

# HOUSE BILL NO. 5475

October 21, 2021, Introduced by Reps. Hood, Weiss, Tyrone Carter, Thanedar, Pohutsky, Haadsma, Brabec, Sowerby, Cavanagh, Stone and Kuppa 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

1 syndrome, are spread and the best methods for the restriction and  
 2 prevention of these diseases ~~shall~~**must** be taught in every public  
 3 school in this state. Subject to subsection (3) and section 1507b,  
 4 the teaching under this section ~~shall~~**must** stress that abstinence  
 5 from sex is a responsible and effective method for restriction and  
 6 prevention of these diseases and is a positive lifestyle for  
 7 unmarried young people. **Factual information included in the**  
 8 **teaching under this section must be medically accurate and**  
 9 **objective.**

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

24 (3) The choice of curricula to be used for human  
 25 immunodeficiency virus infection and acquired immunodeficiency  
 26 syndrome education required to be taught under subsection (1) ~~shall~~  
 27 **must** be approved by the appropriate school board and implemented in  
 28 the school setting. ~~not later than October 1, 1990.~~ Before adopting  
 29 any revisions to the curriculum implemented under this section,

1 including, but not limited to, revisions to provide for the  
 2 teaching of abstinence from sex as a responsible method for  
 3 restriction and prevention of disease, a school board shall hold at  
 4 least 2 public hearings on the proposed revisions. The hearings  
 5 ~~shall~~**must** be held at least 1 week apart and public notice of the  
 6 hearings ~~shall~~**must** be given in the manner required under section  
 7 1201 for board meetings. A public hearing held ~~pursuant to~~**under**  
 8 this section may be held in conjunction with a public hearing held  
 9 ~~pursuant to~~**under** section 1507.

10 **(4) As used in this section:**

11 **(a) "Factual information" includes, but is not limited to,**  
 12 **medical, psychiatric, psychological, empirical, and statistical**  
 13 **statements.**

14 **(b) "Medically accurate" means information that is verified or**  
 15 **supported by research conducted in compliance with scientific**  
 16 **methods and published in peer-reviewed journals, where appropriate,**  
 17 **and recognized as accurate and objective by professional**  
 18 **organizations and agencies with expertise in the relevant field,**  
 19 **such as the federal Centers for Disease Control and Prevention.**

20 Sec. 1507. (1) The board of a school district may engage  
 21 qualified instructors and provide facilities and equipment for  
 22 instruction in sex education, including family planning, human  
 23 sexuality, and the emotional, physical, psychological, hygienic,  
 24 economic, and social aspects of family life. **If the board of a**  
 25 **school district provides instruction in sex education under this**  
 26 **section, the instruction must include comprehensive sexuality**  
 27 **education that is medically accurate and age-appropriate.**

28 Instruction may also include the subjects of reproductive health  
 29 and the recognition, prevention, and treatment of sexually

1 transmitted ~~disease.~~**infection.** Subject to subsection ~~(7)~~**(6)** and  
2 section 1507b, the instruction described in this subsection ~~shall~~  
3 **must** stress that abstinence from sex is a responsible and effective  
4 method of preventing unplanned or out-of-wedlock pregnancy and  
5 sexually transmitted ~~disease.~~**infection** and is a positive lifestyle  
6 for unmarried young people. **Factual information included in the**  
7 **instruction under this section must be medically accurate and**  
8 **objective.**

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

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

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

23 **(4)** ~~(5)~~A school district ~~that provides a class as permitted~~  
24 ~~by subsection (1) shall offer~~**shall provide** the instruction **under**  
25 **this section** by teachers qualified to teach ~~health~~**sexuality**  
26 education. A school district **that provides the instruction under**  
27 **this section** shall ~~not offer this instruction unless~~**establish** a  
28 sex education advisory board. ~~is established by the board of the~~  
29 ~~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~~**must** be parents who have a child  
8 attending a school operated by the school district, and a majority  
9 of these parent members ~~shall~~**must** be individuals who are not  
10 employed by a school district. The board of a school district shall  
11 include 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~~**must** be sent to each member at least 2 weeks before  
15 the 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~~**infections**. This subdivision  
20 does not prohibit a school district from establishing additional  
21 program goals and objectives that are not contrary to this section,  
22 section 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  
28 ~~disease~~**infection** rates, and incidents of student sexual violence  
29 and harassment.

