

THE REVISED SCHOOL CODE (EXCERPT)
Act 451 of 1976

PART 21

HEALTH AND PHYSICAL EDUCATION

380.1501 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to definition of sex education.

Popular name: Act 451

380.1502 Health and physical education; establishment; course in physical education required; extracurricular athletics as meeting requirement.

Sec. 1502. (1) Health and physical education for pupils of both sexes shall be established and provided in all public schools of this state. Subject to subsection (2), each pupil attending public school in this state who is physically fit and capable of doing so shall take the course in physical education.

(2) A school district may credit a pupil's participation in extracurricular athletics or other extracurricular activities involving physical activity as meeting the physical education requirement for the pupil under subsection (1).

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993.

Popular name: Act 451

380.1503 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed section pertained to health and physical education.

Popular name: Act 451

380.1504 Compulsory physical examination or medical treatment not authorized.

Sec. 1504. This act shall not be construed to authorize compulsory physical examination or compulsory medical treatment of pupils.

History: Add. 1996, Act 287, Imd. Eff. June 17, 1996.

Popular name: Act 451

380.1505 Sexual abuse of children; adoption and implementation of policy.

Sec. 1505. (1) The board of a school district or intermediate school district or board of directors of a public school academy may adopt and implement a policy addressing sexual abuse of children. If a board or board of directors adopts and implements a policy addressing sexual abuse of children, the policy shall be substantially consistent with the recommendations and guidelines set by the task force on the prevention of sexual abuse of children created under section 12b of the child protection law, 1975 PA 238, MCL 722.632b, and may address, but is not limited to, any of the following:

(a) Age-appropriate, evidence-based curriculum and instruction for pupils in grades pre-K to 5 concerning child sexual abuse awareness and prevention.

(b) Training for school personnel on child sexual abuse, including, but not limited to, training on supportive, appropriate response to disclosure of abuse.

(c) Providing educational information to parents or guardians on the warning signs of a child being sexually abused and information on needed assistance, referral, or resources. This information may be provided in the student handbook that is distributed to pupils and parents and guardians.

(d) Available counseling and resources for pupils affected by sexual abuse.

(e) Emotional and educational support for a pupil affected by sexual abuse to allow the pupil to continue to be successful in school.

(f) A review of the system that is in place in the school district, intermediate school district, or public school academy to educate and support school personnel who are required to report child abuse or neglect under section 3 of the child protection law, 1975 PA 238, MCL 722.623, and the process in place for making those mandatory reports. This review should include an analysis of the level of compliance with the mandatory reporting requirements and suggestions to improve compliance.

(2) Any instruction, training, or information provided pursuant to a policy adopted under subsection (1) shall be substantially consistent with the recommendations and guidelines set by the task force on the prevention of sexual abuse of children created under section 12b of the child protection law, 1975 PA 238, MCL 722.632b, and may address, but is not limited to, any of the following:

(a) Methods for increasing teacher, pupil, and parent awareness of issues regarding sexual abuse of

children, including knowledge of likely warning signs indicating that a child may be a victim of sexual abuse.

(b) Actions that a child who is a victim of sexual abuse may take to obtain assistance and intervention.

(c) Available counseling options for pupils affected by sexual abuse.

(3) Pupil instruction under this section is subject to section 1505a.

History: Add. 2012, Act 594, Imd. Eff. Jan. 9, 2013.

380.1505a Instruction to students on child sexual abuse.

Sec. 1505a. If a school district, intermediate school district, or public school academy provides instruction to pupils on child sexual abuse pursuant to the policy adopted under section 1505, both of the following apply:

(a) A pupil shall not be provided with the instruction unless the pupil's parent or guardian is notified in advance of the instruction and the content of the instruction, is given a prior opportunity to review the materials to be used in the instruction, and is notified in advance of his or her right to have the pupil excused from the instruction.

(b) Upon the written request of a pupil's parent or legal guardian, a pupil shall be excused from the instruction without penalty or loss of academic credit.

History: Add. 2012, Act 595, Imd. Eff. Jan. 9, 2013.

380.1506 Program of instruction in reproductive health; supervision; request to excuse pupil from attendance; "reproductive health" defined.

Sec. 1506. (1) A program of instruction in reproductive health shall be supervised by a registered physician, a registered nurse, or other person certified by the state board as qualified. Upon the written request of a pupil or the pupil's parent or guardian, a pupil shall be excused, without penalty or loss of academic credit, from attending classes in which the subject of reproductive health is under discussion.

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

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 226, Imd. Eff. Nov. 30, 1977.

Popular name: Act 451

380.1507 Instruction in sex education; instructors, facilities, and equipment; stressing abstinence from sex; elective class; notice to parent or guardian; request to excuse pupil from attendance; qualifications of teacher; sex education advisory board; public hearing; distribution of family planning drug or device prohibited; "family planning," "class," and "course" defined.

