



# SENATE BILL No. 549

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, 1507, and 1508 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, 380.1507, and 380.1508 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1169, 1507, and 1508 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,  
5 380.1507, and 380.1508 of the Michigan Compiled Laws, are amended  
6 to read as follows:

1       Sec. 1169. (1) The principal modes by which dangerous  
2 communicable diseases, including, but not limited to, human immu-  
3 nodeficiency virus infection and acquired immunodeficiency syn-  
4 drome, are spread and the best methods for the restriction and  
5 prevention of these diseases shall be taught in every public  
6 school in this state. SUBJECT TO SUBSECTION (3), THE TEACHING  
7 UNDER THIS SECTION SHALL INCLUDE THE TEACHING OF ABSTINENCE FROM  
8 SEX AS A RESPONSIBLE METHOD FOR RESTRICTION AND PREVENTION OF  
9 THESE DISEASES AND AS A POSITIVE LIFESTYLE FOR UNMARRIED YOUNG  
10 PEOPLE.

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

24       (3) The choice of curricula to be used for human immunodefi-  
25 ciency virus infection and acquired immunodeficiency syndrome  
26 education required to be taught under subsection (1) shall be  
27 approved by the appropriate school board and implemented in the

1 school setting not later than October 1, 1990. BEFORE ADOPTING  
2 ANY REVISIONS TO THE CURRICULUM IMPLEMENTED UNDER THIS SECTION,  
3 INCLUDING, BUT NOT LIMITED TO, REVISIONS TO PROVIDE FOR THE  
4 TEACHING OF ABSTINENCE FROM SEX AS A RESPONSIBLE METHOD FOR  
5 RESTRICTION AND PREVENTION OF DISEASE, A SCHOOL BOARD SHALL HOLD  
6 AT LEAST 2 PUBLIC HEARINGS ON THE PROPOSED REVISIONS. THE HEAR-  
7 INGS SHALL BE HELD AT LEAST 3 MONTHS APART AND PUBLIC NOTICE OF  
8 THE HEARINGS SHALL BE GIVEN IN THE MANNER REQUIRED UNDER SECTION  
9 1201 FOR BOARD MEETINGS. A PUBLIC HEARING HELD PURSUANT TO THIS  
10 SECTION MAY BE HELD IN CONJUNCTION WITH A PUBLIC HEARING HELD  
11 PURSUANT TO SECTION 1507.

12       Sec. 1507. (1) ~~—A—~~ THE board of a school district may  
13 engage qualified instructors and provide facilities and equipment  
14 for instruction in sex education, including family planning,  
15 human sexuality, and the emotional, physical, psychological,  
16 hygienic, economic, and social aspects of family life.  
17 Instruction may also include the subjects of reproductive health  
18 and the recognition, prevention, and treatment of ~~—venereal—~~  
19 SEXUALLY TRANSMITTED disease. SUBJECT TO SUBSECTION (6), THE  
20 INSTRUCTION DESCRIBED IN THIS SUBSECTION SHALL INCLUDE THE TEACH-  
21 ING OF ABSTINENCE FROM SEX AS A RESPONSIBLE METHOD OF PREVENTING  
22 UNWANTED PREGNANCY AND SEXUALLY TRANSMITTED DISEASE AND AS A POS-  
23 ITIVE LIFESTYLE FOR UNMARRIED YOUNG PEOPLE.

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

26       (3) A pupil shall not be enrolled in a class in which the  
27 subjects of family planning or reproductive health are discussed

1 unless the pupil's parent or guardian is notified in advance of  
2 the course and the content of the course, is given a prior oppor-  
3 tunity to review the materials to be used in the course, and is  
4 notified in advance of his or her right to have the pupil excused  
5 from the class. The state board shall determine the form and  
6 content of the notice required in this subsection.

7 (4) Upon the written request of a pupil or the pupil's  
8 parent or LEGAL guardian, a pupil shall be excused, without pen-  
9 alty or loss of academic credit, from attending the class  
10 described in subsection (1).

