



# SENATE BILL No. 271

February 14, 1995, Introduced by Senators CARL and SHUGARS and referred to the Committee on Education.

A bill to amend sections 1169, 1172, 1251, 1507, and 1561 of Act No. 451 of the Public Acts of 1976, entitled as amended "The school code of 1976," sections 1169 and 1507 as amended by Act No. 335 of the Public Acts of 1993 and section 1251 as amended by Act No. 169 of the Public Acts of 1987, being sections 380.1169, 380.1172, 380.1251, 380.1507, and 380.1561 of the Michigan Compiled Laws; and to add sections 1137 and 1138.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1169, 1172, 1251, 1507, and 1561 of Act  
2 No. 451 of the Public Acts of 1976, sections 1169 and 1507 as  
3 amended by Act No. 335 of the Public Acts of 1993 and  
4 section 1251 as amended by Act No. 169 of the Public Acts of  
5 1987, being sections 380.1169, 380.1172, 380.1251, 380.1507, and

1 380.1561 of the Michigan Compiled Laws, are amended and  
2 sections 1137 and 1138 are added to read as follows:

3 SEC. 1137. THE PRIMARY FUNCTIONS OF A PUBLIC SCHOOL ARE TO  
4 DEVELOP THE INTELLECTUAL CAPABILITIES OF EACH PUPIL AND TO HELP  
5 EACH PUPIL LEARN HIS OR HER RESPONSIBILITIES AS A CITIZEN AND THE  
6 IMPORTANCE OF SUCH VALUES AS TRUTH AND JUSTICE.

7 SEC. 1138. (1) THE BOARD OF A SCHOOL DISTRICT SHALL ENSURE  
8 THAT ALL PROGRAMS WITHIN EACH PUBLIC SCHOOL IN THE SCHOOL DIS-  
9 TRICT ARE SUBJECT TO CONTINUOUS REVIEW BY PARENTS AND LEGAL  
10 GUARDIANS TO ENSURE THAT THE PROGRAMS ARE CONSISTENT WITH THE  
11 PRIMARY FUNCTION OF THE SCHOOL AS DESCRIBED IN SECTION 1137.

12 (2) THE BOARD OF A SCHOOL DISTRICT SHALL ENSURE THAT A PUPIL  
13 IS NOT PLACED IN AN EXPERIMENTAL OR PILOT PROGRAM WITHOUT THE  
14 PRIOR WRITTEN CONSENT OF THE PUPIL'S PARENT OR LEGAL GUARDIAN.  
15 INSTRUCTIONAL MATERIALS, INCLUDING TEACHER MANUALS, FILMS, TAPES,  
16 OR OTHER SUPPLEMENTARY MATERIAL THAT WILL BE USED IN SUCH A PRO-  
17 GRAM SHALL BE AVAILABLE TO A PUPIL'S PARENT OR LEGAL GUARDIAN  
18 BEFORE PLACEMENT OF THE PUPIL IN THE PROGRAM, AND A PARENT OR  
19 LEGAL GUARDIAN SHALL BE ALLOWED TO REVIEW THE INSTRUCTIONAL MATE-  
20 RIALS UPON REQUEST.

21 (3) AN EMPLOYEE OF A PUBLIC SCHOOL OR A PERSON BROUGHT INTO  
22 A PUBLIC SCHOOL BY THE SCHOOL ADMINISTRATION SHALL NOT SEEK TO  
23 SUBVERT PARENTAL AUTHORITY BY ACTING AS A CHANGE AGENT OF ATTITUDES,  
24 VALUES, OR RELIGIOUS OR POLITICAL BELIEFS OF THE PUPILS.

25 (4) AN EMPLOYEE OF A PUBLIC SCHOOL SHALL NOT REQUIRE OF A  
26 PUPIL OR OF A PUPIL'S PARENT OR LEGAL GUARDIAN PROOF OF