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

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

17 (6) ~~(7)~~—A person shall not dispense or otherwise distribute in  
 18 a public school or on public school property a family planning drug  
 19 or device.

20 (7) ~~(8)~~—As used in this section, "family planning" means the  
 21 use of a range of methods of fertility regulation to help  
 22 individuals or couples avoid unplanned pregnancies; bring about  
 23 wanted births; regulate the intervals between pregnancies; and plan  
 24 the time at which births occur in relation to the age of parents.  
 25 It may include the study of fetology. It may include marital and  
 26 genetic information. ~~Clinical abortion shall not be considered a~~  
 27 ~~method of family planning, nor shall abortion be taught as a method~~  
 28 ~~of reproductive health.~~

29 (8) ~~(9)~~—As used in this section and sections 1506 and 1507a:

1           (a) "Board of a school district" means the board of a school  
2 district or board of directors of a public school academy.

3           (b) ~~(a)~~—"Class" means an instructional period of limited  
4 duration within a course of instruction and includes an assembly or  
5 small group presentation.

6           (c) ~~(b)~~—"Course" means a series of classes linked by a common  
7 subject matter.

8           (d) "Factual information" includes, but is not limited to,  
9 medical, psychiatric, psychological, empirical, and statistical  
10 statements.

11           (e) "Medically accurate" means information that is verified or  
12 supported by research conducted in compliance with scientific  
13 methods and published in peer-reviewed journals, where appropriate,  
14 and recognized as accurate and objective by professional  
15 organizations and agencies with expertise in the relevant field,  
16 such as the federal Centers for Disease Control and Prevention.

17           (f) "School district" means a school district or a public  
18 school academy.

19           Sec. 1507b. (1) Instruction under section 1507 in ~~sex~~  
20 **sexuality** education and instruction under section 1169 on human  
21 immunodeficiency virus infection and acquired immunodeficiency  
22 syndrome ~~shall emphasize~~ **must be age-appropriate, medically**  
23 **accurate, and objective, and must emphasize** that abstinence from  
24 sex is a positive lifestyle for unmarried young people because  
25 abstinence is the only protection that is 100% effective against  
26 unplanned pregnancy, sexually transmitted ~~disease~~ **infection**, and  
27 sexually transmitted human immunodeficiency virus infection and  
28 acquired immunodeficiency syndrome.

29           (2) Material, **factual information**, and instruction in the ~~sex~~

1 **sexuality** education curriculum under section 1507 that discusses  
2 sex ~~shall-must~~ be age-appropriate, ~~shall not be~~ medically  
3 ~~inaccurate~~ **accurate, and objective**, and ~~shall-must~~ do at least all  
4 of the following:

5 (a) Discuss the benefits of abstaining from sex until marriage  
6 and the benefits of ~~ceasing sex~~ **protecting oneself** if a pupil is  
7 sexually active, **and provide the tools to make informed and**  
8 **responsible decisions.**

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

11 (c) Stress that unplanned pregnancy and sexually transmitted  
12 ~~diseases~~ **infections** are serious possibilities of sex that are not  
13 fully preventable except by abstinence.

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

16 (e) Ensure that pupils are not taught in a way that condones  
17 the violation of the laws of this state pertaining to sexual  
18 activity, including, but not limited to, sections 158, 335a, 338,  
19 338a, 338b, and 520b to 520e of the Michigan penal code, 1931 PA  
20 328, MCL 750.158, 750.335a, 750.338, 750.338a, 750.338b, and  
21 750.520b to 750.520e.

