



SENATE BILL No. 543

March 30, 1993, Introduced by Senators DI NELLO, CARL,
GEAKE and WELBORN and referred to the Committee on
Education.

A bill to amend sections 1169, 1506, and 1507 of Act No. 451
of the Public Acts of 1976, entitled as amended
"The school code of 1976,"
section 1169 as amended by Act No. 139 of the Public Acts of 1990
and section 1507 as amended by Act No. 87 of the Public Acts of
1981, being sections 380.1169, 380.1506, and 380.1507 of the
Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1169, 1506, and 1507 of Act No. 451 of
2 the Public Acts of 1976, section 1169 as amended by Act No. 139
3 of the Public Acts of 1990 and section 1507 as amended by Act
4 No. 87 of the Public Acts of 1981, being sections 380.1169,
5 380.1506, and 380.1507 of the Michigan Compiled Laws, are amended
6 to read as follows:

1 Sec. 1169. (1) ~~The~~ SUBJECT TO SUBSECTIONS (4) AND (5),
2 THE principal modes by which dangerous communicable diseases,
3 including, but not limited to, human immunodeficiency virus
4 infection and acquired immunodeficiency syndrome, are spread and
5 the best methods for the restriction and prevention of these dis-
6 eases shall be taught in every public school in this state.

7 (2) Except for licensed health care professionals who have
8 received training on human immunodeficiency virus infection and
9 acquired immunodeficiency syndrome, each person who teaches K to
10 12 pupils about human immunodeficiency virus infection and
11 acquired immunodeficiency syndrome pursuant to subsection (1)
12 shall have training in human immunodeficiency virus infection and
13 acquired immunodeficiency syndrome education for young people.
14 The state board, in cooperation with the department of public
15 health, shall train trainers to provide the teacher training
16 required by this subsection and shall provide for the development
17 and distribution to school districts of material on the teaching
18 of human immunodeficiency virus infection and acquired immunode-
19 ficiency syndrome to young people.

20 (3) The choice of curricula to be used for human immunodefi-
21 ciency virus infection and acquired immunodeficiency syndrome
22 education required to be taught under subsection (1) shall be
23 approved by the appropriate school board and implemented in the
24 school setting. ~~not later than October 1, 1990.~~

25 (4) THE BOARD OF A SCHOOL DISTRICT PROVIDING THE EDUCATION
26 TO BE TAUGHT UNDER SUBSECTION (1) SHALL ENSURE THAT THE SCHOOL
27 DISTRICT DOES NOT PROVIDE THAT EDUCATION TO A PUPIL WHO IS LESS

1 THAN 18 YEARS OF AGE UNLESS THE SCHOOL DISTRICT HAS FIRST
2 OBTAINED THE WRITTEN PERMISSION OF THE PUPIL'S PARENT OR LEGAL
3 GUARDIAN TO PROVIDE THAT EDUCATION TO THE PUPIL. IF A PUPIL'S
4 PARENT OR LEGAL GUARDIAN DOES NOT GIVE THE PRIOR WRITTEN PERMIS-
5 SION REQUIRED UNDER THIS SUBSECTION, THE PUPIL SHALL BE EXCUSED,
6 WITHOUT PENALTY OR LOSS OF ACADEMIC CREDIT, FROM ATTENDING CLASS
7 SESSIONS IN WHICH THE EDUCATION IS PROVIDED.

8 (5) AT LEAST 1 WEEK BEFORE PROVIDING THE EDUCATION TO BE
9 TAUGHT UNDER SUBSECTION (1) TO A PUPIL WHO IS LESS THAN 18 YEARS
10 OF AGE, A SCHOOL DISTRICT SHALL PROVIDE WRITTEN NOTIFICATION TO
11 THE PUPIL'S PARENT OR LEGAL GUARDIAN OF ALL OF THE FOLLOWING:

12 (A) THE DATE OR DATES OF THE INSTRUCTION.

13 (B) THE NAME OF EACH PROGRAM OR CURRICULUM TO BE USED IN THE
14 INSTRUCTION.

15 (C) WHETHER THE INSTRUCTION WILL BE OF AN AFFECTIVE, NONDI-
16 RECTIVE NATURE.

17 (D) THE NECESSITY OF PRIOR WRITTEN PERMISSION UNDER
18 SUBSECTION (4) AND THAT, IF WRITTEN PERMISSION IS NOT GIVEN, THE
19 PUPIL WILL BE EXCUSED, WITHOUT PENALTY OR LOSS OF ACADEMIC
20 CREDIT, FROM ATTENDING CLASS SESSIONS IN WHICH THE INSTRUCTION IS
21 GIVEN.

