them when it comes to their personal choices and health is to avoid all high-risk activities, including sex outside of marriage. Let's educate, equip, and empower them to make that best choice. House Bill 1229 can do just that.



Tom D. Freier, EXECUTIVE DIRECTOF

TESTIMONN ATTACHMENT 3

House Education Committee February 1, 2011 HB 1229

Madam Chair and members of the House Education Committee, I am Tom Freier with North Dakota Family Alliance. I am here in support of HB 1229.

"Abstinence education is about imparting knowledge, knowledge that will benefit our young people throughout their lives. It is more than just saying 'no' to premarital sex. It is more than just trying to avoid contracting a STD. It is about considering choices, and the benefits and consequences of those choices. It is about a well-rounded, well thought out approach to preparing for the future, which in most cases will involve marriage. It is about gaining knowledge and wisdom.'

Those words from a world renowned expert, whose first name begins with T and last name with an F, with full article attached.

Parents by a large majority favor abstinence being taught as a part of the health curriculum, and that the teaching will result in their child waiting to have sex until married. This serves as the only certain means to avoid contracting a sexually transmitted disease or becoming pregnant. Parents understand the harmful social and psychological effects of premarital sexual activity.

Abstinence curriculum "Aspire", puts it this way, 'Abstinence is the only sure way to protect your body, mind, and heart from the consequences of premarital sexual activity. Abstinence is the safest, healthiest, lifestyle and one of the best ways to prepare for a healthy future marriage'.

Most abstinence programs speak to the bigger picture, the future. The cover issues like: resisting peer pressure, taking control of the media, building character, understanding the pitfalls associated with drugs and alcohol, and preparing for a positive future. For most young people, the program is about learning to resist the power of the present and it many pressures, and choosing instead to pursue the path to a future filled with freedom.

Thank you for hearing this, a most important bill—one which will have a great impact on the legacy we leave our children and grandchildren. Please support this bill with a Do Pass.

ABSTINENCE IS SUCCUESSFUL!!!

(In reference to Emily Tobin's letter on May 22nd, "Cars are not people; knowledge is the key"

To have a knowledgeable discussion in regard to the merits of abstinence based educational programs versus the comprehensive curriculum, we must make a distinction. We must differentiate between our view on abstinence and our analysis of how successful the abstinence educational programs have been. It would be very hard to argue that abstinence does not work. It surely guards against contracting STD's, and addresses the issue of safety and health concerns. Well rounded abstinence programs prepare young people for successful marriage relationships. And by the way, a Rutgers University study documented that 90% of senior high school students look forward to successful marriages.

Ms. Tobin's comments referencing the number of teens having premarital sex may be accurate. What this suggests is that the efforts need to greater, not less. The content of the educational material needs to be reviewed. If the more liberal comprehensive programs concentrating on contraceptives to provide "safe sex" have not been successful, and I offer that they have not, and may actually promote premarital sex, then a greater emphasis must be applied to the abstinence programs.

Ms Tobin referenced a Mathmatica Research Inc report which cast some doubt on the success of abstinence educational programs. Unfortunately their report was based on only 4 of 700 abstinence programs, and those 4 programs were early versions yet to be refined. It would seem difficult to draw firm conclusions from such a small sample on the effectiveness of an overall program.

Recently, a Zogby poll was conducted of over 1000 parents with children ages 10-16. The results were very enlightening:

- by more than 3 to 1 the parents agreed more funding should go to abstinence education versus the comprehensive program
- 83% of the parents think it is important for their child to wait until marriage to have sex
- 78% of the parents believe sex education classes in public schools should place more emphasis on promoting abstinence than on condoms and other contraceptives
- 80% of the parents supported the teaching of core values to increase the success of a future healthy marriage
- when a full explanation of components of the two programs is shared, the abstinence program support increases by 20% and the comprehensive sexual program support declines by 20%

The results of this poll clearly indicate strong support for a program that not only provides for the health and safety of their children, but prepares them for a successful future long term relationship.

Abstinence education is about imparting knowledge, knowledge that will benefit our young people throughout their lives. It is more than just saying 'no' to premarital sex. It is more than just trying to avoid contracting a STD. It is about considering choices, and the benefits and consequences of those choices It is about a well rounded, well thought out approach to preparing for the future, which in most cases will involve marriage. It is about gaining knowledge and wisdom.

The institution of marriage is the foundational bedrock of the family. Premarital abstinence is an instrumental component of a successful marriage, and abstinence education is a necessary for our young people. Let's make sure our schools provide the proper abstinence educational programs.

TESTIMONY ATTACHMENT 4

HB 1229 TESTIMONY HOUSE EDUCATION COMMITTEE February 1, 2011 Sandra Tibke, Health Education Coordinator 328.2098 Department of Public Instruction

Chair Kelsch and members of the House Education Committee: I'm Sandra Tibke, Health Education Coordinator for the Department of Public Instruction. I'm here today to provide testimony in opposition to HB 1229.

North Dakota currently has no state policies governing sex education. The state health education standards offer guidance for teaching core curriculum areas and establishes a "statewide reference point for content and proficiency," but also explicitly "allows for, indeed encourages, a dynamic and living curriculum created at the local district level." (North Dakota Health Education Standards) Thus, current laws and policies allow local districts to determine how these topics are taught, based in local needs and community mores. Because ND is a local control state, it is important that the value of local control be upheld.

In the CDC 2008 Healthy Youth Profile, ND teachers report that they, by a majority, are educating youth about the importance of abstinence through their curricula. This is contrary to what the youth report in the 2009 Youth Risk Behavior Survey (YRBS) and represents the discrepancy between education and behavior. The 2009 ND YRBS shows that while abstinence is already taught in school systems, not all teens choose abstinence as an option.

In 9th grade, 27.9% of teens report having sexual intercourse.

In 10th grade, 40% of teens report having sexual intercourse.

In 11th grade, 49.7% of teens report having sexual intercourse.

In 12th grade, 59.8% of teens report having sexual intercourse.

The Department of Public Instruction supports abstinence-based sex education as one component of health education that also addresses other key health issues such as alcohol, tobacco and other drug prevention, the promotion of physical activity, health nutrition, and violence prevention. (handout) Abstinence-based education differs from abstinence-only education; abstinence-based education emphasizes abstinence as the only certain way to prevent pregnancy, HIV, and other STDs, but also advocates for discussion of methods to reduce risks for HIV, other STDs, and pregnancy, so young people will be prepared with information should they make the decision not to remain abstinent. Abstinence-only education promotes total abstinence as the *only* option; abstinenceonly-until-marriage education is even more restrictive and is grounded in the value that sex is not allowed until marriage. Abstinence-only-until marriage education is what is being proposed in this legislation.

Addressing adolescent sexuality should be viewed in greater context than reproduction and nothing less than comprehensive social and personal decision-making. Evaluations of effective sexuality health education programs show a delay in the onset of sexual activity, a reduction in the frequency of sexual activity, a reduction in the number of sexual partners, and an increase in safe sexual practices (American Medical Association, Advocates for Youth).

Parents, schools and the community must work together to provide consistent messages regarding healthy and responsible behavior. Parents and families are the first and most influential educators of sexuality for children. In addition, education programs are more likely to be effective when they are consistent with parental support. Schools, in concert with families and healthcare professionals, should implement effective sexuality education that is age appropriate and medically accurate. Young people should be prepared to become sexually healthy adults with the knowledge and skills to avoid HIV, sexually transmitted diseases and unintended pregnancy with the ability to form healthy, safe and supportive relationships.

The ND Department of Public Instruction cannot support the legislation as proposed. It is too prescriptive and does not allow local district control. What we can support are solutions that include state and local partnerships, guidance that supports comprehensive health education utilizing research-based curriculum and defined state health standards, dialogue between parents, schools, and other community stakeholders regarding education, information and skills development.

This concludes my testimony. I am available to take any questions the Committee may have.

