

SENATE BILL No. 943

February 3, 2004, Introduced by Senators KUIPERS, HARDIMAN, BASHAM, VAN WOERKOM, SANBORN, CROPSEY, BISHOP, GOSCHKA, ALLEN, BROWN, STAMAS, McMANUS, BIRKHOLZ and BARCIA 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, 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 teaching
 8 of abstinence from ~~sex~~ **sexual activity** as a responsible **and**
 9 **effective** method for restriction and prevention of these diseases
 10 and as a positive lifestyle for unmarried young people.

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

15 (3) The choice of curricula to be used for human
16 immunodeficiency virus infection and acquired immunodeficiency
17 syndrome education required to be taught under subsection (1)
18 shall be approved by the appropriate school board and implemented
19 in the school setting not later than October 1, 1990. Before
20 adopting any revisions to the curriculum implemented under this
21 section, including, but not limited to, revisions to provide for
22 the teaching of abstinence from sex as a responsible method for
23 restriction and prevention of disease, a school board shall hold
24 at least 2 public hearings on the proposed revisions. The
25 hearings shall be held at least 1 week apart and public notice of
26 the hearings shall be given in the manner required under section
27 1201 for board meetings. A public hearing held pursuant to this

1 section may be held in conjunction with a public hearing held
2 pursuant to section 1507.

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

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

18 (3) A pupil shall not be enrolled in a class in which the
19 subjects of family planning or reproductive health are discussed
20 unless the pupil's parent or guardian is notified in advance of
21 the course and the content of the course, is given a prior
22 opportunity to review the materials to be used in the course, and
23 is notified in advance of his or her right to have the pupil
24 excused from the class. The state board shall determine the form
25 and content of the notice required in this subsection.

26 (4) Upon the written request of a pupil or the pupil's
27 parent or legal guardian, a pupil shall be excused, without

1 penalty or loss of academic credit, from attending the class
2 described in subsection (1).

3 (5) A school district that provides a class as permitted by
4 subsection (1) shall offer the instruction by teachers qualified
5 to teach health education. A school district shall not offer
6 this instruction unless ~~an~~ **a health education** advisory board is
7 established by the ~~district board to periodically review the~~
8 ~~materials and methods of instruction used, and to make~~
9 ~~recommendations to the district regarding changes in the~~
10 ~~materials or methods~~ **board of the school district. The board of**
11 **a school district shall determine terms of service for the health**
12 **education advisory board, the number of members to serve on the**
13 **advisory board, and a membership selection process that**
14 **reasonably reflects the school district population, and shall**
15 **appoint a parent to chair the advisory board. A majority of the**
16 **members of the health education advisory board shall be parents**
17 **who are not employed by or at the school district or any of the**
18 **schools it operates and who have a child attending a school**
19 **operated by the school district. The remainder of the advisory**
20 **board shall consist of** ~~parents having children attending the~~
21 ~~district's schools,~~ **pupils enrolled in the school district's**
22 **schools, educators, local clergy, and community health**
23 **professionals. Written notice of a health education advisory**
24 **board meeting shall be sent to each member at least 2 weeks**
25 **before the date of the meeting. The advisory board shall do all**
26 **of the following:**

27 (a) Establish program goals and objectives for pupil

1 knowledge and skills that are likely to reduce levels of
2 adolescent sexual intercourse.

3 (b) Review the materials and methods of instruction used and
4 make recommendations to the board of the school district for
5 implementation.

6 (c) At least once every 2 years, develop procedures for
7 evaluating, measuring, and reporting the attainment of program
8 goals and objectives established under subdivision (a). The
9 board of a school district shall make the resulting report
10 available to parents in the school district.

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

23 (7) A person shall not dispense or otherwise distribute in a
24 public school **or on public school property** a family planning drug
25 or device.

26 (8) As used in this section, ~~and section 1508,~~ "family
27 planning" means the use of a range of methods of fertility

1 regulation to help individuals or couples avoid ~~unwanted~~
2 **unplanned** pregnancies; bring about wanted births; regulate the
3 intervals between pregnancies; and plan the time at which births
4 occur in relation to the age of parents. It may include the
5 study of fetology. It may include marital and genetic
6 information. Clinical abortion shall not be considered a method
7 of family planning, nor shall abortion be taught as a method of
8 reproductive health.

9 (9) As used in this section:

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

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

14 **Sec. 1507b. (1) Instruction under section 1507 in sex**
15 **education and instruction under section 1169 on human**
16 **immunodeficiency virus infection and acquired immunodeficiency**
17 **syndrome shall emphasize that abstinence from sexual intercourse**
18 **is the expected behavioral norm for unmarried people because**
19 **abstinence is the only protection that is 100% effective against**
20 **unplanned pregnancy, sexually transmitted disease, and sexually**
21 **transmitted human immunodeficiency virus infection and acquired**
22 **immunodeficiency syndrome.**

23 (2) Material and instruction in sex education under section
24 1507 that discusses sexual intercourse shall meet all of the
25 following:

26 (a) Be age appropriate.

27 (b) Teach honor and respect for marriage.

1 (c) Stress that pupils should abstain from sexual intercourse
2 until marriage.

3 (d) Include a discussion of the possible emotional and
4 psychological consequences of preadolescent and adolescent sexual
5 activity outside of marriage and the consequences of teenage
6 pregnancy.

7 (e) Stress that unplanned pregnancy and sexually transmitted
8 diseases are serious possibilities of sexual intercourse that are
9 not fully preventable except by abstinence.

10 (f) Advise pupils of the laws pertaining to their
11 responsibility as parents to children born in and out of
12 wedlock.

13 (g) Ensure that pupils are not addressed, individually or as
14 a group, in a way that may encourage or condone the violation of
15 laws of this state pertaining to sexual activity, including, but
16 not limited to, sections 158, 335, 335a, 338, 338a, 338b, and
17 520b to 520e of the Michigan penal code, 1931 PA 328, MCL
18 750.158, 750.335, 750.335a, 750.338, 750.338a, 750.338b, and
19 750.520b to 750.520e.

20 (h) Teach pupils not to initiate physical and verbal sexual
21 advances and how to say "no" to sexual advances. Pupils shall be
22 taught that it is wrong to take advantage of, harass, or exploit
23 another person sexually.

24 (i) Teach refusal skills and encourage pupils to resist
25 pressure to engage in risky behavior.

26 (j) Teach that the pupil has the power to control personal
27 behavior. Pupils shall be taught to base their actions on

1 reasoning, self-discipline, a sense of responsibility,
2 self-control, and ethical considerations such as respect for self
3 and others.

4 (k) Provide instruction in parental responsibility and
5 marriage.

6 (l) Teach that adoption should be considered as a positive
7 and healthy outcome for teenage mothers and their children and
8 inform pupils about how young parents can obtain adoption
9 information.

10 (m) Include information clearly informing pupils that having
11 sex or sexual contact with an individual under the age of 16 is a
12 crime punishable by imprisonment and that 1 of the other results
13 of being convicted of this crime is to be listed on the sex
14 offender registry on the internet for at least 25 years.