



HOUSE BILL No. 5094

November 3, 1999, Introduced by Reps. Kukuk, Gosselin, Hart, Voorhees, Tabor, Patterson, Green, LaSata, Kuipers, Van Woerkom, Bradstreet and Jansen and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1169, 1506, and 1507 (MCL 380.1169, 380.1506, and 380.1507), sections 1169 and 1507 as amended by 1993 PA 335.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1169. (1) ~~The~~ SUBJECT TO SUBSECTION (4), THE princi-
2 pal modes by which dangerous communicable diseases, including,
3 but not limited to, human immunodeficiency virus infection and
4 acquired immunodeficiency syndrome, are spread and the best
5 methods for the restriction and prevention of these diseases
6 shall be taught in every public school in this state. Subject to
7 subsection (3), the teaching under this section shall include the
8 teaching of abstinence from sex as a responsible method for

1 restriction and prevention of these diseases and as a positive
2 lifestyle for unmarried young people.

3 (2) Except for licensed health care professionals who have
4 received training on human immunodeficiency virus infection and
5 acquired immunodeficiency syndrome, each person who teaches K to
6 12 pupils about human immunodeficiency virus infection and
7 acquired immunodeficiency syndrome pursuant to subsection (1)
8 shall have training in human immunodeficiency virus infection and
9 acquired immunodeficiency syndrome education for young people.
10 The ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION, in coop-
11 eration with the department of public health, shall train train-
12 ers to provide the teacher training required by this subsection
13 and shall provide for the development and distribution to school
14 districts of material on the teaching of human immunodeficiency
15 virus infection and acquired immunodeficiency syndrome to young
16 people.

17 (3) The choice of curricula to be used for human immunodefi-
18 ciency virus infection and acquired immunodeficiency syndrome
19 education required to be taught under subsection (1) shall be
20 approved by the appropriate school board and implemented in the
21 school setting not later than October 1, 1990. Before adopting
22 any revisions to the curriculum implemented under this section,
23 including, but not limited to, revisions to provide for the
24 teaching of abstinence from sex as a responsible method for
25 restriction and prevention of disease, a school board shall hold
26 at least 2 public hearings on the proposed revisions. The
27 hearings shall be held at least 1 week apart and public notice of

1 the hearings shall be given in the manner required under section
2 1201 for board meetings. A public hearing held pursuant to this
3 section may be held in conjunction with a public hearing held
4 pursuant to section 1507.

5 (4) THE TEACHING DESCRIBED IN SUBSECTION (1) SHALL NOT BE
6 PRESENTED TO A PUPIL IN A COURSE, CLASS, OR ANY TYPE OF PRESENTA-
7 TION AT SCHOOL UNLESS THE PUPIL'S PARENT OR LEGAL GUARDIAN
8 ENROLLS THE PUPIL IN THE COURSE, CLASS, OR PRESENTATION. THE
9 BOARD OF A SCHOOL DISTRICT SHALL ENSURE THAT A PUPIL'S PARENT OR
10 LEGAL GUARDIAN IS NOTIFIED IN ADVANCE OF THE AVAILABILITY OF THE
11 COURSE, CLASS, OR PRESENTATION AND OF THE CONTENT OF THE COURSE,
12 CLASS, OR PRESENTATION; IS GIVEN A PRIOR OPPORTUNITY TO REVIEW
13 THE MATERIALS TO BE USED IN THE COURSE, CLASS, OR PRESENTATION;
14 AND IS PROVIDED WITH THE OPPORTUNITY TO ENROLL THE PUPIL IN THE
15 COURSE, CLASS, OR PRESENTATION. THE STATE BOARD SHALL DETERMINE
16 THE FORM AND CONTENT OF THE NOTICE REQUIRED UNDER THIS
17 SUBSECTION. A PUPIL WHO IS NOT ENROLLED IN A COURSE, CLASS, OR
18 PRESENTATION THAT INCLUDES THE TEACHING DESCRIBED IN SUBSECTION
19 (1) IS EXCUSED FROM THE COURSE, CLASS, OR PRESENTATION WITHOUT
20 PENALTY OR LOSS OF ACADEMIC CREDIT.

21 Sec. 1506. (1) A program of instruction in reproductive
22 health shall be supervised by a registered physician, a regis-
23 tered nurse, or other person certified by the state board as
24 qualified. ~~Upon the written request of a pupil or the pupil's~~
25 ~~parent or guardian, a pupil shall be excused, without penalty or~~
26 ~~loss of academic credit, from attending classes~~ SCHOOL OFFICIALS
27 SHALL ENSURE THAT A PUPIL DOES NOT PARTICIPATE IN A COURSE,

