

# SENATE BILL No. 629

October 12, 2017, Introduced by Senators HOPGOOD, WARREN, GREGORY, HOOD and CONYERS 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:**

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  
9 prevention of these diseases and is a positive lifestyle for

1 unmarried young people. **FACTUAL INFORMATION INCLUDED IN THE**  
2 **TEACHING UNDER THIS SECTION SHALL BE MEDICALLY ACCURATE AND**  
3 **OBJECTIVE.**

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

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

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

6 (4) AS USED IN THIS SECTION:

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

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

16 Sec. 1507. (1) The board of a school district may engage  
17 qualified instructors and provide facilities and equipment for  
18 instruction in sex education, including family planning, human  
19 sexuality, and the emotional, physical, psychological, hygienic,  
20 economic, and social aspects of family life. **IF THE BOARD OF A**  
21 **SCHOOL DISTRICT PROVIDES INSTRUCTION IN SEX EDUCATION UNDER THIS**  
22 **SECTION, THE INSTRUCTION SHALL INCLUDE COMPREHENSIVE SEXUALITY**  
23 **EDUCATION THAT IS MEDICALLY ACCURATE AND AGE-APPROPRIATE.**  
24 Instruction may also include the subjects of reproductive health  
25 and the recognition, prevention, and treatment of sexually  
26 transmitted ~~disease~~-**INFECTION**. Subject to subsection ~~(7)~~-(6) and  
27 section 1507b, the instruction described in this subsection shall

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

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

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

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

21 (4) ~~(5)~~-A school district ~~that provides a class as permitted~~  
22 ~~by subsection (1) shall offer~~ **SHALL PROVIDE** the instruction **UNDER**  
23 **THIS SECTION** by teachers qualified to teach ~~health~~-**SEXUALITY**  
24 education. A school district **THAT PROVIDES THE INSTRUCTION UNDER**  
25 **THIS SECTION** shall ~~not offer this instruction unless~~ **ESTABLISH** a  
26 sex education advisory board. ~~is established by the board of the~~  
27 ~~school district.~~The board of a school district shall determine

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

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

23 (b) Review the materials and methods of instruction used and  
24 make recommendations to the board of the school district for  
25 implementation. The advisory board shall take into consideration  
26 the school district's needs, demographics, and trends, including,  
27 but not limited to, teenage pregnancy rates, sexually transmitted

1 disease rates, and incidents of student sexual violence and  
2 harassment.

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

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

18 (6) ~~(7)~~—A person shall not dispense or otherwise distribute in  
19 a public school or on public school property a family planning drug  
20 or device.

21 (7) ~~(8)~~—As used in this section, "family planning" means the  
22 use of a range of methods of fertility regulation to help  
23 individuals or couples avoid unplanned pregnancies; bring about  
24 wanted births; regulate the intervals between pregnancies; and plan  
25 the time at which births occur in relation to the age of parents.  
26 It may include the study of fetology. It may include marital and  
27 genetic information. Clinical abortion shall not be considered a

1 method of family planning, nor shall abortion be taught as a method  
2 of reproductive health.

3 (8) ~~(9)~~—As used in this section and sections 1506 and 1507a:

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

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

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

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

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

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

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

1 the only protection that is 100% effective against unplanned  
2 pregnancy, sexually transmitted ~~disease~~**INFECTION**, and sexually  
3 transmitted human immunodeficiency virus infection and acquired  
4 immunodeficiency syndrome.

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

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

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

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

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

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

27 (f) Teach pupils how to say "no" to sexual advances and that

1 it is wrong to take advantage of, harass, or exploit another ~~person~~  
2 **INDIVIDUAL** sexually.

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

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

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

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

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

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

27 **(4) AS USED IN THIS SECTION:**

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

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

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