HOUSE BILL No. 4859

September 9, 2015, Introduced by Reps. Irwin, Singh, Dianda, Geiss, Liberati, Sarah Roberts, Pagan, Chang, Wittenberg, Hoadley, Hovey-Wright, Cochran, Schor, Gay-Dagnogo, Banks, Townsend, Yanez and Zemke and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code,"
by amending sections 1169, 1507, and 1507b (MCL 380.1169, 380.1507, and 380.1507b), sections 1169 and 1507 as amended and section 1507b as added by 2004 PA 165.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1169. (1) The principal modes by which dangerous communicable diseases, including, but not limited to, human immunodeficiency virus infection and acquired immunodeficiency syndrome, are spread and the best methods for the restriction and prevention of these diseases shall be taught in every public school in this state. Subject to subsection (3) and section 1507b, the teaching under this section shall stress that abstinence from sex is a responsible and effective method for restriction and prevention of these diseases and is a positive lifestyle for
unmarried young people. FACTUAL INFORMATION INCLUDED IN THE TEACHING UNDER THIS SECTION SHALL BE MEDICALLY ACCURATE AND OBJECTIVE.

(2) Except for licensed health care professionals who have received training on human immunodeficiency virus infection and acquired immunodeficiency syndrome, each person who teaches K to 12 pupils about human immunodeficiency virus infection and acquired immunodeficiency syndrome pursuant to subsection (1) shall have training in human immunodeficiency virus infection and acquired immunodeficiency syndrome education for young people. The superintendent of public instruction, in cooperation with the department of public health AND HUMAN SERVICES, shall train trainers to provide the teacher training required by this subsection and shall provide for the development and distribution to school districts of medically accurate material on the teaching of human immunodeficiency virus infection and acquired immunodeficiency syndrome to young people.

(3) The choice of curricula to be used for human immunodeficiency virus infection and acquired immunodeficiency syndrome education required to be taught under subsection (1) shall be approved by the appropriate school board and implemented in the school setting not later than October 1, 1990. Before adopting any revisions to the curriculum implemented under this section, including, but not limited to, revisions to provide for the teaching of abstinence from sex as a responsible method for restriction and prevention of disease, a school board 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 1507.

(4) AS USED IN THIS SECTION:

(A) "FACTUAL INFORMATION" INCLUDES, BUT IS NOT LIMITED TO, MEDICAL, PSYCHIATRIC, PSYCHOLOGICAL, EMPIRICAL, AND STATISTICAL STATEMENTS.

(B) "MEDICALLY ACCURATE" MEANS VERIFIED OR SUPPORTED BY RESEARCH CONDUCTED IN COMPLIANCE WITH SCIENTIFIC METHODS AND PUBLISHED IN PEER-REVIEWED JOURNALS, WHERE APPROPRIATE, AND RECOGNIZED AS ACCURATE AND OBJECTIVE BY PROFESSIONAL ORGANIZATIONS AND AGENCIES WITH EXPERTISE IN THE RELEVANT FIELD, SUCH AS THE FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION.

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. IF THE BOARD OF A SCHOOL DISTRICT PROVIDES INSTRUCTION IN SEX EDUCATION UNDER THIS SECTION, THE INSTRUCTION SHALL INCLUDE COMPREHENSIVE SEXUALITY EDUCATION THAT IS MEDICALLY ACCURATE AND AGE-APPROPRIATE.

Instruction may also include the subjects of reproductive health and the recognition, prevention, and treatment of sexually transmitted disease INFECTION. Subject to subsection (7)-(6) 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—INFECTION and is a positive lifestyle
for unmarried young people. FACTUAL INFORMATION INCLUDED IN THE
INSTRUCTION UNDER THIS SECTION SHALL BE MEDICALLY ACCURATE AND
OBJECTIVE.

(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—SHALL PROVIDE the instruction UNDER
THIS SECTION by teachers qualified to teach health—SEXUALITY
education. A school district—THAT PROVIDES THE INSTRUCTION UNDER
THIS SECTION shall not offer this instruction unless—ESTABLISH 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.

(5) (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.

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

(7) (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.

(8) As used in this section and sections 1506 and 1507a:
(A) "BOARD OF A SCHOOL DISTRICT" MEANS THE BOARD OF A SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY.
(B) "Class" means an instructional period of limited duration within a course of instruction and includes an assembly or small group presentation.
(C) "Course" means a series of classes linked by a common subject matter.
(D) FACTUAL INFORMATION" INCLUDES, BUT IS NOT LIMITED TO, MEDICAL, PSYCHIATRIC, PSYCHOLOGICAL, EMPIRICAL, AND STATISTICAL STATEMENTS.
(E) "MEDICALLY ACCURATE" MEANS VERIFIED OR SUPPORTED BY RESEARCH CONDUCTED IN COMPLIANCE WITH SCIENTIFIC METHODS AND PUBLISHED IN PEER-REVIEWED JOURNALS, WHERE APPROPRIATE, AND RECOGNIZED AS ACCURATE AND OBJECTIVE BY PROFESSIONAL ORGANIZATIONS AND AGENCIES WITH EXPERTISE IN THE RELEVANT FIELD, SUCH AS THE FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION.
(F) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT OR A PUBLIC SCHOOL ACADEMY.

Sec. 1507b. (1) Instruction under section 1507 in SEXUALITY education and instruction under section 1169 on human immunodeficiency virus infection and acquired immunodeficiency syndrome shall emphasize—BE AGE-APPROPRIATE, MEDICALLY ACCURATE, AND OBJECTIVE, AND 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 infection, and sexually transmitted human immunodeficiency virus infection and acquired immunodeficiency syndrome.

(2) Material, factual information, and instruction in the sex sexuality education curriculum under section 1507 that discusses sex shall be age-appropriate, shall not be medically inaccurate accurate, and objective, 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, and provide the tools to make informed and responsible decisions.

(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.

(4) AS USED IN THIS SECTION:
(A) "FACTUAL INFORMATION" INCLUDES, BUT IS NOT LIMITED TO, MEDICAL, PSYCHIATRIC, PSYCHOLOGICAL, EMPIRICAL, AND STATISTICAL STATEMENTS.

(B) "MEDICALLY ACCURATE" MEANS VERIFIED OR SUPPORTED BY RESEARCH CONDUCTED IN COMPLIANCE WITH SCIENTIFIC METHODS AND PUBLISHED IN PEER-REVIEWED JOURNALS, WHERE APPROPRIATE, AND RECOGNIZED AS ACCURATE AND OBJECTIVE BY PROFESSIONAL ORGANIZATIONS AND AGENCIES WITH EXPERTISE IN THE RELEVANT FIELD, SUCH AS THE FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.