1 REGISTRATION TO VOTE OR PARTY AFFILIATION AS A PREREQUISITE FOR  
2 OBTAINING A GRADE OR ENROLLMENT IN A CLASS.

3 (5) EXCEPT AS PROVIDED IN THIS SUBSECTION, THE BOARD OF A  
4 SCHOOL DISTRICT SHALL ENSURE THAT A PUPIL IS TESTED ONLY FOR  
5 INTELLIGENCE QUOTIENT, PROFICIENCY IN BASIC ACADEMIC SKILLS, AND  
6 ACADEMIC SUBJECT MATTER. ANY ASSESSMENT OR TEST PERTAINING TO  
7 PUPIL ATTITUDES, PARENT ATTITUDES, OR PERSONAL INFORMATION PER-  
8 TAINING TO THE PUPIL AND HIS OR HER FAMILY OR THEIR HABITS OR  
9 VALUES, INCLUDING PERSONALITY INVENTORIES, VALUE APPRAISALS, PSY-  
10 CHOLOGICAL INVENTORIES, OR DIAGNOSTIC TESTS, SHALL BE ADMINIS-  
11 TERED TO A PUPIL ONLY AFTER RECEIVING WRITTEN PERMISSION FROM THE  
12 PUPIL'S PARENT OR LEGAL GUARDIAN. IF A TEST IS TO BE ADMINIS-  
13 TERED TO A PUPIL, THE PARENT OR LEGAL GUARDIAN OF THE PUPIL SHALL  
14 BE ALLOWED TO REVIEW A COPY OF THE TEST UPON REQUEST.

15 (6) A SCHOOL DISTRICT OFFICER, SUPERINTENDENT, ADMINISTRA-  
16 TIVE EMPLOYEE, TEACHER, OR OTHER SCHOOL DISTRICT EMPLOYEE HAVING  
17 CHARGE OR CONTROL OF A PUPIL'S CUMULATIVE RECORD FILE SHALL MAKE  
18 AVAILABLE THE ENTIRE CONTENTS OF THE FILE, INCLUDING, BUT NOT  
19 LIMITED TO, TEACHER NOTES, TEST SCORES, ACHIEVEMENT RECORDS,  
20 HEALTH RECORDS, PSYCHOLOGICAL TESTS AND SCORES, AND OTHER DATA,  
21 TO A PUPIL'S PARENT OR LEGAL GUARDIAN UPON REQUEST AND SHALL PRO-  
22 VIDE COPIES OF ANY OF THE INFORMATION TO THE PARENT OR LEGAL  
23 GUARDIAN UPON REQUEST.

24 (7) A SCHOOL EMPLOYEE SHALL NOT PRACTICE PSYCHOLOGICAL OR  
25 PSYCHIATRIC METHODS IN THE PUBLIC SCHOOLS. THIS PROHIBITION  
26 INCLUDES, BUT IS NOT LIMITED TO, ROLE PLAYING, SENSITIVITY  
27 TRAINING, OR ANY OTHER METHOD DEALING WITH OR PROBING THE PSYCHE

1 OF THE PUPIL. A SCHOOL EMPLOYEE SHALL NOT USE GUIDANCE  
2 COUNSELING IN THE AREAS OF SOCIAL, EMOTIONAL, MENTAL, OR PERSONAL  
3 PROBLEMS WITHOUT PRIOR WRITTEN PERMISSION FROM THE PUPIL'S PARENT  
4 OR LEGAL GUARDIAN. AS USED IN THIS SUBSECTION, "SENSITIVITY  
5 TRAINING" MEANS GROUP MEETINGS, LARGE OR SMALL, TO DISCUSS PUB-  
6 LICLY A PUPIL'S INTIMATE AND PERSONAL MATTERS, OPINIONS, VALUES,  
7 OR BELIEFS OR TO ACT OUT EMOTIONS AND FEELINGS TOWARD ONE ANOTHER  
8 IN THE GROUP, USING TECHNIQUES SUCH AS SELF-CONFESSION OR MUTUAL  
9 CRITICISM.

10 (8) THE BOARD OF A SCHOOL DISTRICT SHALL ENSURE THAT THE  
11 PARENT OR LEGAL GUARDIAN OF EACH PUPIL IS APPRISED NOT LESS THAN  
12 ANNUALLY BY THE PUPIL'S TEACHER OR PRINCIPAL OF THE PUPIL'S  
13 PROGRESS IN READING, COMPOSITION, COMPUTATION, AND OTHER BASIC  
14 SKILLS AS MEASURED AGAINST STANDARD GRADE LEVEL NORMS. IN ADDI-  
15 TION, INFORMATION ON THE PUPIL'S STANDING IN THE CLASS, CLASS  
16 STANDING IN RELATION TO THE SCHOOL AND THE SCHOOL DISTRICT, AND  
17 THE SCHOOL DISTRICT STANDING IN RELATION TO THE NATIONAL NORMS  
18 SHALL BE PROVIDED TO THE PARENT OR LEGAL GUARDIAN UPON REQUEST.