22 (6) FAILURE OF A SCHOOL DISTRICT TO FULLY COMPLY WITH
23 SUBSECTIONS (4) AND (5) MAY RESULT IN A STATE SCHOOL AID PENALTY
24 UNDER SECTION 166A OF THE STATE SCHOOL AID ACT OF 1979, BEING
25 SECTION 388.166A OF THE MICHIGAN COMPILED LAWS.

26 Sec. 1506. (1) A program of instruction in reproductive
27 health shall be supervised by a registered physician, a

1 registered nurse, or other person certified by the state board as
2 qualified. ~~Upon the written request of a pupil or the pupil's~~
3 ~~parent or guardian, a~~ THE BOARD OF A SCHOOL DISTRICT PROVIDING
4 INSTRUCTION IN REPRODUCTIVE HEALTH SHALL ENSURE THAT THE SCHOOL
5 DISTRICT DOES NOT PROVIDE THAT INSTRUCTION TO A PUPIL WHO IS LESS
6 THAN 18 YEARS OF AGE UNLESS THE SCHOOL DISTRICT HAS FIRST NOTI-
7 FIED THE PUPIL'S PARENT OR LEGAL GUARDIAN ACCORDING TO
8 SUBSECTION (5) AND OBTAINED THE WRITTEN PERMISSION OF THE PUPIL'S
9 PARENT OR LEGAL GUARDIAN TO PROVIDE THAT INSTRUCTION TO THE
10 PUPIL. IF A PUPIL'S PARENT OR LEGAL GUARDIAN DOES NOT GIVE THE
11 PRIOR WRITTEN PERMISSION REQUIRED UNDER THIS SUBSECTION, OR UPON
12 THE WRITTEN REQUEST OF A PUPIL, THE pupil shall be excused, with-
13 out penalty or loss of academic credit, from attending ~~classes~~
14 CLASS SESSIONS in which the subject of reproductive health is
15 under discussion.

16 (2) AT LEAST 1 WEEK BEFORE PROVIDING THE INSTRUCTION IN
17 REPRODUCTIVE HEALTH UNDER SUBSECTION (1) TO A PUPIL WHO IS LESS
18 THAN 18 YEARS OF AGE, A SCHOOL DISTRICT SHALL PROVIDE WRITTEN
19 NOTIFICATION TO THE PUPIL'S PARENT OR LEGAL GUARDIAN OF ALL OF
20 THE FOLLOWING:

21 (A) THE DATE OR DATES OF THE INSTRUCTION.

22 (B) THE NAME OF EACH PROGRAM OR CURRICULUM TO BE USED IN THE
23 INSTRUCTION.

24 (C) WHETHER THE INSTRUCTION WILL BE OF AN AFFECTIVE, NONDI-
25 RECTIVE NATURE.

26 (D) THE NECESSITY OF PRIOR WRITTEN PERMISSION UNDER
27 SUBSECTION (2) AND THAT, IF WRITTEN PERMISSION IS NOT GIVEN, THE

1 PUPIL WILL BE EXCUSED, WITHOUT PENALTY OR LOSS OF ACADEMIC
2 CREDIT, FROM ATTENDING CLASS SESSIONS IN WHICH THE INSTRUCTION IS
3 GIVEN.

4 (3) FAILURE OF A SCHOOL DISTRICT TO FULLY COMPLY WITH THE
5 PRIOR NOTICE AND PARENTAL PERMISSION PROVISION OF SUBSECTIONS (1)
6 AND (2) MAY RESULT IN A STATE SCHOOL AID PENALTY UNDER
7 SECTION 166A OF THE STATE SCHOOL AID ACT OF 1979, BEING
8 SECTION 388.166A OF THE MICHIGAN COMPILED LAWS.

9 (4) ~~-(2)-~~ As used in ~~subsection (1)-~~ THIS SECTION and sec-
10 tions 1507 and 1508, "reproductive health" means that state of an
11 individual's well-being which involves the reproductive system
12 and its physiological, psychological, and endocrinological
13 functions.

14 Sec. 1507. (1) A board of a school district may engage
15 qualified instructors and provide facilities and equipment for
16 instruction in sex education, including family planning, human
17 sexuality, and the emotional, physical, psychological, hygienic,
18 economic, and social aspects of family life. Instruction may
19 also include the subjects of reproductive health and the recogni-
20 tion, prevention, and treatment of ~~venereal~~ SEXUALLY
21 TRANSMITTED disease.

22 (2) The ~~class~~ INSTRUCTION described in subsection (1)
23 shall be elective and not a requirement for graduation.

24 (3) A pupil shall not be enrolled in a class in which the
25 subjects of family planning or reproductive health are discussed
26 unless the pupil's parent or guardian is notified in advance of
27 the course and the content of the course, is given a prior

1 opportunity to review the materials to be used in the course, and
 2 is notified in advance of his or her right to have the pupil
 3 excused from the class. The state board shall determine the form
 4 and content of the notice required in this subsection.

