

SENATE BILL No. 371

May 21, 2013, Introduced by Senators HOPGOOD, WARREN, ANANICH, SMITH, BIEDA, ANDERSON, JOHNSON and WHITMER and referred to the Committee on Health Policy.

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:

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 school
6 in this state. Subject to subsection (3) and section 1507b, the
7 teaching under this section shall stress that abstinence from sex
8 is a responsible and effective method for restriction and

1 prevention of these diseases and is a positive lifestyle for
2 unmarried young people. **FACTUAL INFORMATION INCLUDED IN THE**
3 **TEACHING UNDER THIS SECTION SHALL BE MEDICALLY ACCURATE AND**
4 **OBJECTIVE.**

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

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

1 least 2 public hearings on the proposed revisions. The hearings
2 shall be held at least 1 week apart and public notice of the
3 hearings shall be given in the manner required under section 1201
4 for board meetings. A public hearing held pursuant to this section
5 may be held in conjunction with a public hearing held pursuant to
6 section 1507.

7 (4) AS USED IN THIS SECTION:

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

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

17 Sec. 1507. (1) The board of a school district may engage
18 qualified instructors and provide facilities and equipment for
19 instruction in sex education, including family planning, human
20 sexuality, and the emotional, physical, psychological, hygienic,
21 economic, and social aspects of family life. **IF THE BOARD OF A
22 SCHOOL DISTRICT PROVIDES INSTRUCTION IN SEX EDUCATION UNDER THIS
23 SECTION, THE INSTRUCTION SHALL INCLUDE COMPREHENSIVE SEXUALITY
24 EDUCATION THAT IS MEDICALLY ACCURATE AND AGE-APPROPRIATE.**

25 Instruction may also include the subjects of reproductive health
26 and the recognition, prevention, and treatment of sexually
27 transmitted disease—**INFECTION**. Subject to subsection ~~(7)~~—**(6)** and

1 section 1507b, the instruction described in this subsection shall
 2 stress that abstinence from sex is a responsible and effective
 3 method of preventing unplanned or out-of-wedlock pregnancy and
 4 sexually transmitted ~~disease~~-**INFECTION** and is a positive lifestyle
 5 for unmarried young people. **FACTUAL INFORMATION INCLUDED IN THE**
 6 **INSTRUCTION UNDER THIS SECTION SHALL BE MEDICALLY ACCURATE AND**
 7 **OBJECTIVE.**

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

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

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

22 (4) ~~(5)~~-A school district ~~that provides a class as permitted~~
 23 ~~by subsection (1) shall offer~~ **SHALL PROVIDE** the instruction **UNDER**
 24 **THIS SECTION** by teachers qualified to teach health-**SEXUALITY**
 25 education. A school district **THAT PROVIDES THE INSTRUCTION UNDER**
 26 **THIS SECTION** shall ~~not offer this instruction unless~~ **ESTABLISH** a
 27 sex education advisory board. ~~is established by the board of the~~

1 ~~school district.~~ The board of a school district shall determine
2 terms of service for the sex education advisory board, the number
3 of members to serve on the advisory board, and a membership
4 selection process that reasonably reflects the school district
5 population, and shall appoint 2 co-chairs for the advisory board,
6 at least 1 of whom is a parent of a child attending a school
7 operated by the school district. At least 1/2 of the members of the
8 sex education advisory board shall be parents who have a child
9 attending a school operated by the school district, and a majority
10 of these parent members shall be individuals who are not employed
11 by a school district. The board of a school district shall include
12 pupils of the school district, educators, local clergy, and
13 community health professionals on the sex education advisory board.
14 Written or electronic notice of a sex education advisory board
15 meeting shall be sent to each member at least 2 weeks before the
16 date of the meeting. The advisory board shall do all of the
17 following:

18 (a) Establish program goals and objectives for pupil knowledge
19 and skills that are likely to reduce the rates of sex, pregnancy,
20 and sexually transmitted diseases. This subdivision does not
21 prohibit a school district from establishing additional program
22 goals and objectives that are not contrary to this section, section
23 1169, or section 1507b.

24 (b) Review the materials and methods of instruction used and
25 make recommendations to the board of the school district for
26 implementation. The advisory board shall take into consideration
27 the school district's needs, demographics, and trends, including,

1 but not limited to, teenage pregnancy rates, sexually transmitted
2 disease rates, and incidents of student sexual violence and
3 harassment.

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

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

19 (6) ~~(7)~~—A person shall not dispense or otherwise distribute in
20 a public school or on public school property a family planning drug
21 or device.

22 (7) ~~(8)~~—As used in this section, "family planning" means the
23 use of a range of methods of fertility regulation to help
24 individuals or couples avoid unplanned pregnancies; bring about
25 wanted births; regulate the intervals between pregnancies; and plan
26 the time at which births occur in relation to the age of parents.
27 It may include the study of fetology. It may include marital and

1 genetic information. Clinical abortion shall not be considered a
 2 method of family planning, nor shall abortion be taught as a method
 3 of reproductive health.

4 (8) ~~(9)~~—As used in this section and sections 1506 and 1507a:

5 (A) "BOARD OF A SCHOOL DISTRICT" MEANS THE BOARD OF A SCHOOL
 6 DISTRICT OR BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY.

7 (B) ~~(a)~~—"Class" means an instructional period of limited
 8 duration within a course of instruction and includes an assembly or
 9 small group presentation.

10 (C) ~~(b)~~—"Course" means a series of classes linked by a common
 11 subject matter.

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

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

21 (F) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT OR A PUBLIC
 22 SCHOOL ACADEMY.

23 Sec. 1507b. (1) Instruction under section 1507 in ~~sex~~
 24 **SEXUALITY** education and instruction under section 1169 on human
 25 immunodeficiency virus infection and acquired immunodeficiency
 26 syndrome shall ~~emphasize~~ **BE AGE-APPROPRIATE, MEDICALLY ACCURATE,**
 27 **AND OBJECTIVE, AND SHALL EMPHASIZE** that abstinence from sex is a

1 positive lifestyle for unmarried young people because abstinence is
2 the only protection that is 100% effective against unplanned
3 pregnancy, sexually transmitted disease—**INFECTION**, and sexually
4 transmitted human immunodeficiency virus infection and acquired
5 immunodeficiency syndrome.

6 (2) Material, **FACTUAL INFORMATION**, and instruction in the ~~sex~~
7 **SEXUALITY** education curriculum under section 1507 that discusses
8 sex shall be age-appropriate, ~~shall not be medically inaccurate~~
9 **ACCURATE, AND OBJECTIVE**, and shall do at least all of the
10 following:

11 (a) Discuss the benefits of abstaining from sex until marriage
12 and the benefits of ~~ceasing sex~~ **PROTECTING ONESELF** if a pupil is
13 sexually active, **AND PROVIDE THE TOOLS TO MAKE INFORMED AND**
14 **RESPONSIBLE DECISIONS.**

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

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

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

22 (e) Ensure that pupils are not taught in a way that condones
23 the violation of the laws of this state pertaining to sexual
24 activity, including, but not limited to, sections 158, 335a, 338,
25 338a, 338b, and 520b to 520e of the Michigan penal code, 1931 PA
26 328, MCL 750.158, 750.335a, 750.338, 750.338a, 750.338b, and
27 750.520b to 750.520e.

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

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

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

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

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

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

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

1 (4) AS USED IN THIS SECTION:

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

5 (B) "MEDICALLY ACCURATE" MEANS VERIFIED OR SUPPORTED BY
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