19 (9) TO HELP ENSURE COMPLIANCE WITH THIS SECTION, UPON  
20 REQUEST BY A PUPIL'S PARENT OR LEGAL GUARDIAN, THE BOARD OF A  
21 SCHOOL DISTRICT SHALL PRODUCE, OR ALLOW A PARENT OR LEGAL GUARD-  
22 IAN TO PRODUCE, AN AUDIO RECORDING OR VIDEOTAPE OF ANY CLASS OR  
23 SCHOOL PROGRAM ATTENDED BY THE PUPIL.

24 (10) IN ADDITION TO THE MISDEMEANOR PENALTY UNDER  
25 SECTION 1804 AND POSSIBLE DISMISSAL UNDER SECTION 1806, IF AN  
26 INDIVIDUAL WHO HOLDS A TEACHING CERTIFICATE, SCHOOL  
27 ADMINISTRATOR'S CERTIFICATE, OR STATE BOARD APPROVAL VIOLATES

1 THIS SECTION, THE STATE BOARD MAY REVOKE OR REFUSE TO RENEW THE  
2 INDIVIDUAL'S CERTIFICATION OR APPROVAL. AS USED IN THIS SUBSEC-  
3 TION, "STATE BOARD APPROVAL" MEANS THAT TERM AS DEFINED IN  
4 SECTION 1539B.

5       Sec. 1169. (1) ~~The~~ SUBJECT TO SECTIONS 1137 AND 1138, THE  
6 principal modes by which dangerous communicable diseases, includ-  
7 ing, but not limited to, human immunodeficiency virus infection  
8 and acquired immunodeficiency syndrome, are spread and the best  
9 methods for the restriction and prevention of these diseases  
10 shall be taught in every public school in this state. Subject to  
11 subsection (3), the teaching under this section shall include the  
12 teaching of abstinence from sex as a responsible method for  
13 restriction and prevention of these diseases and as a positive  
14 lifestyle for unmarried young people.

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

1       (3) The choice of curricula to be used for human  
2 immunodeficiency virus infection and acquired immunodeficiency  
3 syndrome education required to be taught under subsection (1)  
4 shall be approved by the appropriate school board and implemented  
5 in the school setting not later than October 1, 1990. Before  
6 adopting any revisions to the curriculum implemented under this  
7 section, including, but not limited to, revisions to provide for  
8 the teaching of abstinence from sex as a responsible method for  
9 restriction and prevention of disease, a school board shall hold  
10 at least 2 public hearings on the proposed revisions. The hear-  
11 ings shall be held at least 1 week apart and public notice of the  
12 hearings shall be given in the manner required under section 1201  
13 for board meetings. A public hearing held pursuant to this sec-  
14 tion may be held in conjunction with a public hearing held pursu-  
15 ant to section 1507.

16       Sec. 1172. (1) The state board shall promulgate rules con-  
17 cerning personality tests, both projective and nonprojective  
18 types, administered to pupils in school districts of the state as  
19 school projects or as parts of the school programs.

20       (2) The rules shall include:

21       (a) Circumstances under which the tests may be  
22 administered.

23       (b) Responsibility for selection of the tests.

24       (c) Qualifications of persons administering and interpreting  
25 the test results.

26       (d) Methods of maintaining the confidentiality of test  
27 results.

1 (3) ADMINISTRATION OF PERSONALITY TESTS IS SUBJECT TO  
2 SECTIONS 1137 AND 1138.

3 Sec. 1251. (1) ~~The~~ SUBJECT TO SECTIONS 1137 AND 1138, THE  
4 board of a school district may establish and employ personnel  
5 necessary to provide an adequate school psychological service.  
6 School psychological service is a related nonclassroom function  
7 and shall be operated under rules promulgated by the state board,  
8 which shall establish the educational and experience requirements  
9 for, and certify as qualified and issue certificates to, the per-  
10 sonnel for the services.

11 (2) The state board may require reports and information from  
12 participating school districts.

13 Sec. 1507. (1) The board of a school district may engage  
14 qualified instructors and provide facilities and equipment for  
15 instruction in sex education, including family planning, human  
16 sexuality, and the emotional, physical, psychological, hygienic,  
17 economic, and social aspects of family life. Instruction may  
18 also include the subjects of reproductive health and the recogni-  
19 tion, prevention, and treatment of sexually transmitted disease.  
20 Subject to subsection (6), the instruction described in this sub-  
21 section shall include the teaching of abstinence from sex as a  
22 responsible method of preventing unwanted pregnancy and sexually  
23 transmitted disease and as a positive lifestyle for unmarried  
24 young people. PROVISION OF THE INSTRUCTION DESCRIBED IN THIS  
25 SUBSECTION IS SUBJECT TO SECTIONS 1137 AND 1138.