Health Education

A comprehensive health education curriculum consists of learning which will assist students to achieve desirable understandings, attitudes and practices related to critical health issues including, but not limited to, the following:

- injury, safety, first aid, emergencies, CPR & AED
- disaster preparedness
- growth & development (muscular, circulatory, respiratory, digestive, nervous systems)
- care of the human body and its vital organs
- nutrition
- physical activity / physical education, personal fitness, effects of exercise and general well being
- health impact of alcohol, tobacco, drug use/abuse, asthma, diabetes, sleep
- mental health, abuse, anger, anxiety, depression and suicide
- emotional health, stress management, resiliency skills
- general health wellness and a positive self image
- personal health; relationships, sexual development, HIV/AIDS
- media influences, personal decision-making
- scientific, social and economic aspects of community & environmental health
- consumer health, products, services, media and technology health literate consumers
- health promotion and disease prevention (oral health, immunizations)
- community and environment (air pollution, greenhouse effect, water pollution, radiation)

Competencies include:

- analyze individual responsibility as a factor in enhancing the health of self and others;
- evaluate the short and long term consequences of safe, risky, and harmful behaviors to determine and practice ways to avoid and reduce threatening situations;
- analyze factors such as personal experience, family, culture, values, and peers to determine how they influence health beliefs, perceptions, and behaviors;
- determine the importance of demonstrating respect for self and others to develop and practice skills for communicating effectively with family, peers, and others;
- demonstrate refusal, negotiation, collaboration skills, and conflict resolution strategies to promote health and avoid harmful situations for self and others;
- evaluate health decisions and actions to predict their immediate and long term impact on the individual, family, and community; and,
- demonstrate the ability to locate and utilize valid resources to make informed decisions regarding health issues.

Health Education provides the basis method of developing knowledge, concepts, skills, behaviors and well being in a planned, sequential, and comprehensive curriculum. Students are provided opportunities to explore the effect of health behaviors on an individual's quality of life and understand that health is a lifetime commitment by analyzing individual factors and health decisions that promote and health and prevent disease. Health Education seeks to aid the process of thinking in ways that are both challenging and empowering, so that people are equipped to make their own decisions on what is good and healthy for them.



TESTIMONY ATTACHMENT 5

TESTIMONY on HB 1229 February 1, 2011





Chairman Kelsch and Members of the House Education Committee:

My name is Connie M. Hildebrand and I represent AAUW-ND. I appear in opposition to HB 1229. Sources of research referenced are listed on the second page of my testimony.

Since its founding in 1881, AAUW has been committed to protect programs that "meet the needs of girls in elementary and secondary education," and guarantee "the separation of church and state," as well as "choice in the determination of one's reproductive life."¹

AAUW supports the right of every woman to obtain medically accurate information, and to access safe and comprehensive reproductive health services. We strongly oppose school health curriculum that limit young people's information and choices by promoting "abstinence-only" education. Abstinence-only programs censor information on contraception, pregnancy prevention, and sexually transmitted infections.

AAUW supports "abstinence-plus" or comprehensive sexuality education programs that include information about both abstinence and contraception. After years of abstinence-only education, the United States has the highest rate of teen pregnancy and sexually transmitted infections in the developed world.² Over 80 percent of abstinence-only curricula contain "false, misleading or distorted information about reproductive health."³ Abstinence-only programs have never been proven effective in delaying the onset of sexual activities of young people, and often result in riskier sexual behavior by teenagers.⁴

AAUW believes that in the best health curriculums abstinence is always stressed, but information with regard to sexual activity and pregnancy must be included, as well as ways to deal with peer pressure on the issues. School health curriculum needs to include medically accurate, age appropriate, comprehensive sex education. Studies indicate "abstinence-plus" curriculum can help young people delay sexual activity, increase contraceptive use among those who are sexually active, and help prevent spread of sexually-transmitted infections.⁵

It is short-sighted to withhold medically accurate and comprehensive information from young people. AAUW believes individuals should have complete and accurate information about their reproductive health and family planning options. Only with complete reproductive health information can young people make informed and appropriate decisions.

We ask a Committee vote of Do Not Pass on HB 1229.

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¹ AAUW. (June 2009). 2009-2011 *AAUW Public Policy Program*. Retrieved December 16, 2010, from http://www.aauw.org/advocacy/issue_advocacy/principles_priorities.cfm.

² Guttmacher Institute. (January 2010). U.S. Teenage Pregnancies, Births and Abortions: National and State Trends and Trends by Race and Ethnicity. Retrieved December 16, 2010 from http://www.guttmacher.org/pubs/USTPtrends.pdf. ³ Cox Nuws Somica. (December 2, 2004): Papert: Abstitutional Control Control of Solary Mail and December 21

³ Cox News Service. (December 2, 2004). *Report: Abstinence-Only Curricula False, Misleading*. Retrieved December 21, 2010 from http://www.azcentral.com/families/education/articles/1202abstinence-ON.html?&wired. ⁴ The National Campaign to Prevent Teen Pregnancy. (2007). *Emerging Answers: Research Findings on Programs to*

^{*} The National Campaign to Prevent Teen Pregnancy. (2007). Emerging Answers: Research Findings on Programs to Reduce Teen Pregnancy and Sexually Transmitted Diseases. Retrieved November 16, 2007, from http://www.thenationalcampaign.org/EA2007/EA2007_sum.pdf ⁵ Ibid.

SUBMITTED TESTIMONY ATTACHMENT (O

To Whom It May Concern:

My name is Lisa Narum, and I am teacher in Casselton, ND. I am testifying in favor of HB 1229 recognizing abstinence education in health curriculums. I have also attached to my email testimony from two students who wanted to voice their opinion. If I could have arranged a bus, got parent permission, and cleared the forecast, I would have brought over 80 middle school students in support of abstinence education.

For the last two years, I have taught abstinence education to our 6th graders using the Make a Sound Choice program and the Game Plan text. It is my favorite part of the day because it is one class that everyone has a vested interest all the time. We will always teach our core subjects like math, English, and science, but students may never need to know how use "SOHCAHTOA" or "FOIL" to solve a math problem or sentence diagramming to find all the parts of speech. They will, however, need to be prepared to make positive choices all throughout their life.

Students enter my class nervous and awkward on the first day because they "know" what we are going to talk about and "sex" has been an off-limits term to describe something they know a little about, and few have reliable information. After a few days, the students know that it is a class where they can voice their opinion and discuss the many issues they know they may face in the future. Topics include sexual activity, alcohol, drugs, and bullying while focusing on how these play a part in achieving our goals.

The support from parents has been nearly unanimous with the only objection being that it should be taught at home. In response to that, students do not want to talk about it at home. Just ask them! One of the regular comments I hear is, "I'm glad we get to talk about/learn about this here [at school], I couldn't ask [mom, dad, aunt, uncle, grandma, step dad, mom's boyfriend, dad's girlfriend, etc.]" Even a parent who disagreed with abstinence and questioned whether to expose their child to abstinence education could not disagree with the fact that we want our students to achieve their goals and abstinence is the only 100% effective way to avoid the mental, social, emotional, and physical consequences of sexual activity before marriage.

Abstinence education is not merely "say no to sex kids"; it is support for positive choices relating to sex, alcohol, drugs, and other decisions that could have negative consequences through peer discussion, parent involvement, and teacher facilitation. Implemented well, it takes on several of the North Dakota State Standards for Health in grades six and above. I encourage you to view the Game Plan or Navigator text available from the Make a Sound Choice program through First Choice Clinic in Fargo, ND.

Preparing our students for life means educating them on life. As adults, we can look back at the decisions we have made along the way and wonder if knowing all the information would have changed our path or that of others. I would rather our youth have the information, time to talk with trusted adults and peers in a supportive environment, support for their choices at home, and the opportunity to make a choice based on knowledge and preparation versus "learning the hard way." That support is strengthened knowing that their peers have the same information and are also striving to reach their goals armed with information.

I invite you to view the blog I have created to keep families updated on our class discussions and to give an overview of what the text discusses at

Jemuary 20, 2011 Dear to who it may concern Earlier this post year fonding for an were cut Replaced with new classing how to fix complications due to sexual activity before marrige. In my opinion, showing how to fix physical problems. is not aring to help. Hide need to know the emotional mental and social consequences if son felore marriage, not just, about Musical The program Moke a Sound Choice has made me think of the effects, saving sex for marriage. For media is filled with resul activity everywhere. The bids need to know our goals and dreams so we have a reason to stay away barm sex till marriage, dif we know the consequences, we have a letter chance of reaching these choals and stalling abstinet. I now know that it is my choice to reach my. goals and living a childhood that it Jor an abstinet more effective, program among today's youth. Sincerely, alex's Wanner

Dear to whoever it may concern,

As students get older, they need more knowledge to go to the right direction. Abstinent-based classes make it easier and more fun to go through this hard thing to avoid.

I am from Central Cass and this school has abstinent based classes in 6th Grade. Before I had this class I never knew all of the consequences of not being abstinent. I do not want one in North Dakota to have to go through all of those consequences, because there is not a positive consequence.

I wish that everyone in North Dakota to be abstinent based so North Dakota can be a state that is well known, in a good and positive way.

