

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 943

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1169. (1) The principal modes by which dangerous
2 communicable diseases, including, but not limited to, human
3 immunodeficiency virus infection and acquired immunodeficiency
4 syndrome, 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) **and section**
7 **1507b**, the teaching under this section shall ~~include the~~
8 ~~teaching of~~ **stress that** abstinence from sex ~~as is~~ a
9 responsible **and effective** method for restriction and prevention
10 of these diseases and ~~as is~~ a positive lifestyle for unmarried

1 young people.

2 (2) Except for licensed health care professionals who have
3 received training on human immunodeficiency virus infection and
4 acquired immunodeficiency syndrome, each person who teaches K to
5 12 pupils about human immunodeficiency virus infection and
6 acquired immunodeficiency syndrome pursuant to subsection (1)
7 shall have training in human immunodeficiency virus infection and
8 acquired immunodeficiency syndrome education for young people.

9 The ~~state board~~ **superintendent of public instruction**, in
10 cooperation with the department of public health, shall train
11 trainers to provide the teacher training required by this
12 subsection and shall provide for the development and distribution
13 to school districts of **medically accurate** material on the
14 teaching of human immunodeficiency virus infection and acquired
15 immunodeficiency syndrome to young people.

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

Senate Bill No. 943 (H-2) as amended May 20, 2004

1 1201 for board meetings. A public hearing held pursuant to this
2 section may be held in conjunction with a public hearing held
3 pursuant to section 1507.

4 Sec. 1507. (1) The board of a school district may engage
5 qualified instructors and provide facilities and equipment for
6 instruction in sex education, including family planning, human
7 sexuality, and the emotional, physical, psychological, hygienic,
8 economic, and social aspects of family life. Instruction may
9 also include the subjects of reproductive health and the
10 recognition, prevention, and treatment of sexually transmitted
11 disease. Subject to subsection (6) **and section 1507b**, the
12 instruction described in this subsection shall ~~include the~~
13 ~~teaching of~~ **stress that** abstinence from sex ~~as is~~ a
14 responsible **and effective** method of preventing ~~unwanted~~
15 **unplanned or out-of-wedlock** pregnancy and sexually transmitted
16 disease and ~~as is~~ a positive lifestyle for unmarried young
17 people.

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

20 (3) A pupil shall not be enrolled in a class in which the
21 subjects of family planning or reproductive health are discussed
22 unless the pupil's parent or guardian is notified in advance of
23 the ~~course~~ **class** and the content of the ~~course~~ **class**, is
24 given a prior opportunity to review the materials to be used in
25 the ~~course~~ **class**, and is notified in advance of his or her
26 right to have the pupil excused from the class. **[If a class is part of a
course, then the requirements of this subsection may be met for the
entire course by notifying the pupil's parent or guardian in advance of
the course and the content of the course, giving the pupil's parent or
guardian a prior opportunity to review the materials to be used in the
course, and notifying the pupil's parent or guardian of his or her right
to have the pupil excused from the course.]** The state board
27 shall determine the form and content of the notice required in

1 this subsection.

2 (4) Upon the written request of a pupil or the pupil's parent
3 or legal guardian, a pupil shall be excused, without penalty or
4 loss of academic credit, from attending ~~the~~ a class described
5 in subsection (1).

6 (5) A school district that provides a class as permitted by
7 subsection (1) shall offer the instruction by teachers qualified
8 to teach health education. A school district shall not offer
9 this instruction unless ~~an~~ a **sex education** advisory board is
10 established by the ~~district board to periodically review the~~
11 ~~materials and methods of instruction used, and to make~~
12 ~~recommendations to the district regarding changes in the~~
13 ~~materials or methods. The advisory board shall consist of~~
14 ~~parents having children attending the district's schools, pupils~~
15 ~~in the district's schools, educators, local clergy, and community~~
16 ~~health professionals.~~ **board of the school district. The board of**
17 **a school district shall determine terms of service for the sex**
18 **education advisory board, the number of members to serve on the**
19 **advisory board, and a membership selection process that**
20 **reasonably reflects the school district population, and shall**
21 **appoint 2 co-chairs for the advisory board, at least 1 of whom is**
22 **a parent of a child attending a school operated by the school**
23 **district. At least 1/2 of the members of the sex education**
24 **advisory board shall be parents who have a child attending a**
25 **school operated by the school district, and a majority of these**
26 **parent members shall be individuals who are not employed by the**
27 **school district. The board of a school district is encouraged to**

1 also include pupils of the school district, educators, local
2 clergy, and community health professionals on the sex education
3 advisory board. Written or electronic notice of a sex education
4 advisory board meeting shall be sent to each member at least 2
5 weeks before the date of the meeting. The advisory board shall
6 do all of the following:

7 (a) Establish program goals and objectives for pupil
8 knowledge and skills that are likely to reduce the rates of sex,
9 pregnancy, and sexually transmitted diseases. This subdivision
10 does not prohibit a school district from establishing additional
11 program goals and objectives that are not contrary to this
12 section, section 1169, or section 1507b.