5 (4) ~~Upon the written request of a pupil or the pupil's~~
 6 ~~parent or guardian, a~~ THE BOARD OF A SCHOOL DISTRICT PROVIDING
 7 INSTRUCTION DESCRIBED IN SUBSECTION (1) SHALL ENSURE THAT THE
 8 SCHOOL DISTRICT DOES NOT PROVIDE THAT INSTRUCTION TO A PUPIL WHO
 9 IS LESS THAN 18 YEARS OF AGE UNLESS THE SCHOOL DISTRICT HAS FIRST
 10 NOTIFIED THE PUPIL'S PARENT OR LEGAL GUARDIAN ACCORDING TO
 11 SUBSECTION (5) AND OBTAINED THE WRITTEN PERMISSION OF THE PUPIL'S
 12 PARENT OR LEGAL GUARDIAN TO PROVIDE THAT INSTRUCTION TO THE
 13 PUPIL. IF A PUPIL'S PARENT OR LEGAL GUARDIAN DOES NOT GIVE THE
 14 PRIOR WRITTEN PERMISSION REQUIRED UNDER THIS SUBSECTION, OR UPON
 15 THE WRITTEN REQUEST OF A PUPIL, THE pupil shall be excused, with-
 16 out penalty or loss of academic credit, from attending the
 17 ~~class~~ INSTRUCTION described in subsection (1).

18 (5) AT LEAST 1 WEEK BEFORE PROVIDING THE INSTRUCTION
 19 DESCRIBED IN SUBSECTION (1) TO A PUPIL WHO IS LESS THAN 18 YEARS
 20 OF AGE, A SCHOOL DISTRICT SHALL PROVIDE WRITTEN NOTIFICATION TO
 21 THE PUPIL'S PARENT OR LEGAL GUARDIAN OF ALL OF THE FOLLOWING:

22 (A) THE DATE OR DATES OF THE INSTRUCTION.

23 (B) THE NAME OF EACH PROGRAM OR CURRICULUM TO BE USED IN THE
 24 INSTRUCTION.

25 (C) WHETHER THE INSTRUCTION WILL BE OF AN AFFECTIVE, NONDI-
 26 RECTIVE NATURE.

1 (D) THE NECESSITY OF PRIOR WRITTEN PERMISSION UNDER
2 SUBSECTION (4) AND THAT, IF WRITTEN PERMISSION IS NOT GIVEN, THE
3 PUPIL WILL BE EXCUSED, WITHOUT PENALTY OR LOSS OF ACADEMIC
4 CREDIT, FROM ATTENDING CLASS SESSIONS IN WHICH THE INSTRUCTION IS
5 GIVEN.

6 (6) FAILURE OF A SCHOOL DISTRICT TO FULLY COMPLY WITH
7 SUBSECTIONS (4) AND (5) MAY RESULT IN A STATE SCHOOL AID PENALTY
8 UNDER SECTION 166A OF THE STATE SCHOOL AID ACT OF 1979, BEING
9 SECTION 388.166A OF THE MICHIGAN COMPILED LAWS.

10 (7) ~~-(5)-~~ A school district that provides ~~a class~~
11 INSTRUCTION as permitted by subsection (1) shall offer the
12 instruction by teachers qualified to teach health education. A
13 school district shall not offer this instruction unless an
14 advisory board is established by the district board to periodi-
15 cally review the materials and methods of instruction used, and
16 to make recommendations to the district regarding changes in the
17 materials or methods. The advisory board shall consist of par-
18 ents having children attending the district's schools, pupils in
19 the district's schools, educators, local clergy, and community
20 health professionals.

21 (8) ~~-(6)-~~ A person shall not dispense or otherwise distrib-
22 ute in a public school a family planning drug or device.

23 (9) ~~-(7)-~~ As used in this section and section 1508, "family
24 planning" means the use of a range of methods of fertility regu-
25 lation to help individuals or couples avoid unwanted pregnancies;
26 bring about wanted births; regulate the intervals between
27 pregnancies; and plan the time at which births occur in relation

1 to the age of parents. It may include the study of fetology. It
2 may include marital and genetic information. Clinical abortion
3 shall not be considered a method of family planning, nor shall
4 abortion be taught as a method of reproductive health.

5 (10) ~~-(8)-~~ As used in this section:

6 (a) "Class" means an instructional period of limited dura-
7 tion, not to exceed 2 hours, within a course of instruction.

8 (b) "Course" means a series of classes linked by a common
9 subject matter.

10 Section 2. This amendatory act shall not take effect unless
11 Senate Bill No. 544

12 of the 87th Legislature is enacted into law.