This class opens the eyes of students to go to the right direction, and the scenrios and activities give kids a visual.

Please, to whoever it may concern, I wish that every school in North Dakota has an abstinent based class that teaches kids what abstinent is, the consequences of it, and for everyone in the state to have this AWESOME class.

Sincerely, Beth Kensok Opponents of House Bill 1229 have claimed that the concepts for abstinence education included in the bill are unprecedented and untested. But the North Dakota Department of Health has required use of the same criteria for abstinence grants since 2005.

Health Department Criteria for The Abstinence Grants	House Bill 1229
Have as its exclusive purpose teaching the social, psychological and health gains to be realized by abstaining from sexual activity.	There are social, psychological, and health gains to be realized by abstaining from sexual activity.
Teach abstinence from sexual activity outside marriage as the expected standard for all school-age children.	Abstinence is the expected standard for all students.
Teach that abstinence from sexual activity is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases and other associated health problems.	Abstinence is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted disease, and other associated health problems.
Teach that a mutually faithful, monogamous relationship in the context of marriage is the expected standard of sexual activity.	A mutually faithful monogamous relationship within the context of marriage is the expected standard of human sexual activity.
Teach that sexual activity outside the context of marriage is likely to have harmful psychological and physical effects.	Sexual activity outside the context of marriage is likely to have harmful psychological and physical effects.
Teach that bearing children out-of- wedlock is likely to have harmful consequences for the child, the child's parents, and society.	Bearing children out of wedlock is likely to have harmful consequences for the child, the child's parents, and society.
Teach young people how to reject sexual advances	There are ways to reject unwanted sexual advances.
Teach how alcohol and drug use increases vulnerability to sexual advances.	Alcohol and drug use increase one's vulnerability to sexual advances.
Teach the importance of attaining self- sufficiency before engaging in sexual activity.	It is important to attain economic self- sufficiency before engaging in sexual activity.
Source: North Dakota Department of Health, <u>http://</u> www.ndhealth.gov/abstinence/Program.htm	House Bill 1229, <u>http://www.legis.nd.gov/assembly/</u> 62-2011/documents/11-0467-01000.pdf

#1 HB1229



Save the date!!

Adolescent Sexual Health: Looking ahead with 2020...





Howard Johnson Inn Fargo, ND May 4-5, 2011

This conference presents many opportunities for you to learn and network with other professionals who work with youth. Teachers, counselors, clinicians, and school board members who want to deliver the most effective program for adolescents regarding sexual health should attend. This is a **free** conference where you will be served breakfast and lunch both days. You will walk away from this conference with increased knowledge and **free** materials and resources. We have a block of rooms reserved at the Howard Johnson inn under "Health Educators." *Graduate Credit will be offered.*

Objectives of the conference: Participants will

- 1) Identify strategies for working in partnership with parents and school districts to strengthen sexual health education programs.
- 2) Identify components of safe, supportive, school environments inclusive of Lesbian, Gay, Bi-sexual, Transgender and Questioning students and family members.
- 3) Develop prevention messaging effective for reaching youth.
- 4) Explain the impact of school district sexual health education policy on your work, and vice-versa.



- Identify opportunities for making culturally-appropriate adaptations to sexual health education curricula and materials.
-) Learn classroom strategies that enhance motivation and learning.

Nora Gelperin, M.Ed., oversees Answer's Sexuality Education Training Initiative. She is also founder of the organization's annual Training Institute in Sexual Health Education (TISHE), and developed Answer's two online workshops "Sexuality ABCs (Abstinence, Birth Control and Condoms)" and "STD Basics". Ms. Gelperin develops markets and conducts training workshops for teachers and professionals nationwide and has taught undergraduate sexuality classes at Temple University, Montclair State University and most recently at St. Peter's College. Ms. Gelperin earned her Master of Education in School Health from Temple University, is past chair of the Sexuality Council for the American School Health Association and is currently serving on the Executive Council for the Society of State Directors of Health, Physical Education and Recreation. She was awarded the 2008 Mary Jo Young Health Teacher of the Year award from New Jersey AHPERD and the Mary Lee Tatum Award from the Association of Planned Parenthood Leaders in Education in 2010.

Kurt Conklin, MPH, MCHES, is the School Health Project Coordinator at SIECUS (Sexuality Information and Education Council of the U.S.). In his current role, he has provided training, technical assistance, and other capacity-building assistance services to organizations that serve adolescents at highest risk for HIV infection, other STIs, unintended pregnancy, and interpersonal violence such as bullying. Organizations he has assisted include state education departments, local school districts, community-based organizations, county/state health departments, and national non-governmental organizations (NGOs). The Elton John AIDS Foundation has funded his work to assist community-based organizations in the rural South to engage young men of color who have sex with men (YMSM of color); the U.S. Centers for Disease Control and Prevention's Division of Adolescent and School Health has funded his work to assist state, local, and territorial education agencies to address HIV-related health disparities affecting YMSM of color and other adolescents at elevated risk.

Geri Graham, MS, CDCP, was a health and physical education teacher for 30 years. Her responsibilities at the middle school included coaching and being the substance abuse coordinator. She was also the district health curriculum director for 6 years. The past live years she was employed by the Minnesota Department of Education and focused her work on HIV/sexuality education, social obtional learning, learning styles and drug and alcohol prevention. She is a nationally recognized trainer on sexuality curriculum, social and emotional learning and learning styles. She is an avid fisherwoman and enjoys lots of time with her two grandchildren.

Register at this link: <u>http://www.surveymonkey.com/s/6CVDNKG</u> Questions? Call Sandra Tibke at 701-328-2098 or email at <u>smtibke@nd.gov</u>

#2 HB 1229

Testimony for House Bill 1229:

March 21, 2011

Chairman Freborg and members of the committee, my name is Kay Kiefer. I live in West Fargo and work for FirstChoice Clinic in Fargo. For the past several years, I have had the opportunity to directly oversee FirstChoice Clinic's positive youth development program called Make a Sound Choice. It was most recently funded by a Community Based Abstinence Education (CBAE) grant from the US Department of Health and Human Services in 2006 and was developed under those federal guidelines. The Make a Sound Choice program partners with schools and youth service facilities operating in the state of North Dakota and western Minnesota and provides character-based risk-avoidance education with a focus on abstinence from sexual activity for 12-18 year olds. I am here to testify in favor of HB 1229 for several reasons:

First, this bill would ensure that middle- and high-school students in our state receive education about the benefits of abstaining from sexual activity. It is critical for teens to understand that regardless of their gender, ethnicity or sexual orientation, sexual abstinence is the safest and healthiest choice that they can make during this time in their lives. Abstinence education is a form of primary prevention... the same model that we use for other public-health related concerns in our education system. Primary prevention seeks to prevent diseases or conditions before they can begin. This is done, in part, by providing education to reduce risk-taking behavior. School districts in our state already use this approach with many health and safety-related issues, such as: cigarette smoking, drug use/abuse, underage drinking, seat belts, obesity, etc. And, generally, those messages are repeated frequently and in varied media. Surely as the caring adults overseeing the education of our youth, we want them to know that reserving sexual expression until marriage is the safest choice.



Second, the provision of abstinence-based concepts within health curriculum has been successfully tested widely by our program within North Dakota during the course of the past four year. This education has been shown to have a positive impact on the knowledge, attitudes and behavioral intent of students. Independent evaluation of our program was conducted by the School of Education at North Dakota State University. I have provided you with an attachment portraying the impact of this education on both middle- and high- school students in our region, as determined by the evaluation team. After working with FirstChoice Clinic on this project for several years, the lead evaluator from NDSU stated that: "(The MSC Program's) commitment to evidence-based program management has resulted in students consistently achieving or exceeding outcome benchmarks." There is a growing body of evidence from not just our state but from across the nation showing that abstinence education programs can be an effective means of reducing adolescent sexual activity and other associated risk behaviors. The Search Institute out of Minneapolis is a respected source of research to benefit children and youth. One of the 40 Developmental Assets, which identify critical factors to ensure healthy lives, states: "Young person believes it is important not to be sexually active or to use alcohol or other drugs."

Finally, this legislation would continue to allow school districts to exercise local control in determining other educational components that they would want to provide to their students. While it is clear that the safest and healthiest message is sexual abstinence, the language contained in this bill does not preclude North Dakota school districts from teaching any other content that they wish.

Over 50 schools and youth service organizations throughout North Dakota have partnered with FirstChoice Clinic's Make a Sound Choice program in the past several years to bring a strong abstinence message to 12-18 year olds. Overwhelmingly, those entities have indicated that their desire to continue to provide this education. House Bill 1229 ensures that students in our state receive this important education.