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

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

27 (h) Teach that the pupil has the power to control personal  
28 behavior. Pupils ~~shall-must~~ be taught to base their actions on  
29 reasoning, self-discipline, a sense of responsibility, self-



1 control, and ethical considerations such as respect for self and  
2 others.

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

5 (j) Provide information for pupils about how young parents can  
6 learn more about adoption services and about the provisions of the  
7 safe delivery of newborns law, chapter XII of the probate code of  
8 1939, 1939 PA 288, MCL 712.1 to 712.20.

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

14 **(3) In addition to the requirements under subsection (2), all**  
15 **of the following apply to the sexuality education instruction under**  
16 **section 1507:**

17 (a) Instruction and materials must be appropriate for use with  
18 pupils of all races, genders, sexual orientations, and ethnic and  
19 cultural backgrounds; pupils with disabilities; and English  
20 language learners.

21 (b) Instruction and materials must affirmatively recognize  
22 that individuals have different sexual orientations and, when  
23 discussing or providing examples of relationships and couples, must  
24 be inclusive of same-sex relationships.

25 (c) Instruction and materials must teach pupils about gender,  
26 gender expression, and gender identity, and must explore the harm  
27 of negative gender stereotypes.

28 (d) Instruction and materials must encourage pupils to  
29 communicate with their parents, guardians, and other trusted adults

1 about human sexuality and provide the knowledge and skills  
2 necessary to do so.

3 (e) Instruction and materials must teach the value of, and  
4 prepare pupils to have and maintain, committed relationships, such  
5 as marriage.

6 (f) Instruction and materials must provide pupils with the  
7 knowledge and skills they need to form healthy relationships that  
8 are based on mutual respect and affection and that are free from  
9 violence, coercion, and intimidation.

10 (g) Instruction and materials must provide pupils with  
11 knowledge and skills for making and implementing healthy decisions  
12 about sexuality, including negotiation and refusal skills to assist  
13 pupils overcoming peer pressure and using effective decision-making  
14 skills to avoid high-risk activities.

15 (h) Instruction and materials must not teach or promote  
16 religious doctrine.

17 (i) Instruction and materials must include information about  
18 the effectiveness and safety of all contraceptive methods approved  
19 by the United States Food and Drug Administration in preventing  
20 pregnancy, including, but not limited to, emergency contraception.

21 (j) Instruction on pregnancy must be an objective discussion  
22 of all legally available pregnancy outcomes, including parenting,  
23 adoption, abortion, and the surrendering of a child, and the  
24 importance of prenatal care.

25 (k) Instruction and materials must include information about  
26 sexual harassment, sexual assault, sexual abuse, and human  
27 trafficking, and information and strategies to reduce the risk of  
28 sexual harassment, sexual assault, sexual abuse, and human  
29 trafficking.

1           **(l) Instruction and materials must include information about**  
2 **resources related to sexual and reproductive health care, how to**  
3 **access those resources, and pupils' legal rights to access those**  
4 **resources, including resources for assistance with sexual assault**  
5 **and partner violence.**

6           **(4) ~~(3)~~—**This section does not prohibit a public school from  
7 offering sex education with behavioral risk reduction strategies,  
8 as defined by law, that are not 100% effective against unplanned  
9 pregnancy, sexually transmitted ~~disease,~~ **infection**, and sexually  
10 transmitted human immunodeficiency virus infection and acquired  
11 immunodeficiency syndrome.

12           **(5) As used in this section:**

13           **(a) "Factual information" includes, but is not limited to,**  
14 **medical, psychiatric, psychological, empirical, and statistical**  
15 **statements.**

16           **(b) "Medically accurate" means information that is verified or**  
17 **supported by research conducted in compliance with scientific**  
18 **methods and published in peer-reviewed journals, where appropriate,**  
19 **and recognized as accurate and objective by professional**  
20 **organizations and agencies with expertise in the relevant field,**  
21 **such as the federal Centers for Disease Control and Prevention.**

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