



# SENATE BILL No. 270

February 14, 1995, Introduced by Senator CARL 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," as amended by Act No. 335 of the Public Acts of 1993, being sections 380.1169, 380.1507, and 380.1508 of the Michigan Compiled Laws; and to add section 1507a.

## 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, as amended by Act No. 335 of the Public  
3 Acts of 1993, being sections 380.1169, 380.1507, and 380.1508 of  
4 the Michigan Compiled Laws, are amended and section 1507a is  
5 added to read as follows:

6 Sec. 1169. (1) The principal modes by which dangerous  
7 communicable diseases, including, but not limited to, human  
8 immunodeficiency virus infection and acquired immunodeficiency

1 syndrome, are spread and the best methods for the restriction and  
2 prevention of these diseases shall be taught in every public  
3 school in this state. Subject to subsection (3), the teaching  
4 under this section shall include the teaching of abstinence from  
5 sex as a responsible method for restriction and prevention of  
6 these diseases and as a positive lifestyle for unmarried young  
7 people, AS PROVIDED UNDER SECTION 1507A.

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

21       (3) The choice of curricula to be used for human immunodefi-  
22 ciency virus infection and acquired immunodeficiency syndrome  
23 education required to be taught under subsection (1) shall be  
24 approved by the appropriate school board and implemented in the  
25 school setting not later than October 1, 1990. Before adopting  
26 any revisions to the ~~curriculum~~ CURRICULA implemented under  
27 this section, including, but not limited to, revisions to provide

1 for the teaching of abstinence from sex as a responsible method  
2 for restriction and prevention of disease, a school board shall  
3 hold at least 2 public hearings on the proposed revisions. The  
4 hearings shall be held at least 1 week apart and public notice of  
5 the hearings shall be given in the manner required under section  
6 1201 for board meetings. A public hearing held pursuant to this  
7 section may be held in conjunction with a public hearing held  
8 pursuant to section 1507.

9       Sec. 1507. (1) The board of a school district may engage  
10 qualified instructors and provide facilities and equipment for  
11 instruction in sex education, including family planning, human  
12 sexuality, and the emotional, physical, psychological, hygienic,  
13 economic, and social aspects of family life. Instruction may  
14 also include the subjects of reproductive health and the recogni-  
15 tion, prevention, and treatment of sexually transmitted disease.  
16 Subject to subsection (6), the instruction described in this sub-  
17 section shall include the teaching of abstinence from sex as a  
18 responsible method of preventing unwanted pregnancy and sexually  
19 transmitted disease and as a positive lifestyle for unmarried  
20 young people, AS PROVIDED UNDER SECTION 1507A.

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

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

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

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

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

18 (6) Before adopting any revisions in the materials or  
19 methods used in instruction under this section, including, but  
20 not limited to, revisions to provide for the teaching of absti-  
21 nence from sex as a method of preventing unwanted pregnancy and  
22 sexually transmitted disease, the board of a school district  
23 shall hold at least 2 public hearings on the proposed revisions.  
24 The hearings shall be held at least 1 week apart and public  
25 notice of the hearings shall be given in the manner required  
26 under section 1201 for board meetings. A public hearing held

1 pursuant to this section may be held in conjunction with a public  
2 hearing held pursuant to section 1169.

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

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

14 (9) As used in this section:

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

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

19 SEC. 1507A. (1) INSTRUCTION UNDER SECTION 1507 IN SEX EDU-  
20 CATION, AND INSTRUCTION UNDER SECTION 1169 ON HUMAN IMMUNODEFI-  
21 CIENCY VIRUS INFECTION AND ACQUIRED IMMUNODEFICIENCY SYNDROME  
22 SHALL EMPHASIZE THAT ABSTINENCE FROM SEXUAL INTERCOURSE IS THE  
23 EXPECTED BEHAVIORAL NORM FOR UNMARRIED PEOPLE BECAUSE ABSTINENCE  
24 IS THE ONLY PROTECTION THAT IS 100% EFFECTIVE AGAINST UNWANTED  
25 TEENAGE PREGNANCY, SEXUALLY TRANSMITTED DISEASE, AND SEXUALLY  
26 TRANSMITTED HUMAN IMMUNODEFICIENCY VIRUS INFECTION AND ACQUIRED  
27 IMMUNODEFICIENCY SYNDROME.

1 (2) COURSE MATERIAL AND INSTRUCTION IN A SEX EDUCATION  
2 COURSE UNDER SECTION 1507 THAT DISCUSSES SEXUAL INTERCOURSE SHALL  
3 MEET ALL OF THE FOLLOWING:

4 (A) BE AGE APPROPRIATE.

5 (B) TEACH HONOR AND RESPECT FOR MONOGAMOUS HETEROSEXUAL  
6 MARRIAGE.

7 (C) STRESS THAT PUPILS SHOULD ABSTAIN FROM SEXUAL INTER-  
8 COURSE UNTIL THEY ARE READY FOR MARRIAGE.

9 (D) INCLUDE A DISCUSSION OF THE POSSIBLE EMOTIONAL AND PSY-  
10 CHOLOGICAL CONSEQUENCES OF PREADOLESCENT AND ADOLESCENT SEXUAL  
11 INTERCOURSE OUTSIDE OF MARRIAGE AND THE CONSEQUENCES OF UNWANTED  
12 ADOLESCENT PREGNANCY.