Thank you for your attention.

make a sound choice a positive youth development program of.... FirstChoice Clinic—Fargo, ND

> Your Headquarters for Sexual Integrity and Relationships

upon request

2010 Edition

Ten Things Suys Want to Know About Sinis & the Other Way Around

COVER GUY ADDISON

on dating, peer pressure, the importance of Friends



Senate Education Committee March 22, 2011 HB 1229

Mr. Chair and members of the Senate Education Committee, I am Tom Freier with North Dakota Family Alliance. I am here in support of HB 1229.

"Abstinence education is about imparting knowledge, knowledge that will benefit our young people throughout their lives. It is more than just saying 'no' to premarital sex. It is more than just trying to avoid contracting a STD. It is about considering choices, and the benefits and consequences of those choices. It is about a well-rounded, well thought out approach to preparing for the future, which in most cases will involve marriage. It is about gaining knowledge and wisdom.'

That is what I came away with as I took part in the training for health teachers preparing to utilize the abstinence based concepts.

Parents by a large majority favor abstinence being taught as a part of the health curriculum, and that the teaching will result in their child waiting to have sex until married. This serves as the only certain means to avoid contracting a sexually transmitted disease or becoming pregnant. Parents understand the harmful social and psychological effects of premarital sexual activity.

Abstinence curriculum "Aspire", puts it this way, 'Abstinence is the only sure way to protect your body, mind, and heart from the consequences of premarital sexual activity. Abstinence is the safest, healthiest lifestyle and one of the best ways to prepare for a healthy future marriage'.

Most abstinence programs speak to the bigger picture, the future. They cover issues like: resisting peer pressure, taking control of the media, building character, understanding the pitfalls associated with drugs and alcohol, and preparing for a positive future. For most young people, the program is about learning to resist the power of the present and it many pressures, and choosing instead to pursue the path to a future filled with freedom.

Thank you for hearing this, a most important bill—one which will have a great impact on the legacy we leave our children and grandchildren. Please support this bill with a Do Pass.

#5

Dedicated To Strengthening Families

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ABSTINENCE IS SUCCUESSFUL!!!

(In reference to Emily Tobin's letter on May 22nd, "Cars are not people; knowledge is the key"

To have a knowledgeable discussion in regard to the merits of abstinence based educational programs versus the comprehensive curriculum, we must make a distinction. We must differentiate between our view on abstinence and our analysis of how successful the abstinence educational programs have been. It would be very hard to argue that abstinence does not work. It surely guards against contracting STD's, and addresses the issue of safety and health concerns. Well rounded abstinence programs prepare young people for successful marriage relationships. And by the way, a Rutgers University study documented that 90% of senior high school students look forward to successful marriages.

Ms. Tobin's comments referencing the number of teens having premarital sex may be accurate. What this suggests is that the efforts need to greater, not less. The content of the educational material needs to be reviewed. If the more liberal comprehensive programs concentrating on contraceptives to provide "safe sex" have not been successful, and I offer that they have not, and may actually promote premarital sex, then a greater emphasis must be applied to the abstinence programs.

Ms Tobin referenced a Mathmatica Research Inc report which cast some doubt on the success of abstinence educational programs. Unfortunately their report was based on only 4 of 700 abstinence programs, and those 4 programs were early versions yet to be refined. It would seem difficult to draw firm conclusions from such a small sample on the effectiveness of an overall program.

Recently, a Zogby poll was conducted of over 1000 parents with children ages 10-16. The results were very enlightening:

- by more than 3 to 1 the parents agreed more funding should go to abstinence education versus
- the comprehensive program_
- 83% of the parents think it is important for their child to wait until marriage to have sex
- 78% of the parents believe sex education classes in public schools should place more emphasis on promoting abstinence than on condoms and other contraceptives
- 80% of the parents supported the teaching of core values to increase the success of a future healthy marriage
- when a full explanation of components of the two programs is shared, the abstinence program support increases by 20% and the comprehensive sexual program support declines by 20%

The results of this poll clearly indicate strong support for a program that not only provides for the health and safety of their children, but prepares them for a successful future long term relationship.

Abstinence education is about imparting knowledge, knowledge that will benefit our young people throughout their lives. It is more than just saying 'no' to premarital sex. It is more than just trying to avoid contracting a STD. It is about considering choices, and the benefits and consequences of those choices It is about a well rounded, well thought out approach to preparing for the future, which in most cases will involve marriage. It is about gaining knowledge and wisdom.

The institution of marriage is the foundational bedrock of the family. Premarital abstinence is an instrumental component of a successful marriage, and abstinence education is a necessary for our young people. Let's make sure our schools provide the proper abstinence educational programs.





Testimony For: House Bill 1229

Mr. Chairman and members of the committee -

My name is Rebecca Meidinger. I work as program director of Make a Sound Choice, which is the positive youth development program of FirstChoice Clinic. Make a Sound Choice works with schools and educators throughout North Dakota to empower young people to make healthy decisions and to avoid high risk behaviors, such as the use of drugs, alcohol, tobacco, violence and involvement in sexual activity outside of marriage.

Studies consistently show that teen high risk behaviors run together. If a teen is using alcohol, he or she is more likely to also become involved in drug use, violence and/or sexual activity. For this reason, abstinence education does not simply focus on telling kids "Don't have sex." Abstinence is much broader in its goal than just that. Abstinence education has at its core an effort to empower young people to set goals, dream dreams, develop personal character and leadership skills, engage in healthy relationships, and make healthy decisions in all areas of their lives, including in their choices surrounding sexuality.

Rather than simply telling students "Just Say No," abstinence education spends time in the classroom exploring and discussing, character skills that will enable a student to abstain. Self control, perseverance, patience, respect for oneself and for others, integrity – all of these are skills that abstinence education emphasizes and discusses in depth with teens. If a young person makes a decision to abstain from sexual activity, we stress that it's also important to make a decision to abstain from the use of alcohol. Very often, when a young person has his/her first sexual experience, it is partially due to weaken inhibitions caused by the influence of alcohol. The same character skills that a student will use to resist pressure to drink will be the character skills he/she needs to make the healthiest choice about sex – to abstain until marriage.

#6 HB1229

Abstinence education is medically accurate and teaches in-depth about Sexually Transmitted Diseases. On the Condom Effectiveness page on the CDC website, you can find the following statement:

The most reliable ways to avoid transmission of STDs are to abstain from sexual activity, or to be in a long-term mutually monogamous relationship with an uninfected partner.¹

This "long-term mutually monogamous relationship" is most commonly marriage. Although condoms do *reduce* risk of contracting STD's, they do not *eliminate* risk. The amount of risk reduction varies from one type of STD to another. Some STD's (HPV, Herpes) are spread by skin to skin contact, which makes it challenging for the CDC to accurately estimate how much condoms are able to reduce risk for those particular infections.

Abstinence education does teach this information. However, rather than teaching students how to lower their risk of infection, abstinence teaches students how to eliminate their risk of infection. *Reducing* risk just simply isn't good enough for our kids when we know that these STD's can lead to cancer, infertility, and even to death. Our young people deserve the best, so abstinence raises the standard to risk-elimination.

How does abstinence education teach this? By giving students reasons to save sexual activity for marriage, helping students in setting goals and getting a vision for their future, and teaching communication skills for their relationships...actually having students practice standing strong under peer pressure. Most abstinence programs also contain education on healthy relationships vs. controlling relationships, and how to recognize if someone is mistreating/disrespecting you. For example, at the annual educator workshop sponsored by Make a Sound Choice this summer, educators will receive education on recognizing and reshaping students who tend to bully others in their schools.



¹ http://www.cdc.gov/condomeffectiveness/brief.html

Abstinence education is often called *Abstinence-only*. In truth, it's not *only* abstinence. It's character development, communication skills, goal-setting, relationship education. Abstinence education is primary prevention, with the best in mind for North Dakota students. All students deserve this education.