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

1       (3) A pupil shall not be enrolled in a class in which the  
2 subjects of family planning or reproductive health are discussed  
3 unless the pupil's parent or guardian is notified in advance of  
4 the course and the content of the course, is given a prior oppor-  
5 tunity to review the materials to be used in the course, and is  
6 notified in advance of his or her right to have the pupil excused  
7 from the class. The state board shall determine the form and  
8 content of the notice required in this subsection.

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

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

23       (6) Before adopting any revisions in the materials or  
24 methods used in instruction under this section, including, but  
25 not limited to, revisions to provide for the teaching of absti-  
26 nence from sex as a method of preventing unwanted pregnancy and  
27 sexually transmitted disease, the board of a school district



1 shall hold at least 2 public hearings on the proposed revisions.  
2 The hearings shall be held at least 1 week apart and public  
3 notice of the hearings shall be given in the manner required  
4 under section 1201 for board meetings. A public hearing held  
5 pursuant to this section may be held in conjunction with a public  
6 hearing held pursuant to section 1169.

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

9 (8) 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 (9) 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.

23 Sec. 1561. (1) Except as provided in subsections (2) and  
24 (3), every parent, guardian, or other person in this state having  
25 control and charge of a child from the age of 6 to the child's  
26 sixteenth birthday, shall send that child to ~~the~~ A public  
27 ~~schools~~ SCHOOL during the entire school year. The child's

1 attendance shall be continuous and consecutive for the school  
2 year fixed by the school district in which the child is  
3 enrolled. In a school district ~~which~~ THAT maintains school  
4 during the entire calendar year and in which the school year is  
5 divided into quarters, a child shall not be compelled to attend  
6 the public school more than 3 quarters in 1 calendar year, but a  
7 child shall not be absent for 2 OR MORE consecutive quarters.

8 (2) A child becoming 6 years of age before December 1 shall  
9 be enrolled on the first school day of the school year in which  
10 the child's sixth birthday occurs. A child becoming 6 years of  
11 age on or after December 1 shall be enrolled on the first school  
12 day of the school year following the school year in which the  
13 child's sixth birthday occurs.

14 (3) A child shall not be required to attend ~~the~~ A public  
15 ~~schools~~ SCHOOL in ANY OF the following cases:

16 (a) ~~A~~ THE child ~~who~~ is attending regularly and is being  
17 taught in a state approved nonpublic school ~~, which~~ THAT  
18 teaches subjects comparable to those taught in the public schools  
19 to children of corresponding age and grade, as determined by the  
20 course of study for the public schools of the district within  
21 which the nonpublic school is located.

22 (b) ~~A~~ THE child ~~who~~ is regularly employed as a page or  
23 messenger in either house of the legislature during the period of  
24 the employment.

25 (c) ~~A~~ THE child ~~under~~ IS LESS THAN 9 years of age ~~who~~  
26 AND does not reside within 2-1/2 miles by the nearest traveled  
27 road of a public school. If transportation is furnished for

1 pupils in the school district of the child's residence, this  
2 ~~exemption~~ SUBDIVISION does not apply.

3 (d) ~~A child from~~ FROM the age of 12 to the child's four-  
4 teenth birthday, ~~while~~ THE CHILD IS in attendance at confirma-  
5 tion classes conducted for a period of ~~not to exceed~~ 5 months  
6 OR LESS in either of those years.

7 (e) ~~A~~ THE child ~~who~~ is regularly enrolled in ~~the~~ A  
8 public ~~schools~~ SCHOOL while in attendance at religious instruc-  
9 tion classes for not more than 2 class hours per week, off public  
10 school property during public school hours, upon written request  
11 of the parent, guardian, or person in loco parentis under rules  
12 promulgated by the state board.

13 (F) THE CHILD IS BEING EDUCATED BY HIS OR HER PARENT OR  
14 LEGAL GUARDIAN OR BY ANOTHER PERSON CHOSEN BY THE CHILD'S PARENT  
15 OR LEGAL GUARDIAN AT THE CHILD'S HOME OR AT ANOTHER LOCATION  
16 CHOSEN BY THE CHILD'S PARENT OR LEGAL GUARDIAN.