13 (E) STRESS THAT SEXUALLY TRANSMITTED DISEASES ARE SERIOUS  
14 POSSIBLE HAZARDS OF SEXUAL INTERCOURSE. PUPILS SHALL BE PROVIDED  
15 WITH STATISTICS BASED ON THE LATEST MEDICAL INFORMATION CITING  
16 THE FAILURE AND SUCCESS RATES OF CONDOMS IN PREVENTING HUMAN  
17 IMMUNODEFICIENCY VIRUS INFECTION AND ACQUIRED IMMUNODEFICIENCY  
18 SYNDROME AND OTHER SEXUALLY TRANSMITTED DISEASES.

19 (F) ADVISE PUPILS OF THE LAWS PERTAINING TO FINANCIAL  
20 RESPONSIBILITY AS PARENTS TO CHILDREN BORN IN AND OUT OF  
21 WEDLOCK.

22 (G) ADVISE PUPILS OF THE CIRCUMSTANCES UNDER WHICH IT IS  
23 CRIMINAL TO HAVE SEXUAL CONTACT WITH A PERSON UNDER THE AGE OF 16  
24 UNDER SECTIONS 520B TO 520D OF THE MICHIGAN PENAL CODE, ACT  
25 NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTIONS 750.520B TO  
26 750.520D OF THE MICHIGAN COMPILED LAWS.

1 (H) TEACH PUPILS TO NOT MAKE UNWANTED PHYSICAL AND VERBAL  
2 SEXUAL ADVANCES AND HOW TO SAY NO TO UNWANTED SEXUAL ADVANCES.  
3 PUPILS SHALL BE TAUGHT THAT IT IS WRONG TO TAKE ADVANTAGE OF OR  
4 TO EXPLOIT ANOTHER PERSON. THE MATERIAL AND INSTRUCTION SHALL  
5 ALSO ENCOURAGE PUPILS TO RESIST NEGATIVE PEER PRESSURE.

6 (I) SHALL NOT ENCOURAGE OR PROPOSE TO PUPILS CONDUCT THAT IS  
7 ILLEGAL UNDER STATE OR FEDERAL LAW IN SUCH A MANNER AS TO INDI-  
8 CATE THAT A PUPIL HAS A LEGITIMATE RIGHT TO CHOOSE TO ENGAGE IN  
9 ILLEGAL CONDUCT.

10 Sec. 1508. The state board shall:

11 (a) Aid in the establishment of educational programs  
12 designed to provide pupils in elementary and secondary schools,  
13 institutions of higher education, and adult education programs  
14 wholesome and comprehensive education and instruction in sex  
15 education, CONSISTENT WITH SECTION 1507A.

16 (b) Establish a library of motion pictures, tapes, litera-  
17 ture, and other education materials concerning sex education  
18 available to school districts authorized to receive the materials  
19 under rules of the state board.

20 (c) Aid in the establishment of educational programs within  
21 colleges and universities of the state and in-service programs  
22 for instruction of teachers and related personnel to enable them  
23 to conduct effective classes in sex education.

24 (d) Recommend and provide leadership for sex education  
25 instruction established by school districts including guidelines  
26 for family planning information.

1 (e) Establish guidelines and may review and recommend  
2 materials to be used in teaching family planning, reproductive  
3 health, and the recognition, prevention, and treatment of sexu-  
4 ally transmitted disease. The guidelines shall provide for  
5 teaching abstinence from sex as a responsible method of prevent-  
6 ing unwanted pregnancy and sexually transmitted disease and as a  
7 positive lifestyle for unmarried young people. The guidelines  
8 established pursuant to this subdivision shall be formulated in  
9 cooperation with the departments of public health and mental  
10 health, and the state department of social services. A school  
11 district that provides instruction as permitted by section 1507  
12 may adopt the guidelines established by the state board or shall  
13 establish its own guidelines in cooperation with its intermediate  
14 school district and its county or district department of public  
15 health. GUIDELINES ESTABLISHED BY THE STATE BOARD OR BY A SCHOOL  
16 DISTRICT SHALL BE CONSISTENT WITH SECTION 1507A. Family planning  
17 shall not be taught in a school district until the guidelines as  
18 required by this subdivision have been established by the state  
19 board or the local school district.

20 (F) DEVELOP A PROCEDURE FOR EVALUATING AND MEASURING THE  
21 EFFECTIVENESS OF THE FAMILY LIFE COMPONENT OF THE INSTRUCTION IN  
22 SEX EDUCATION UNDER SECTION 1507 IN EACH SCHOOL DISTRICT, INCLUD-  
23 ING THE SETTING OF REASONABLE GOALS FOR REDUCTIONS IN THE LEVELS  
24 AMONG YOUNG PEOPLE OF SEXUAL ACTIVITY, SEXUALLY TRANSMITTED DIS-  
25 EASES, AND PREMARITAL PREGNANCY. THE GOALS SHALL BE SET BY THE  
26 BEGINNING OF THE 1995-1996 SCHOOL YEAR. THE STATE BOARD SHALL  
27 DISTRIBUTE A COPY OF THE PROCEDURE TO EACH SCHOOL DISTRICT. EACH

1 SCHOOL DISTRICT MAY DEVELOP ADDITIONAL PROCEDURES OR METHODS FOR  
2 MEASURING THE EFFECTIVENESS OF THE FAMILY LIFE INSTRUCTION  
3 DESCRIBED IN THIS SUBSECTION WITHIN THE SCHOOL DISTRICT. NOT  
4 LATER THAN THE BEGINNING OF THE 1997-1998 SCHOOL YEAR, THE STATE  
5 BOARD SHALL COLLECT AND EVALUATE ALL RELEVANT DATA TO DETERMINE  
6 WHETHER THE GOALS ARE BEING ACHIEVED AND SHALL REPORT ITS FIND-  
7 INGS TO THE STANDING COMMITTEES OF THE LEGISLATURE RESPONSIBLE  
8 FOR MATTERS PERTAINING TO EDUCATION.