13 (b) Review the materials and methods of instruction used and
14 make recommendations to the board of the school district for
15 implementation. The advisory board shall take into consideration
16 the school district's needs, demographics, and trends, including,
17 but not limited to, teenage pregnancy rates, sexually transmitted
18 disease rates, and incidents of student sexual violence and
19 harassment.

20 (c) At least once every 2 years, evaluate, measure, and
21 report the attainment of program goals and objectives established
22 under subdivision (a). The board of a school district shall make
23 the resulting report available to parents in the school district.

24 (6) Before adopting any revisions in the materials or methods
25 used in instruction under this section, including, but not
26 limited to, revisions to provide for the teaching of abstinence
27 from sex as a method of preventing ~~unwanted~~ **unplanned or**

1 **out-of-wedlock** pregnancy and sexually transmitted disease, the
 2 board of a school district shall hold at least 2 public hearings
 3 on the proposed revisions. The hearings shall be held at least 1
 4 week apart and public notice of the hearings shall be given in
 5 the manner required under section 1201 for board meetings. A
 6 public hearing held pursuant to this section may be held in
 7 conjunction with a public hearing held pursuant to section 1169.

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

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

21 (9) As used in this section **and sections 1506 and 1507a:**

22 (a) "Class" means an instructional period of limited duration
 23 ~~, not to exceed 2 hours, within a course of instruction and~~
 24 **includes an assembly, small group instruction, or any other**
 25 **presentation made to 2 or more pupils.**

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

1 Sec. 1507b. (1) Instruction under section 1507 in sex
2 education and instruction under section 1169 on human
3 immunodeficiency virus infection and acquired immunodeficiency
4 syndrome shall emphasize that abstinence from sex is a positive
5 lifestyle for unmarried young people because abstinence is the
6 only protection that is 100% effective against unplanned
7 pregnancy, sexually transmitted disease, and sexually transmitted
8 human immunodeficiency virus infection and acquired
9 immunodeficiency syndrome.

10 (2) Material and instruction in the sex education curriculum
11 under section 1507 that discusses sex shall be age-appropriate,
12 shall not be medically inaccurate, and shall do at least all of
13 the following if age-appropriate:

14 (a) Discuss the benefits of abstaining from sex until
15 marriage and the benefits of ceasing sex if a pupil is sexually
16 active.

17 (b) Include a discussion of the possible emotional, economic,
18 and legal consequences of sex.

19 (c) Stress that unplanned pregnancy and sexually transmitted
20 diseases are serious possibilities of sex that are not fully
21 preventable except by abstinence.

22 (d) Advise pupils of the laws pertaining to their
23 responsibility as parents to children born in and out of
24 wedlock.

25 (e) Ensure that pupils are not taught in a way that condones
26 the violation of the laws of this state pertaining to sexual
27 activity, including, but not limited to, sections 158, 335a, 338,

1 338a, 338b, and 520b to 520e of the Michigan penal code, 1931 PA
2 328, MCL 750.158, 750.335a, 750.338, 750.338a, 750.338b, and
3 750.520b to 750.520e.

4 (f) Teach pupils how to say "no" to sexual advances and that
5 it is wrong to take advantage of, harass, or exploit another
6 person sexually.

7 (g) Teach refusal skills and encourage pupils to resist
8 pressure to engage in risky behavior.

9 (h) Teach that the pupil has the power to control personal
10 behavior. Pupils shall be taught to base their actions on
11 reasoning, self-discipline, a sense of responsibility,
12 self-control, and ethical considerations such as respect for self
13 and others.

14 (i) Provide instruction on healthy dating relationships and
15 on how to set limits and recognize a dangerous environment.

16 (j) Provide information for pupils about how young parents
17 can learn more about adoption services and about the provisions
18 of the safe delivery of newborns law, chapter XII of the probate
19 code of 1939, 1939 PA 288, MCL 712.1 to 712.20.

20 (k) Include information clearly informing pupils that having
21 sex or sexual contact with an individual under the age of 16 is a
22 crime punishable by imprisonment and that 1 of the other results
23 of being convicted of this crime is to be listed on the sex
24 offender registry on the internet for at least 25 years.

25 (3) This section does not prohibit a public school from
26 offering sex education with behavioral risk reduction strategies,
27 as defined by law, that are not 100% effective against unplanned

- 1 pregnancy, sexually transmitted disease, and sexually transmitted
- 2 human immunodeficiency virus infection and acquired
- 3 immunodeficiency syndrome.