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

21 (6) BEFORE ADOPTING ANY REVISIONS IN THE MATERIALS OR  
22 METHODS USED IN INSTRUCTION UNDER THIS SECTION, INCLUDING, BUT  
23 NOT LIMITED TO, REVISIONS TO PROVIDE FOR THE TEACHING OF ABSTI-  
24 NENCE FROM SEX AS A METHOD OF PREVENTING UNWANTED PREGNANCY AND  
25 SEXUALLY TRANSMITTED DISEASE, THE BOARD OF A SCHOOL DISTRICT  
26 SHALL HOLD AT LEAST 2 PUBLIC HEARINGS ON THE PROPOSED REVISIONS.  
27 THE HEARINGS SHALL BE HELD AT LEAST 3 MONTHS APART AND PUBLIC

1 NOTICE OF THE HEARINGS SHALL BE GIVEN IN THE MANNER REQUIRED  
2 UNDER SECTION 1201 FOR BOARD MEETINGS. A PUBLIC HEARING HELD  
3 PURSUANT TO THIS SECTION MAY BE HELD IN CONJUNCTION WITH A PUBLIC  
4 HEARING HELD PURSUANT TO SECTION 1169.

5 (7) ~~-(6)-~~ A person shall not dispense or otherwise distrib-  
6 ute in a public school a family planning drug or device.

7 (8) ~~-(7)-~~ As used in this section and section 1508, "family  
8 planning" means the use of a range of methods of fertility regu-  
9 lation to help individuals or couples avoid unwanted pregnancies;  
10 bring about wanted births; regulate the intervals between preg-  
11 nancies; and plan the time at which births occur in relation to  
12 the age of parents. It may include the study of fetology. It  
13 may include marital and genetic information. Clinical abortion  
14 shall not be considered a method of family planning, nor shall  
15 abortion be taught as a method of reproductive health.

16 (9) ~~-(8)-~~ As used in this section:

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

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

21 Sec. 1508. The state board shall:

22 (a) Aid in the establishment of educational programs  
23 designed to provide pupils in elementary and secondary schools,  
24 institutions of higher education, and adult education programs  
25 wholesome and comprehensive education and instruction in sex  
26 education.

1 (b) Establish a library of motion pictures, tapes,  
2 literature, and other education materials concerning sex  
3 education available to school districts authorized to receive the  
4 materials under rules of the state board.

5 (c) Aid in the establishment of educational programs within  
6 colleges and universities of the state and in-service programs  
7 for instruction of teachers and related personnel to enable them  
8 to conduct effective classes in sex education.

9 (d) Recommend and provide leadership for sex education  
10 instruction established by school districts including guidelines  
11 for family planning information.

12 (e) Establish guidelines and may review and recommend mate-  
13 rials to be used in teaching family planning, reproductive  
14 health, and the recognition, prevention, and treatment of  
15 ~~venereal~~ SEXUALLY TRANSMITTED disease. THE GUIDELINES SHALL  
16 PROVIDE FOR TEACHING ABSTINENCE FROM SEX AS A RESPONSIBLE METHOD  
17 OF PREVENTING UNWANTED PREGNANCY AND SEXUALLY TRANSMITTED DISEASE  
18 AND AS A POSITIVE LIFESTYLE FOR UNMARRIED YOUNG PEOPLE. The  
19 guidelines established pursuant to this subdivision shall be for-  
20 mulated in cooperation with the departments of public health and  
21 mental health, and the state department of social services. ~~The~~  
22 ~~guidelines shall be established within 180 days after the effec-~~  
23 ~~tive date of this subdivision.~~ A school district that provides  
24 instruction as permitted by section 1507 may adopt the guidelines  
25 established by the state board or shall establish its own guide-  
26 lines in cooperation with its intermediate school district and  
27 its county or district department of public health. Family

1 planning shall not be taught in a school district until the  
2 guidelines as required by this subdivision have been established  
3 by the state board or the local school district. ~~However, the~~  
4 ~~teaching of sex education, sex hygiene, or reproductive health as~~  
5 ~~permitted under sections 1506 and 1507 before the enactment of~~  
6 ~~this subdivision shall be permitted to continue pending the~~  
7 ~~development of the guidelines required by this subdivision.~~