1 CLASS, OR ANY TYPE OF PRESENTATION AT SCHOOL in which the subject
2 of reproductive health is under discussion UNLESS THE PUPIL'S
3 PARENT OR LEGAL GUARDIAN ENROLLS THE PUPIL IN THE COURSE, CLASS,
4 OR PRESENTATION. THE BOARD OF A SCHOOL DISTRICT SHALL ENSURE
5 THAT A PUPIL'S PARENT OR LEGAL GUARDIAN IS NOTIFIED IN ADVANCE OF
6 THE AVAILABILITY OF THE COURSE, CLASS, OR PRESENTATION AND OF THE
7 CONTENT OF THE COURSE, CLASS, OR PRESENTATION; IS GIVEN A PRIOR
8 OPPORTUNITY TO REVIEW THE MATERIALS TO BE USED IN THE COURSE,
9 CLASS, OR PRESENTATION; AND IS PROVIDED WITH THE OPPORTUNITY TO
10 ENROLL THE PUPIL IN THE COURSE, CLASS, OR PRESENTATION. THE
11 STATE BOARD SHALL DETERMINE THE FORM AND CONTENT OF THE NOTICE
12 REQUIRED UNDER THIS SUBSECTION. A PUPIL WHO IS NOT ENROLLED IN A
13 COURSE, CLASS, OR PRESENTATION IN WHICH THE SUBJECT OF REPRODUC-
14 TIVE HEALTH IS UNDER DISCUSSION IS EXCUSED FROM THE COURSE,
15 CLASS, OR PRESENTATION WITHOUT PENALTY OR LOSS OF ACADEMIC
16 CREDIT.

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

21 Sec. 1507. (1) The board of a school district may engage
22 qualified instructors and provide facilities and equipment for
23 instruction in sex education, including family planning, human
24 sexuality, and the emotional, physical, psychological, hygienic,
25 economic, and social aspects of family life. Instruction may
26 also include the subjects of reproductive health and the
27 recognition, prevention, and treatment of sexually transmitted

1 disease. Subject to subsection (6), the instruction described in
2 this subsection shall include the teaching of abstinence from sex
3 as a responsible method of preventing unwanted pregnancy and sex-
4 ually transmitted disease and as a positive lifestyle for unmar-
5 ried young people.

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

8 (3) ~~A pupil shall not be enrolled in a class in which the~~
9 ~~subjects of family planning or reproductive health are discussed~~
10 A SUBJECT DESCRIBED IN SUBSECTION (1) SHALL NOT BE PRESENTED TO A
11 PUPIL IN A COURSE, CLASS, OR ANY TYPE OF PRESENTATION AT SCHOOL
12 unless the pupil's parent or LEGAL guardian ENROLLS THE PUPIL IN
13 THE COURSE, CLASS, OR PRESENTATION. THE BOARD OF A SCHOOL DIS-
14 TRICT SHALL ENSURE THAT A PUPIL'S PARENT OR LEGAL GUARDIAN is
15 notified in advance of THE AVAILABILITY OF the course, CLASS, OR
16 PRESENTATION and the content of the course, CLASS, OR
17 PRESENTATION; is given a prior opportunity to review the materi-
18 als to be used in the course, CLASS, OR PRESENTATION; and is
19 ~~notified in advance of his or her right to have the pupil~~
20 ~~excused from the class~~ PROVIDED WITH THE OPPORTUNITY TO ENROLL
21 THE PUPIL IN THE COURSE, CLASS, OR PRESENTATION. The state board
22 shall determine the form and content of the notice required in
23 this subsection.

24 (4) ~~Upon the written request of a pupil or the pupil's~~
25 ~~parent or legal guardian, a pupil shall be excused, without pen-~~
26 ~~alty or loss of academic credit, from attending the class~~
27 ~~described in subsection (1)~~ A PUPIL WHO IS NOT ENROLLED IN A

1 COURSE, CLASS, OR PRESENTATION CONCERNING A SUBJECT DESCRIBED IN
2 SUBSECTION (1) IS EXCUSED FROM THE COURSE, CLASS, OR PRESENTATION
3 WITHOUT PENALTY OR LOSS OF ACADEMIC CREDIT.

4 (5) A school district that provides ~~a class~~ INSTRUCTION as
5 permitted by subsection (1) shall offer the instruction by teach-
6 ers qualified to teach health education. A school district shall
7 not offer this instruction unless an advisory board is estab-
8 lished by the ~~district~~ board OF THE SCHOOL DISTRICT to periodi-
9 cally review the materials and methods of instruction used, and
10 to make recommendations to the SCHOOL district regarding changes
11 in the materials or methods. The advisory board shall consist of
12 parents having children attending the SCHOOL district's schools,
13 pupils in the SCHOOL district's schools, educators, local clergy,
14 and community health professionals.

15 (6) Before adopting any revisions in the materials or
16 methods used in instruction under this section, including, but
17 not limited to, revisions to provide for the teaching of absti-
18 nence from sex as a method of preventing unwanted pregnancy and
19 sexually transmitted disease, the board of a school district
20 shall hold at least 2 public hearings on the proposed revisions.
21 The hearings shall be held at least 1 week apart and public
22 notice of the hearings shall be given in the manner required
23 under section 1201 for board meetings. A public hearing held
24 pursuant to this section may be held in conjunction with a public
25 hearing held pursuant to section 1169.

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

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

11 (9) As used in this section:

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

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