

# HOUSE BILL No. 4646

May 6, 2003, Introduced by Reps. Minore, Zelenko, Byrum, Whitmer, Tobocman, Dennis, Jamnick, Kolb, Stewart, Hopgood, Daniels, Lipsey, Farrah, McConico, Accavitti, Woodward, Condino, Cheeks, Clack, Stallworth, Waters, Meisner, Vagnozzi and Hardman and referred to the Committee on Education.

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.

## 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), the~~ **The**  
7 teaching under this section shall include the teaching of  
8 abstinence from sex as a responsible method for restriction and  
9 prevention of these diseases and as a positive lifestyle for  
10 unmarried young people. **Factual information included in the**

1 teaching under this section shall be medically accurate and  
2 objective.

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  
11 cooperation with the department of ~~public~~ **community** health,  
12 shall train trainers to provide the teacher training required by  
13 this subsection and shall provide for the development and  
14 distribution to school districts of material on the teaching of  
15 human immunodeficiency virus infection and acquired  
16 immunodeficiency syndrome to young people.

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

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

5 (4) As used in this section:

6 (a) "Factual information" includes, but is not limited to,  
7 medical, psychiatric, psychological, empirical, and statistical  
8 statements.

9 (b) "Medically accurate" means verified or supported by  
10 research conducted in compliance with scientific methods and  
11 published in peer-reviewed journals, where appropriate, and  
12 recognized as accurate and objective by professional  
13 organizations and agencies with expertise in the relevant field,  
14 such as the federal centers for disease control and prevention.

15 Sec. 1507. (1) The board of a school district ~~may~~ **shall**  
16 engage qualified instructors and provide facilities and equipment  
17 for instruction in sex education, including family planning,  
18 human sexuality, and the emotional, physical, psychological,  
19 hygienic, economic, and social aspects of family life. **The**  
20 **instruction shall include comprehensive sexuality education that**  
21 **is medically accurate and age-appropriate for all grade levels.**  
22 Instruction may also include the subjects of reproductive health  
23 and the recognition, prevention, and treatment of sexually  
24 transmitted ~~disease~~ **infection.** ~~Subject to subsection (6),~~  
25 ~~the~~ **The** instruction described in this subsection shall include  
26 the teaching of abstinence from sex as a responsible method of  
27 preventing unwanted pregnancy and sexually transmitted ~~disease~~

1 **infection** and as a positive lifestyle for unmarried young  
 2 people. **Factual information included in the instruction under**  
 3 **this section shall be medically accurate and objective.**

4 ~~(2) The class described in subsection (1) shall be elective~~  
 5 ~~and not a requirement for graduation.~~

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

15 (3) ~~—(4)—~~ Upon the written request of a pupil or the pupil's  
 16 parent or legal guardian, a pupil shall be excused, without  
 17 penalty or loss of academic credit, from attending the class  
 18 described in subsection (1).

19 (4) ~~—(5)—~~ A school district ~~that provides a class as~~  
 20 ~~permitted by subsection (1)~~ shall ~~offer~~ **provide** the  
 21 instruction **under this section** by teachers qualified to teach  
 22 ~~health~~ **sexuality** education. A school district shall ~~not offer~~  
 23 ~~this instruction unless~~ **establish** an advisory board ~~is~~  
 24 ~~established by the district board~~ to periodically review the  
 25 materials and methods of instruction used ~~—~~ and to make  
 26 recommendations to the **school** district regarding changes in the  
 27 materials or methods. The advisory board shall consist of

1 parents having children attending the **school** district's schools,  
2 pupils in the **school** district's schools, educators, local clergy,  
3 and community health professionals.

4       (5) ~~—(6)—~~ Before adopting any revisions in the materials or  
5 methods used in instruction under this section, including, but  
6 not limited to, revisions to provide for the teaching of  
7 abstinence from sex as a method of preventing unwanted pregnancy  
8 and sexually transmitted disease, the board of a school district  
9 shall hold at least 2 public hearings on the proposed revisions.  
10 The hearings shall be held at least 1 week apart and public  
11 notice of the hearings shall be given in the manner required  
12 under section 1201 for board meetings. A public hearing held  
13 pursuant to this section may be held in conjunction with a public  
14 hearing held pursuant to section 1169.

15       (6) ~~—(7)—~~ A person shall not dispense or otherwise distribute  
16 in a public school a family planning drug or device.

17       (7) ~~—(8)—~~ As used in this section, ~~—and section 1508,~~  
18 "family planning" means the use of a range of methods of  
19 fertility regulation to help individuals or couples avoid  
20 unwanted pregnancies; bring about wanted births; regulate the  
21 intervals between pregnancies; and plan the time at which births  
22 occur in relation to the age of parents. It may include the  
23 study of fetology. It may include marital and genetic  
24 information. Clinical abortion shall not be considered a method  
25 of family planning, nor shall abortion be taught as a method of  
26 reproductive health.

27       (8) ~~—(9)—~~ As used in this section:

1       (a) "Class" means an instructional period of limited  
2 duration, not to exceed 2 hours, within a course of instruction.

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

5       (c) "Factual information" includes, but is not limited to,  
6 medical, psychiatric, psychological, empirical, and statistical  
7 statements.

8       (d) "Medically accurate" means verified or supported by  
9 research conducted in compliance with scientific methods and  
10 published in peer-reviewed journals, where appropriate, and  
11 recognized as accurate and objective by professional  
12 organizations and agencies with expertise in the relevant field,  
13 such as the federal centers for disease control and prevention.

14       (e) "School district" means a school district, local act  
15 school district, or public school academy.