

HOUSE BILL No. 6154

May 30, 2002, Introduced by Reps. Minore, Jamnick, Godchaux, Jacobs, Dennis, Clark, Stewart, Zelenko, Murphy, Bernero, Woodward, Whitmer, Daniels, Scranton, Quarles, Waters, Kolb, Garza, Hansen, Lipsey and Thomas and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 1169 and 1507 (MCL 380.1169 and 380.1507), as amended by 1993 PA 335.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1169. (1) The principal modes by which dangerous com-
2 municable diseases, including, but not limited to, human immuno-
3 deficiency virus infection and acquired immunodeficiency syn-
4 drome, are spread and the best methods for the restriction and
5 prevention of these diseases shall be taught in every public
6 school in this state. ~~Subject to subsection (3), the~~ THE
7 teaching under this section shall include the teaching of absti-
8 nence from sex as a responsible method for restriction and
9 prevention of these diseases and as a positive lifestyle for
10 unmarried young people. FACTUAL INFORMATION INCLUDED IN THE

1 TEACHING UNDER THIS SECTION SHALL BE MEDICALLY ACCURATE AND
2 OBJECTIVE.

3 (2) Except for licensed health care professionals who have
4 received training on human immunodeficiency virus infection and
5 acquired immunodeficiency syndrome, each person who teaches K to
6 12 pupils about human immunodeficiency virus infection and
7 acquired immunodeficiency syndrome pursuant to subsection (1)
8 shall have training in human immunodeficiency virus infection and
9 acquired immunodeficiency syndrome education for young people.
10 The ~~state board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION, in coop-
11 eration with the department of ~~public~~ COMMUNITY health, shall
12 train trainers to provide the teacher training required by this
13 subsection and shall provide for the development and distribution
14 to school districts of material on the teaching of human immuno-
15 deficiency virus infection and acquired immunodeficiency syndrome
16 to young people.

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

1 the hearings shall be given in the manner required under section
2 1201 for board meetings. A public hearing held pursuant to this
3 section may be held in conjunction with a public hearing held
4 pursuant to section 1507.

5 (4) AS USED IN THIS SECTION:

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

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

15 Sec. 1507. (1) The board of a school district ~~may~~ SHALL
16 engage qualified instructors and provide facilities and equipment
17 for instruction in sex education, including family planning,
18 human sexuality, and the emotional, physical, psychological,
19 hygienic, economic, and social aspects of family life. THE
20 INSTRUCTION SHALL INCLUDE COMPREHENSIVE SEXUALITY EDUCATION THAT
21 IS MEDICALLY ACCURATE AND AGE-APPROPRIATE FOR ALL GRADE LEVELS.
22 Instruction may also include the subjects of reproductive health
23 and the recognition, prevention, and treatment of sexually trans-
24 mitted ~~disease~~ INFECTION. ~~Subject to subsection (6), the~~ THE
25 instruction described in this subsection shall include the teach-
26 ing of abstinence from sex as a responsible method of preventing
27 unwanted pregnancy and sexually transmitted ~~disease~~ INFECTION

1 and as a positive lifestyle for unmarried young people. FACTUAL
2 INFORMATION INCLUDED IN THE INSTRUCTION UNDER THIS SECTION SHALL
3 BE MEDICALLY ACCURATE AND OBJECTIVE.

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

6 (2) ~~(3)~~ A pupil shall not be enrolled in a class in which
7 the subjects of family planning or reproductive health are dis-
8 cussed unless the pupil's parent or guardian is notified in
9 advance of the course and the content of the course, is given a
10 prior opportunity to review the materials to be used in the
11 course, and is notified in advance of his or her right to have
12 the pupil excused from the class. The state board shall deter-
13 mine the form and content of the notice required in this
14 subsection.

15 (3) ~~(4)~~ Upon the written request of a pupil or the pupil's
16 parent or legal guardian, a pupil shall be excused, without pen-
17 alty or loss of academic credit, from attending the class
18 described in subsection (1).

19 (4) ~~(5)~~ A school district ~~that provides a class as per-~~
20 ~~mited by subsection (1)~~ shall ~~offer~~ PROVIDE the instruction
21 UNDER THIS SECTION by teachers qualified to teach ~~health~~
22 SEXUALITY education. A school district shall ~~not offer this~~
23 ~~instruction unless~~ ESTABLISH an advisory board ~~is established~~
24 ~~by the district board~~ to periodically review the materials and
25 methods of instruction used ~~—~~ and to make recommendations to
26 the SCHOOL district regarding changes in the materials or
27 methods. The advisory board shall consist of parents having

1 children attending the SCHOOL district's schools, pupils in the
2 SCHOOL district's schools, educators, local clergy, and community
3 health professionals.

4 (5) ~~-(6)-~~ Before adopting any revisions in the materials or
5 methods used in instruction under this section, including, but
6 not limited to, revisions to provide for the teaching of absti-
7 nence from sex as a method of preventing unwanted pregnancy and
8 sexually transmitted disease, the board of a school district
9 shall hold at least 2 public hearings on the proposed revisions.
10 The hearings shall be held at least 1 week apart and public
11 notice of the hearings shall be given in the manner required
12 under section 1201 for board meetings. A public hearing held
13 pursuant to this section may be held in conjunction with a public
14 hearing held pursuant to section 1169.

15 (6) ~~-(7)-~~ A person shall not dispense or otherwise distrib-
16 ute in a public school a family planning drug or device.

17 (7) ~~-(8)-~~ As used in this section, ~~and section 1508,~~
18 "family planning" means the use of a range of methods of fertil-
19 ity regulation to help individuals or couples avoid unwanted
20 pregnancies; bring about wanted births; regulate the intervals
21 between pregnancies; and plan the time at which births occur in
22 relation to the age of parents. It may include the study of
23 fetology. It may include marital and genetic information.
24 Clinical abortion shall not be considered a method of family
25 planning, nor shall abortion be taught as a method of reproduc-
26 tive health.

1 (8) ~~-(9)-~~ As used in this section:

2 (a) "Class" means an instructional period of limited
3 duration, not to exceed 2 hours, within a course of instruction.

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

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

9 (d) "MEDICALLY ACCURATE" MEANS VERIFIED OR SUPPORTED BY
10 RESEARCH CONDUCTED IN COMPLIANCE WITH SCIENTIFIC METHODS AND PUB-
11 LISHED IN PEER-REVIEWED JOURNALS, WHERE APPROPRIATE, AND RECOG-
12 NIZED AS ACCURATE AND OBJECTIVE BY PROFESSIONAL ORGANIZATIONS AND
13 AGENCIES WITH EXPERTISE IN THE RELEVANT FIELD, SUCH AS THE FED-
14 ERAL CENTERS FOR DISEASE CONTROL AND PREVENTION.

15 (e) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT, LOCAL ACT
16 SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY.