



SENATE BILL No. 545

March 30, 1993, Introduced by Senators GEAKE, CARL 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 SUBSECTION (4), THE
2 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 SHALL ENSURE THAT THE
26 SCHOOL DISTRICT DOES NOT PROVIDE THE EDUCATION REQUIRED TO BE
27 TAUGHT UNDER SUBSECTION (1) TO A PUPIL UNLESS THE SCHOOL DISTRICT

1 HAS PROVIDED THE PUPIL'S PARENT OR LEGAL GUARDIAN WITH ADVANCE
2 NOTIFICATION OF THE UPCOMING INSTRUCTION, WHICH NOTIFICATION
3 SHALL INCLUDE AT LEAST THE DATE ON WHICH THE INSTRUCTION IS TO
4 BEGIN AND A DESCRIPTION OF THE INSTRUCTION. THE ADVANCE NOTIFI-
5 CATION SHALL BE COMMUNICATED IN A MANNER REASONABLY CERTAIN TO
6 REACH PARENTS AND LEGAL GUARDIANS AND SHALL BE GIVEN AT LEAST AT
7 ALL OF THE FOLLOWING TIMES:

8 (A) BETWEEN 1 MONTH AND 2 MONTHS BEFORE THE INSTRUCTION IS
9 TO BEGIN.

10 (B) BETWEEN 1 WEEK AND 2 WEEKS BEFORE THE INSTRUCTION IS TO
11 BEGIN.

12 (C) BETWEEN 1 DAY AND 3 DAYS BEFORE THE INSTRUCTION IS TO
13 BEGIN.

14 Sec. 1506. (1) A program of instruction in reproductive
15 health shall be supervised by a registered physician, a regis-
16 tered nurse, or other person certified by the state board as
17 qualified. Upon the written request of a pupil or the pupil's
18 parent or LEGAL guardian, a pupil shall be excused, without pen-
19 alty or loss of academic credit, from attending classes in which
20 the subject of reproductive health is under discussion. THE
21 BOARD OF A SCHOOL DISTRICT PROVIDING INSTRUCTION IN REPRODUCTIVE
22 HEALTH SHALL ENSURE THAT THE SCHOOL DISTRICT DOES NOT PROVIDE THE
23 INSTRUCTION TO A PUPIL UNLESS THE SCHOOL DISTRICT HAS PROVIDED
24 THE PUPIL'S PARENT OR LEGAL GUARDIAN WITH ADVANCE NOTIFICATION OF
25 THE UPCOMING INSTRUCTION, WHICH NOTIFICATION SHALL INCLUDE AT
26 LEAST THE DATE ON WHICH THE INSTRUCTION IS TO BEGIN, A
27 DESCRIPTION OF THE INSTRUCTION, AND A DESCRIPTION OF THE RIGHTS

1 OF A PUPIL AND OF A PARENT OR LEGAL GUARDIAN UNDER THIS SECTION.
2 THE ADVANCE NOTIFICATION SHALL BE COMMUNICATED IN A MANNER REA-
3 SONABLY CERTAIN TO REACH PARENTS AND LEGAL GUARDIANS AND SHALL BE
4 GIVEN AT LEAST AT ALL OF THE FOLLOWING TIMES:

5 (A) BETWEEN 1 MONTH AND 2 MONTHS BEFORE THE INSTRUCTION IS
6 TO BEGIN.

7 (B) BETWEEN 1 WEEK AND 2 WEEKS BEFORE THE INSTRUCTION IS TO
8 BEGIN.

9 (C) BETWEEN 1 DAY AND 3 DAYS BEFORE THE INSTRUCTION IS TO
10 BEGIN.

11 (2) As used in subsection (1) and sections 1507 and 1508,
12 "reproductive health" means that state of an individual's
13 well-being which involves the reproductive system and its physio-
14 logical, psychological, and endocrinological functions.

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

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

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

1 the course and the content of the course, is given a prior
2 opportunity to review the materials to be used in the course, and
3 is notified in advance of his or her right to have the pupil
4 excused from the class. ~~The state board shall determine the~~
5 ~~form and content of the notice required in this subsection.~~ THE
6 ADVANCE NOTIFICATION OF THE UPCOMING INSTRUCTION SHALL INCLUDE AT
7 LEAST THE DATE ON WHICH THE INSTRUCTION IS TO BEGIN, A DESCRIP-
8 TION OF THE INSTRUCTION, AND A DESCRIPTION OF THE RIGHTS OF A
9 PARENT OR LEGAL GUARDIAN UNDER THIS SECTION. THE ADVANCE NOTIFI-
10 CATION SHALL BE COMMUNICATED IN A MANNER REASONABLY CERTAIN TO
11 REACH PARENTS AND LEGAL GUARDIANS AND SHALL BE GIVEN AT LEAST AT
12 ALL OF THE FOLLOWING TIMES:

13 (A) BETWEEN 1 MONTH AND 2 MONTHS BEFORE THE INSTRUCTION IS
14 TO BEGIN.

15 (B) BETWEEN 1 WEEK AND 2 WEEKS BEFORE THE INSTRUCTION IS TO
16 BEGIN.

17 (C) BETWEEN 1 DAY AND 3 DAYS BEFORE THE INSTRUCTION IS TO
18 BEGIN.

19 (4) Upon the written request of a pupil or the pupil's
20 parent or guardian, a pupil shall be excused, without penalty or
21 loss of academic credit, from attending the ~~class~~ INSTRUCTION
22 described in subsection (1).

23 (5) A school district that provides ~~a class~~ INSTRUCTION as
24 permitted by subsection (1) shall offer the instruction by teach-
25 ers qualified to teach health education. A school district shall
26 not offer this instruction unless an advisory board is
27 established by the district board to periodically review the

1 materials and methods of instruction used, and to make
2 recommendations to the district regarding changes in the materi-
3 als or methods. The advisory board shall consist of parents
4 having children attending the district's schools, pupils in the
5 district's schools, educators, local clergy, and community health
6 professionals.

7 (6) A person shall not dispense or otherwise distribute in a
8 public school a family planning drug or device.

9 (7) As used in this section and section 1508, "family
10 planning" means the use of a range of methods of fertility regu-
11 lation to help individuals or couples avoid unwanted pregnancies;
12 bring about wanted births; regulate the intervals between preg-
13 nancies; and plan the time at which births occur in relation to
14 the age of parents. It may include the study of fetology. It
15 may include marital and genetic information. Clinical abortion
16 shall not be considered a method of family planning, nor shall
17 abortion be taught as a method of reproductive health.

18 (8) As used in this section:

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

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