#6 HB1229

Make a Sound Choice Learning Gains in Grades 6-8

Benchmarks

- 1. Understand the meaning of abstinence
- 2. Agree that abstinence is a healthy personal choice
- 3. Understand the potentially negative consequences of sexual activity
- 4. All adolescents can benefit by choosing to be abstinent in the future
- 5. Plan to be abstinent until marriage



Make a Sound Choice Learning Gains in Grades 9–12

Benchmarks

- 1. Understand the meaning of abstinence
- 2. Agree that abstinence is a healthy personal choice
- 3. Understand the potentially negative consequences of sexual activity
- 4. All adolescents can benefit by choosing to be abstinent in the future
- 5. Plan to be abstinent until marriage



3/21/11 - KLK for MSC

#7 HB 1229
In dozens of recent studies conducted throughout the last decade, nearly every single one concluded that abstinence-only sex education has not only failed, but has in fact mislead teens and contributed to an increase in teen pregnancy and STDs. The American Psychological Association conducted a study in 2005 that found comprehensive sex education to be more effective in preventing unwanted pregnancies and STDs.

Committee chairwoman for the APA's study and psychologist Maureen Lyon, Ph.D., said, "Both comprehensive sex education and abstinence only programs delay the onset of sexual activity. However, only comprehensive sex education is effective in protecting adolescents from pregnancy and sexually transmitted illnesses at first intercourse and during later sexual activity.

In contrast, scientifically sound studies of abstinence only programs show an unintended consequence of unprotected sex at first intercourse and during later sexual activity."

According to a 2002 <u>study</u> by Chris Collins, M.P.P. Priya Alagiri, J.D. and Todd Summers for the AIDS Policy Research Center & Center for AIDS Prevention Studies, the Institute of Medicine of the National Academy of Sciences recommended eliminating congressional, federal, state and local requirements that public funds be used for abstinence-only sex education.

What neither side disputes is the fact that abstinence is the only 100-percent effective way to avoid unplanned pregnancies and STDs. However, with the majority of high school students losing their virginity by their senior year, there is an urgent need for practicality in sex education.

hen minors are told that sex in any way, shape, or form is dirty and shameful, it discourages them from being safe when they do become sexually active because it has been stigmatized. So instead of buying condoms or talking to their parents about birth control, unprepared teenagers delve into sex without knowing how to protect themselves or fully understanding the consequences.

#8 HB 1229

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1229

That the Senate recede from its amendments as printed on pages 1177 and 1178 of the House Journal and pages 890 and 891 of the Senate Journal and that Engrossed House Bill No. 1229 be amended as follows:

Page 1, line 7, replace "each school district shall ensure that its curriculum for health" with "in addition to meeting other state standards of a health based education, each school district shall present abstinence based concepts related to sexual health to students through health classes. The school district shall educate the students to the potential dangers of not using abstinence when exposed to risky behaviors."

Page 1, remove line 8

Renumber accordingly

ATTACHMENT 1

11.0467.04000

Sixty-second Legislative Assembly of North Dakota

A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to abstinence-based concepts within the school health curriculum.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Abstinence - based concepts - Health curriculum.

Beginning July 1, 2012, each school district shall ensure that its curriculum for health includes the instruction of abstinence-based concepts.



PROPOSED AMENDMENTS TO HOUSE BILL NO. 1229

That the Senate recede from its amendments as printed on pages 1177 and 1178 of the House Journal and pages 890 and 891 of the Senate Journal and that Engrossed House Bill No. 1229 be amended as follows:

Page 1, line 8, replace "exposure" with "instruction"

Page 1, line 8, remove "students to"

ATTACHMENT 2

North Dakota Health Content and Achievement Standards

Standard 1—Growth and Development

Standard 2—Personal Health

Standard 3-External Health Factors

Standard 4—Communication Skills

Standard 5—Decision Making and Goal Setting

Standard 6-Consumer Health

Standard 7—Health Advocacy

Abstinence—Not engaging in a particular behavior

	d 1: Students understand the fundar	ACHIEVEME	ACHIEVEMENT DESCRIPTOR		
	Benchmark Expectations	ADVANCED PROFICIENT	PROFICIENT	PARTIALLY PROFICIENT	NOVICE
7-8.1.3	Explain the processes of conception, prenatal development, and birth	Students explain the processes of conception, prenatal development, and birth with substantial detail.	Students explain the processes of conception, prenatal development, and birth with sufficient detail.	Students explain the processes of conception, prenatal development, and birth with sketchy detail.	Students explain the processes of conception, prenatal development, and birth with little or no detail.
BODY SY	/STEMS				
7-8.1.4	Identify the anatomical structures of the reproductive system	Students identify anatomical structures of the reproductive system with few, if any, errors.	Students identify anatomical structures of the reproductive system with no significant errors.	Students identify anatomical structures of the reproductive system with limited significant errors.	Students identify anatomica structures of the reproductive system with many significant errors.
Grades	9–12				
HUMAN (GROWTH AND DEVELOPMENT				
9-12.1.1	Explain how the physical, intellectual, social, and spiritual changes that occur throughout life differ among individuals, families, and communities)	Students explain how the physical, intellectual, social, and spiritual changes that occur throughout life differ among individuals, families, and communities with substantial detail.	Students explain how the physical, intellectual, social, and spiritual changes that occur throughout life differ among individuals, families, and communities with sufficient detail.	Students explain how the physical, intellectual, social, and spiritual changes that occur throughout life differ among individuals, families, and communities with sketchy detail.	Students explain how the physical, intellectual, social and spiritual changes that occur throughout life differ among individuals, families and communities with little or no detail.
9-12.1.2	Explain how physical, intellectual, social, spiritual, and cultural factors influence attitudes toward sexuality	Students provide an insightful explanation of how physical, intellectual, social, spiritual, and cultural factors influence attitudes toward sexuality.	Students provide a relevant explanation of how physical, intellectual, social, spiritual, and cultural factors influence attitudes toward sexuality.	Students provide a superficial explanation of how physical, intellectual, social, spiritual, and cultural factors influence attitudes toward sexuality.	Students provide an irrelevant explanation of how physical, intellectual, social, spiritual, and cultura factors influence attitudes toward sexuality.
9-12.1.3	Describe the importance of prenatal and postnatal care to both parents and child	Students describe the importance of prenatal and postnatal care to parents and the child with substantial detail.	Students describe the importance of prenatal and postnatal care to parents and the child with sufficient detail.	Students describe the importance of prenatal and postnatal care to parents and the child with sketchy detail.	Students explain the importance of prenatal and postnatal care to parents and the child with little or m detail.

	Depakment Expectations	- 	ACHIEVEME	INT DESCRIPTOR	
	Benchmark Expectations	ADVANCED PROFICIENT	PROFICIENT	PARTIALLY PROFICIENT	Novice
BODY SY	STEMS				
9-12.1.4 [,]	Explain how personal health behaviors impact the functioning of body systems (e.g., stress weakens the immune system, lack of exercise may lead to obesity, tobacco use may lead to cancer, risky behaviors may lead to HIV/AIDS or STD/STIS)	Students explain how personal health behaviors impact the functioning of body systems with substantial detail.	Students explain how personal health behaviors impact the functioning of body systems with sufficient detail.	Students explain how personal health behaviors impact the functioning of body systems with sketchy detail.	Students explain how personal health behaviors impact the functioning of body systems with little or no detail.
9-12.1.5	Explain the functions of the reproductive system	Students explain the functions of the reproductive system with substantial detail.	Students explain the functions of the reproductive system with sufficient detail.	Students explain the functions of the reproductive system with sketchy detail.	Students explain the functions of the reproductive system with little or no detail.



Standard 2: Students understand concepts related to the promotion of health and the prevention of disease.