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

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

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

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

(5) A school district that provides a class as permitted by subsection (1) shall offer the instruction by teachers qualified to teach health education. A school district shall not offer this instruction unless a sex education advisory board is established by the board of the school district. The board of a school district shall determine terms of service for the sex education advisory board, the number of members to serve on the advisory board, and a membership selection process that reasonably reflects the school district population, and shall appoint 2 co-chairs for the advisory board, at least 1 of whom is a parent of a child attending a school operated by the school district. At least 1/2 of the members of the sex education advisory board shall be parents who have a child attending a school operated by the school district, and a majority of these parent

members shall be individuals who are not employed by a school district. The board of a school district shall include pupils of the school district, educators, local clergy, and community health professionals on the sex education advisory board. Written or electronic notice of a sex education advisory board meeting shall be sent to each member at least 2 weeks before the date of the meeting. The advisory board shall do all of the following:

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

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

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

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

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

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

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

(a) "Class" means an instructional period of limited duration within a course of instruction and includes an assembly or small group presentation.

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

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977;—Am. 1977, Act 226, Imd. Eff. Nov. 30, 1977;—Am. 1981, Act 87, Imd. Eff. July 2, 1981;—Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993;—Am. 2004, Act 165, Imd. Eff. June 24, 2004.

Popular name: Act 451

380.1507a Notice of excuse from class; enrollment.

Sec. 1507a. If a parent or legal guardian of a pupil files with the public school in which the pupil is enrolled a continuing written notice that the pupil is to be excused from a class described in section 1507, the pupil shall not be enrolled in a class described in section 1507 unless the parent or legal guardian submits a written authorization for that enrollment.

History: Add. 1995, Act 289, Eff. July 1, 1996.

Popular name: Act 451

380.1507b Sex education and instruction; curriculum requirements.

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

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

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

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

(c) Stress that unplanned pregnancy and sexually transmitted diseases are serious possibilities of sex that

are not fully preventable except by abstinence.

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

(e) Ensure that pupils are not taught in a way that condones the violation of the laws of this state pertaining to sexual activity, including, but not limited to, sections 158, 335a, 338, 338a, 338b, and 520b to 520e of the Michigan penal code, 1931 PA 328, MCL 750.158, 750.335a, 750.338, 750.338a, 750.338b, and 750.520b to 750.520e.

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

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

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

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

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

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

(3) This section does not prohibit a public school from offering sex education with behavioral risk reduction strategies, as defined by law, that are not 100% effective against unplanned pregnancy, sexually transmitted disease, and sexually transmitted human immunodeficiency virus infection and acquired immunodeficiency syndrome.

History: Add. 2004, Act 165, Imd. Eff. June 24, 2004.

Popular name: Act 451

380.1508 Information on sexual assault and sexual harassment for students; grades 6 to 12.

Sec. 1508. (1) By not later than June 1, 2024, in consultation with experts on sexual assault and sexual harassment, including, but not limited to, the Michigan domestic and sexual violence prevention and treatment board and the Michigan Coalition to End Domestic and Sexual Violence, the department shall develop age-appropriate informational material relating to sexual assault and sexual harassment and make that material available to all school districts, intermediate school districts, and public school academies that operate any of grades 6 to 12. The informational material must include at least all of the following:

(a) Information regarding what constitutes sexual assault or sexual harassment.

(b) An explanation that sexual assault or sexual harassment is not the victim's fault.

(c) Resources available for individuals who have experienced sexual assault or sexual harassment, including, but not limited to, information on title IX, as enacted under the education amendments of 1972, 20 USC 1681 to 1688, appropriate contact information for organizations that offer assistance to victims of sexual assault or sexual harassment, and actions that the individual may take.

(2) A school district, intermediate school district, or public school academy shall disseminate the informational material made available by the department under subsection (1) to each pupil in grades 6 to 12 who is enrolled in a school operated by the school district, intermediate school district, or public school academy, in a form and manner determined appropriate by the school district, intermediate school district, or public school academy. Additionally, the school district, intermediate school district, or public school academy shall disseminate to those pupils the contact information for the school district's, intermediate school district's, or public school academy's title IX coordinator and the school district's, intermediate school district's, or public school academy's policies on sexual assault and sexual harassment, including specific information stating that the policies prohibit adverse action against an individual for reporting sexual assault or sexual harassment, in a form and manner determined appropriate by the school district, intermediate school district, or public school academy. The school district, intermediate school district, or public school academy shall ensure that all the information described in this subsection remains accessible to those pupils and their parents or legal guardians and is included in a student handbook or similar publication prepared by the school district, intermediate school district, or public school academy and on the school district's, intermediate school district's, or public school academy's webpage if the school district, intermediate school district, or public school academy maintains a webpage.

History: Add. 2023, Act 57, Eff. Oct. 10, 2023.

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Compiler's note: Former MCL 380.1508, which pertained to duties of state board, was repealed by Act 289 of 1995, Eff. July 1, 1996.

Popular name: Act 451

380.1511-380.1522 Repealed. 1995, Act 289, Eff. July 1, 1996.

Compiler's note: The repealed sections pertained to recreation and playground facilities, community swimming pools, and athletic events.

Popular name: Act 451