	The students understand concepts i			INT DESCRIPTOR	
	Benchmark Expectations	ADVANCED PROFICIENT	PROFICIENT	PARTIALLY PROFICIENT	Novice
6.2.5	Identify personal risks associated with harmful chemicals and drugs (e.g., accidents, addiction, depression, overdose)	Students identify an extensive variety of personal risks associated with harmful chemicals and drugs.	Students identify a representative variety of personal risks associated with harmful chemicals and drugs.	Students identify a limited variety of personal risks associated with harmful chemicals and drugs.	Students identify an insufficient variety of personal risks associated with harmful chemicals and drugs.
Grade	s 7–8				
PERSO	NAL HEALTH				
7-8.2.1	Develop strategies for managing stress in their own lives (e.g., breathing and relaxation techniques, avoiding personal stressors, time management, physical activity)	Students develop an extensive variety of strategies for managing stress in their own lives.	Students develop a representative variety of strategies for managing stress in their own lives.	Students develop a limited variety of strategies for managing stress in their own lives.	Students develop an insufficient variety of variety of strategies for managing stress in their own lives.
7-8.2.2	Describe ways (e.g., personal achievement, community involvement, physical activity) to improve self-esteem	Students describe an extensive variety of ways to improve self-esteem.	Students describe a representative variety of ways to improve self-esteem.	Students describe a limited variety of ways to improve self-esteem.	Students describe an insufficient variety of ways to improve self-esteem.
7-8.2.3	Explain how personal values and beliefs influence individual health practices (e.g., nutrition, personal hygiene, abstinence) and behaviors	Students explain how personal values and beliefs influence individual health practices and behaviors with substantial detail.	Students explain how personal values and beliefs influence individual health practices and behaviors with sufficient detail.	Students explain how personal values and beliefs influence individual health practices and behaviors with sketchy detail.	Students explain in how personal values and beliefs influence individual health practices and behaviors with little or no detail.
7-8.2.4	Describe ways in which family history can have an impact on personal health (e.g., hereditary diseases)	Students describe an extensive variety of ways that family history can have an impact on personal health.	Students describe a representative variety of ways that family history can have an impact on personal health.	Students describe a limited variety of ways that family history can have an impact on personal health.	Students describe an insufficient variety of ways that family history can have an impact on personal health.
7-8.2.5	Explain the relationship between sexual behavior and personal health (e.g., STD/STI, pregnancy, HIV/AIDS)	Students explain the relationship between sexual behavior and personal health with substantial detail.	Students explain the relationship between sexual behavior and personal health with sufficient detail.	Students explain the relationship between sexual behavior and personal health with sketchy detail.	Students explain the relationship between sexual behavior and personal health with little or no detail.



1

Standard 2: Students understand concepts related to the promotion or health and the prevention of disease.

				NT DESCRIPTOR	
	Benchmark Expectations	ADVANCED PROFICIENT	PROFICIENT	PARTIALLY PROFICIENT	NOVICE
DISEASE .	AND ILLNESS				
7-8.2.6	Identify the symptoms and treatment of common diseases and other health problems (e.g., allergies, communicable/non-communicable)	Students identify an extensive variety of symptoms and treatment of common diseases and other health problems.	Students identify a representative variety of symptoms and treatment of common diseases and other health problems.	Students identify a limited variety of symptoms and treatment of common diseases and other health problems.	Students identify an insufficient variety of symptoms and treatment of common diseases and other health problems.
7-8.2.7	Explain ways in which school and public health policies can influence health promotion and disease prevention (e.g., tobacco and wellness policies)	Students explain an extensive variety of ways in which school and public health policies can influence health promotion and disease prevention.	Students explain a representative variety of ways in which school and public health policies can influence health promotion and disease prevention.	Students explain a limited variety of ways in which school and public health policies can influence health promotion and disease prevention.	Students explain an insufficient variety of ways in which school and public health policies can influence health promotion and disease prevention.
7-8.2.8	Explain the benefits of nutrition and physical activity as they relate to the overall well- being of individuals (e.g., obesity)	Students explain an extensive variety of benefits of nutrition and physical activity as they relate to the overall well- being of individuals.	Students explain a representative variety of benefits of nutrition and physical activity as they relate to the overall well- being of individuals.	Students explain a limited variety of benefits of nutrition and physical activity as they relate to the overall well-being of individuals.	Students explain an insufficient variety of benefits of nutrition and physical activity as they relate to the overall well- being of individuals.
SAFETY A	AND INJURY PREVENTION				
7-8.2.9	Describe ways to reduce or prevent injuries (e.g., water safety, the use of appropriate safety equipment, obeying laws and procedures, understanding basic first aid)	Students describe an extensive variety of ways to reduce or prevent injuries.	Students describe a representative variety of ways to reduce or prevent injuries.	Students describe a limited variety of ways to reduce or prevent injuries.	Students describe an insufficient variety of ways to reduce or prevent injuries.
7-8.2.10	Describe personal risks associated with harmful chemicals and drugs (e.g., addiction, depression, withdrawal, loss of control, driving under the influence, overdose, death)	Students describe an extensive variety of personal risks associated with harmful chemicals and drugs.	Students describe a representative variety of personal risks associated with harmful chemicals and drugs.	Students describe a limited variety of personal risks associated with harmful chemicals and drugs.	Students describe an insufficient variety of personal risks associated with harmful chemicals and drugs.
Grades	9–12				
PERSONA	AL HEALTH & WELLNESS				
9-12.2.1	Analyze healthy versus unhealthy behaviors and their relationships to health promotion and disease prevention (e.g., active lifestyle vs. sedentary lifestyle, healthy diet vs. fad diets)	Students analyze healthy versus unhealthy behaviors and their relationships to health promotion and disease prevention with substantial detail.	Students analyze healthy versus unhealthy behaviors and their relationships to health promotion and disease prevention with sufficient detail.	Students analyze healthy versus unhealthy behaviors and their relationships to health promotion and disease prevention with sketchy detail.	Students analyze healthy versus unhealthy behaviors and their relationships to health promotion and disease prevention with little or no detail.

August 2008

	2: Students understand concepts r		ACHIEVEME	NT DESCRIPTOR	
	Benchmark Expectations	ADVANCED PROFICIENT	PROFICIENT	PARTIALLY PROFICIENT	NOVICE
9-12.2.2	Apply strategies for enhancing personal health (e.g., self-discipline, commitment, perseverance, support)	Students apply strategies for enhancing personal health with few, if any lapses.	Students consistently apply strategies for enhancing personal health.	Students inconsistently apply strategies for enhancing personal health.	Students rarely apply strategies for enhancing personal health.
r ((Explain ways individuals can take esponsibility for enhancing their own health e.g., personal responsibility for dietary choices and reading labels, participating in ohysical activities, stress reduction, abstinence)	Students explain an extensive variety of ways individuals can take responsibility for enhancing their own health.	Students explain a representative variety of ways individuals can take responsibility for enhancing their own health.	Students explain a limited variety of ways individuals can take responsibility for enhancing their own health.	Students explain an insufficient variety of ways individuals can take responsibility for enhancing their own health.
DISEASE	AND ILLNESS				
9-12.2.4	Explain the importance of regular physical examinations (e.g., self-examination of breasts or testicles and physical examination by a physician) in detecting and treating diseases early	Students explain the importance of regular physical examinations in detecting and treating diseases early with substantial detail.	Students explain the importance of regular physical examinations in detecting and treating diseases early with sufficient detail.	Students explain the importance of regular physical examinations in detecting and treating diseases early with sketchy detail.	Students explain importance of regular physical examinations in detecting and treating diseases early with little or no detail.
9-12.2.5	Describe how prevention and treatment of health problems are influenced by research and medical advances (e.g., recent improvements in the treatment of cancer, diabetes, and heart disease; advanced surgical techniques; HIV/AIDS)	Students describe how prevention and treatment of health problems are influenced by research and medical advances with substantial detail.	Students describe how prevention and treatment of health problems are influenced by research and medical advances with sufficient detail.	Students describe how prevention and treatment of health problems are influenced by research and medical advances with sketchy detail.	Students describe how prevention and treatment of health problems are influenced by research and medical advances with little or no detail.
9-12.2.6	Describe the social and economic effects of disease on individuals, families, and communities (e.g., absenteeism from work and school, loss of income, epidemics of infectious disease)	Students describe an extensive variety of social and economic effects of disease on individuals, families, and communities.	Students describe a representative variety of social and economic effects of disease on individuals, families, and communities.	Students describe a limited variety of social and economic effects of disease on individuals, families, and communities.	Students describe an insufficient variety of social and economic effects of disease on individuals, families, and communities.

	Benchmark Expectations				
		ADVANCED PROFICIENT	PROFICIENT	PARTIALLY PROFICIENT	NOVICE
5.3.2	Describe ways the media can influence an individual's thoughts, feelings, and health behaviors	Students describe ways that the media can influence an individual's thoughts, feelings, and health behaviors with substantial detail.	Students describe ways that the media can influence an individual's thoughts, feelings, and health behaviors with sufficient detail.	Students describe ways that the media can influence an individual's thoughts, feelings, and health behaviors with sketchy detail.	Students describe ways that the media can influence an individual's thoughts, feelings, and health behaviors with little or no detail.
5.3.3	Identify ways in which technology can influence personal health (e.g., health related web sites, blood pressure cuffs, pedometers)	Students identify an extensive variety of ways in which technology can influence personal health.	Students identify a representative variety of ways in which technology can influence personal health.	Students identify a limited variety of ways in which technology can influence personal health.	Students identify an insufficient variety of ways in which technology can influence personal heatth.
Healti	HAND THE ENVIRONMENT				
5.3.4	Describe ways the environment affects personal health (e.g., the importance of clean air, water, and land; the relationship between the sun and skin cancer)	Students describe an extensive variety of ways the environment affects personal health.	Students describe a representative variety of ways the environment affects personal health.	Students describe a limited variety of ways the environment affects personal health.	Students describe an insufficient variety of ways the environment affects personal health.
Grade	96				
Exter	NAL INFLUENCES ON HEALTH				
6.3.1	Describe ways external factors (e.g., family, peers, culture, media, technology) affect health in positive and negative ways (e.g., advertisements that promote or discourage tobacco and alcohol use; effects of TV, the internet and video games on physical activity)	Students describe an extensive variety of ways in which external factors affect health in positive and negative ways.	Students describe a representative variety of ways in which external factors affect health in positive and negative ways.	Students describe a limited variety of ways in which external factors affect health in positive and negative ways.	Students describe an insufficient variety of ways in which external factors affect health in positive and negative ways.
Healt	H AND THE ENVIRONMENT				
6.3.2	Explain how the environment can affect personal health (e.g., second-hand smoke, available health care)	Students provide an insightful explanation of how the environment can affect personal health.	Students provide a relevant explanation of how the environment can affect personal health.	Students provide a superficial explanation of how the environment can affect personal health.	Students provide an irrelevant explanation of how the environment can affect personal health.

Benchmark Expectations						
	Benchmark Expectations	ADVANCED PROFICIENT	PROFICIENT	PARTIALLY PROFICIENT	Novice	
Grades	7–8					
EXTERNA	AL INFLUENCES ON HEALTH					
7-8.3.1	Analyze how external factors (e.g., family, peers, culture, media, technology) affect physical, mental, and social health in positive and negative ways (e.g., the effect of advertising on food choices, peer influences on internet usage)	Students analyze how external factors affect physical, mental, and social health in positive and negative ways with substantial detail.	Students analyze how external factors affect physical, mental, and social health in positive and negative ways with sufficient detail.	Students analyze how external factors affect physical, mental, and social health in positive and negative ways with sketchy detail.	Students analyze how external factors affect physical, mental, and socia health in positive and negative ways with little or no detail.	
HEALTH	AND THE ENVIRONMENT					
7-8.3.2	Identify ways that physical environment (e.g., natural and man-made disasters, pollutants) influences the health of individuals	Students identify an extensive variety of ways the physical environment influences the health of individuals.	Students identify a representative variety of ways the physical environment influences the health of individuals.	Students identify a limited variety of ways the physical environment influences the health of individuals.	Students identify an insufficient variety of ways the physical environment influences the health of individuals.	
Grades	9–12					
EXTERNA	AL INFLUENCES ON HEALTH					
9-12.3.1	Explain how the community can influence the health of individuals (e.g., health information offered through community organizations, volunteer work at hospitals, community food banks)	Students provide an insightful explanation of how the community can influence the health of individuals.	Students provide a relevant explanation of how the community can influence the health of individuals.	Students provide a superficial explanation of how the community can influence the health of individuals.	Students provide an irrelevant explanation of how the community can influence the health of individuals.	
9-12.3.2	Describe how cultural diversity enriches and challenges health behaviors (e.g., cultural differences related to health care and the treatment of disease, various food sources of nutrients available in different cultural and ethnic cuisines)	Students describe how cultural diversity enriches and challenges health behaviors with substantial detail.	Students describe how cultural diversity enriches and challenges health behaviors with sufficient detail.	Students describe how cultural diversity enriches and challenges health behaviors with sketchy detail.	Students describe how cultural diversity enriches and challenges health behaviors with little or no detail.	
9-12.3.3	Explain how public health policies and government regulations (e.g., food and drug labeling, safe food handling and production regulations, community immunization programs, regulations regarding waste disposal) influence health	Students provide an insightful explanation of how public health policies and government regulations influence health.	Students provide a relevant explanation of how public health policies and government regulations influence health.	Students provide a superficial explanation of how public health policies and government regulations influence health.	Students provide an irrelevant explanation of how public health policies and government regulation influence health.	

Standard 4: Students demonstrate the ability to use communication skills to enhance health.

	Dependence Exponenticipa	ACHIEVEMENT DESCRIPTOR				
	Benchmark Expectations	ADVANCED PROFICIENT	PROFICIENT	PARTIALLY PROFICIENT	Novice	
CONFL	ICT RESOLUTION					
3.4.2	Explain when to communicate with responsible adults about health and safety decisions (e.g., stranger danger, good touch, bad touch, internet)	Students explain when to communicate with responsible adults about health and safety decisions with substantial detail.	Students explain when to communicate with responsible adults about health and safety decisions with sufficient detail.	Students explain when to communicate with responsible adults about health and safety decisions with sketchy detail.	Students explain when to communicate with responsible adults about health and safety decision with little or no detail.	
Grade	e 4					
INTERF	PERSONAL COMMUNICATION					
4.4.1	Use appropriate communication skills (e.g., send a clear message through eye contact and body language, listen to each other, understand each other)	Students use appropriate communication skills with few, if any, errors.	Students consistently use appropriate communication skills.	Students inconsistently use appropriate communication skills.	Students rarely use appropriate communicatio skills.	
CONFL	ICT RESOLUTION					
4.4.2	Develop and implement strategies for resolving conflicts (e.g., negotiation and compromise)	Students develop and implement insightful strategies for resolving conflicts.	Students develop and implement relevant strategies for resolving conflicts.	Students develop and implement mediocre strategies for resolving conflicts.	Students develop and implement irrelevant strategies for resolving conflicts.	
Grade	e 5					
INTER	PERSONAL COMMUNICATION					
5.4.1	Explain how to develop relationships with family and friends using appropriate communication skills (e.g., I messages and body language)	Students explain how to develop relationships with family and friends using appropriate communication skills with substantial detail.	Students explain how to develop relationships with family and friends using appropriate communication skills with sufficient detail.	Students explain how to develop relationships with family and friends using appropriate communication skills with sketchy detail.	Students explain how to develop relationships with family and friends using appropriate communicatio skills with little or no detail	
CONFL	LICT RESOLUTION					
5.4.2	Describe refusal skills to avoid or reduce health risks (e.g., drugs, tobacco, alcohol, peer pressure)	Students describe refusal skills to avoid or reduce health risks with substantial detail.	Students describe refusal skills to avoid or reduce health risks with sufficient detail.	Students describe refusal skills to avoid or reduce health risks with sketchy detail.	Students describe refusal skills to avoid or reduce health risks with little or n detail.	

	rd 4: Students demonstrate the ability		ACHIEVEME	NT DESCRIPTOR	
	Benchmark Expectations	ADVANCED PROFICIENT	PROFICIENT	PARTIALLY PROFICIENT	NOVICE
5.4.3	Apply the basic conflict resolution skills (e.g., stay calm, identify the problem, list ways to settle the problem, agree on how to settle the problem, ask a responsible adult for help)	Students apply the basic conflict resolution skills with ease.	Students apply the basic conflict resolution skills with minimal difficulty.	Students apply the basic conflict resolution skills with difficulty.	Students apply the basic conflict resolution skills wit little or no success.
Grade	6				
NTERP	ERSONAL COMMUNICATION				
5.4.1	Describe social skills for building and maintaining positive relationships at school, work, and home (e.g., positive communication, cooperation, respect)	Students describe social skills for building and maintaining positive relationships at school, work, and home with substantial detail.	Students describe social skills for building and maintaining positive relationships at school, work, and home with sufficient detail.	Students describe social skills for building and maintaining positive relationships at school, work, and home with sketchy detail.	Students describe social skills for building and maintaining positive relationships at school, work, and home with little no detail.
CONFL	ICT RESOLUTION				
5.4.2	Identify strategies (e.g., refusal skills, negotiation skills) for coping with peer pressure	Students identify an extensive variety of strategies for coping with peer pressure.	Students identify a representative variety of strategies for coping with peer pressure.	Students identify a limited variety of strategies for coping with peer pressure.	Students identify an insufficient variety of strategies for coping with peer pressure.
6.4.3	Identify conflicts (e.g., bullying, power plays or struggles, peer pressure, gangs) in schools, families, and communities	Students identify an extensive variety of conflicts in schools, families, and communities.	Students identify a representative variety of conflicts in schools, families, and communities.	Students identify a limited variety of conflicts in schools, families, and communities.	Students identify an insufficient variety of conflicts in schools, familie and communities.
Grade	es 7–8				
NTERF	PERSONAL COMMUNICATION				
	Describe effective verbal and nonverbal communication skills to enhance health (e.g., passive, assertive and aggressive behaviors)	Students describe effective verbal and nonverbal communication skills to enhance health with substantial detail.	Students describe effective verbal and nonverbal communication skills to enhance health with sufficient detail.	Students describe effective verbal and nonverbal communication skills to enhance health with sketchy detail.	Students describe effectiv verbal and nonverbal communication skills to enhance health with little no detail.



	Benchmark Expectations			NT DESCRIPTOR	
	Benchmark Expectations	ADVANCED PROFICIENT	PROFICIENT	PARTIALLY PROFICIENT	NOVICE
Grade	5				
GOAL	Setting				
5.5.1	Develop and implement short term and long term personal goals that enhance health (e.g., nutrition journal, fitness plan)	Students develop and implement an extensive variety of short term and long term personal goals that enhance health.	Students develop and implement a representative variety of short term and long term personal goals that enhance health.	Students develop and implement a limited variety of short term and long term personal goals that enhance health.	Students develop and implement an insufficient variety of short term and long term personal goals that enhance health.
DECISI	ON MAKING				
5.5.2	Describe risky situations that require adult assistance (e.g., strangers, internet, peer pressure)	Students describe risky situations that require adult assistance with substantial detail.	Students describe risky situations that require adult assistance with sufficient detail.	Students describe risky situations that require adult assistance with sketchy detail.	Students describe risky situations that require adul assistance with little or no detail.
Grade	9 6				
GOAL	Setting				
6.5.1	Develop goals to sustain or improve personal health practices	Students develop goals to sustain or improve personal health practices with substantial detail.	Students develop goals to sustain or improve personal health practices with sufficient detail.	Students develop goals to sustain or improve personal health practices with sketchy detail.	Students develop goals to sustain or improve person health practices with little no detail.
Decisi	on Making				
6.5.2	Describe the consequences of decisions regarding health behaviors (e.g., tobacco, alcohol, drugs, nutrition and physical activity) for oneself and others	Students insightfully describe the consequences of decisions regarding health behaviors for oneself and others.	Students describe the relevant consequences of decisions regarding health behaviors for oneself and others.	Students superficially describe the consequences of decisions regarding health behaviors for oneself and others.	Students describe irreleva consequences of decision regarding health behavior for oneself and others.
Grade	es 7–8				
GOAL	Setting				
7-8.5.1	Identify ways in which personal health goals can be influenced by abilities, priorities, and responsibilities (e.g., maturation, peers, values, and family)	Students identify an extensive variety of ways in which personal health goals can be influenced by abilities, priorities, and responsibilities.	Students identify a representative variety of ways in which personal health goals can be influenced by abilities, priorities, and responsibilities.	Students identify a limited variety of ways in which personal health goals can be influenced by abilities, priorities, and responsibilities.	Students identify an insufficient variety of ways which personal health goa can be influenced by abilities, priorities, and responsibilities.

	Development Expectations	ACHIEVEMENT DESCRIPTOR				
	Benchmark Expectations	ADVANCED PROFICIENT	PROFICIENT	PARTIALLY PROFICIENT	Novice	
DECISION	MAKING					
7-8.5.2	Identify the steps (e.g., clarify, consider, choose) of the decision-making process (e.g., going to a game or doing your homework	Students identify the steps of the decision- making process with few, if any, errors.	Students identify the steps of the decision making process with no significant errors.	Students identify the steps of the decision making process with limited significant errors.	Students identify the steps of the decision making process with many significant errors.	
Grades	9–12			·		
GOAL SE	TTING					
9-12.5.1	Develop a life-long plan to sustain personal health (e.g., remaining drug-free, maintaining safe levels of cholesterol and blood pressure)	Students develop a comprehensive life-long plan to sustain personal health.	Students develop a relevant life life-long to sustain personal health.	Students develop a superficial life life-long to sustain personal health.	Students develop an irrelevant life life-long to sustain personal health.	
9-12.5.2	Assess the personal life-long plan to address individual strengths, needs, and risks and monitor progress toward the goal	Students insightfully assess a personal life- long plan to address individual strengths, needs, and risks and monitor progress toward the goal.	Students assess a relevant personal life-long plan to address individual strengths, needs, and risks and monitor progress toward the goal.	Students superficially assess a personal life-long plan to address individual strengths, needs, and risks and monitor progress toward the goal.	Students assess an irrelevant personal life-long plan to address individual strengths, needs, and risks and monitor progress toward the goal.	
DECISIO	n Making					
9-12.5.3	Apply the decision making process (e.g., gathering facts, assessing the alternatives, implementing a decision, evaluating the outcome) as it relates to a healthy lifestyle	Students insightfully apply the decision making process as it relates to a healthy lifestyle.	Students apply the decision making process as it relates to a healthy lifestyle.	Students superficially apply a decision making process as it relates to a healthy lifestyle.	Students apply an irreleva decision making process a it relates to a healthy lifestyle.	
9-12.5.4	Identify situations (e.g., fluoridated water in a community, television ratings in the home, natural disasters) that require individuals to work together in a collaborative decision-making process	Students identify an extensive variety of situations that require individuals to work together in a collaborative decision making process.	Students identify a representative variety of situations that require individuals to work together in a collaborative decision making process.	Students identify a limited variety of situations that require individuals to work together in a collaborative decision making process.	Students identify an insufficient variety of situations that require individuals to work togethe in a collaborative decision making process.	
9-12.5.5	Compare the short and long term impacts of alternative choices (e.g., pop vs. water, smoking vs. nonsmoking, wearing a seatbelt vs. not wearing a seatbelt, abstinence vs. sexual activity) in health-related situations	Students compare the short and long term impacts of alternative choices in health-related situations with substantial detail.	Students compare the short and long term impacts of alternative choices in health-related situations with sufficient detail.	Students compare the short and long term impacts of alternative choices in health- related situations with sketchy detail.	Students compare the shi and long term impacts of alternative choices in hea related situations with little or no detail.	



Standard 5: Students demonstrate the ability to use decision making and goal setting skills to enhance health.

Benchmark Expectations		ACHIEVEMENT DESCRIPTOR			
		ADVANCED PROFICIENT	PROFICIENT	PARTIALLY PROFICIENT	Novice
9-12.5.6	Explain consequences regarding the use, misuse, and abuse of alcohol, tobacco, and other drugs (e.g., adverse consequences for individuals, families, and the community)	Students provide an insightful explanation of consequences regarding the use, misuse, and abuse of alcohol, tobacco, and other drugs.	Students provide a relevant explanation of consequences regarding the use, misuse, and abuse of alcohol, tobacco, and other drugs.	Students provide a superficial explanation of consequences regarding the use, misuse, and abuse of alcohol, tobacco, and other drugs.	Students provide an irrelevant explanation of consequences regarding the use, misuse, and abuse of alcohol, tobacco, and other drugs.

ATTACHMENTZ

11.0467.04000

Sixty-second Legislative Assembly of North Dakota

A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to abstinence-based concepts within the school health curriculum.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Abstinence - based concepts - Health curriculum.

Beginning July 1, 2012, each school district shall ensure that its curriculum or health includes abstinence-based concepts and addresses:

- 1. Health risks associated with adolescent sexual activity;
- 2. The impact of alcohol, drugs, and social media on sexual decision-making;
- 3. Proactively dealing with peer pressure; and
- 4. Personal responsibility and choices.







ATTACHMENT

11.0467.04000

Sixty-second Legislative Assembly of North Dakota

A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to abstinence-based concepts within the school health curriculum.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Abstinence - based concepts - Health curriculum.

Beginning July 1, 2012, each school district shall ensure that its curriculum for health includes abstinence-based concepts. Using age-appropriate methodologies, the curriculum shall address:

- 1. Health risks associated with adolescent sexual activity;
- 2. The impact of alcohol, drugs, and social media on sexual decision-making;
- 3. Proactively dealing with peer pressure; and
- 4. Personal responsibility and choices.





PROPOSED AMENDMENTS TO HOUSE BILL NO. 1229

That the Senate recede from its amendments as printed on pages 1177 and 1178 of the House Journal and pages 890 and 891 of the Senate Journal and that Engrossed House Bill No. 1229 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to abstinence-based concepts within the school health curriculum.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Abstinence - based concepts - Health curriculum.

Beginning July 1, 2012, each school district shall ensure that its curriculum for health includes abstinence-based concepts. Using age-appropriate methodologies, the curriculum shall address:

- 1. Health risks associated with adolescent sexual activity;
- 2. The impact of alcohol, drugs, and social media on sexual decision-making;
- 3. Proactively dealing with peer pressure; and
- 4. Personal responsibility and choices."

