

DRAFT 4

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; and to repeal acts and parts of acts.

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,~~ **sexually transmitted infections, including human**
5 **immunodeficiency virus,** are spread and the best methods for ~~the~~



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

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

26 (3) The choice of curricula to be used for human
 27 immunodeficiency virus ~~infection and acquired immunodeficiency~~
 28 ~~syndrome~~ education required to be taught under subsection (1) ~~shall~~
 29 **must** be approved by the appropriate school board and implemented in



1 the school setting. ~~not later than October 1, 1990.~~ Before adopting
 2 any revisions to the curriculum implemented under this section,
 3 including, ~~but not limited to,~~ revisions to provide for the
 4 teaching of abstinence from sex as a responsible method for
 5 ~~restriction and prevention of disease,~~ a school board shall hold at
 6 least 2 public hearings on the proposed revisions. The hearings
 7 shall ~~must~~ be held at least 1 week apart and public notice of the
 8 hearings shall ~~must~~ be given in the manner required under section
 9 1201 for board meetings. A public hearing held ~~pursuant to~~ **under**
 10 this section may be held in conjunction with a public hearing held
 11 ~~pursuant to~~ **under** section 1507.

12 (4) As used in this section:

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

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

21 Sec. 1507. (1) The board of a school district may engage
 22 qualified instructors and provide facilities and equipment for
 23 instruction in sex education, including ~~family planning,~~ **sexual and**
 24 **reproductive health care**, human sexuality, and the emotional,
 25 physical, psychological, hygienic, economic, and social aspects of
 26 family life. ~~Instruction may also include the subjects of~~
 27 ~~reproductive health and the recognition, prevention, and treatment~~
 28 ~~of sexually transmitted disease.~~ **sexual health. Instruction may**
 29 **also include the recognition, prevention, and treatment of sexually**



1 transmitted infections. If the board of a school district provides
 2 instruction in sex education under this section, the instruction
 3 must be medically accurate, age appropriate, developmentally
 4 appropriate, accessible, trauma informed, not stigmatizing, and
 5 researched informed. Subject to ~~subsection (7) and~~ section 1507b,
 6 the instruction described in this subsection ~~shall~~**must** stress that
 7 abstinence from sex is a responsible and effective method of
 8 preventing ~~unplanned or out-of-wedlock pregnancy. and sexually~~
 9 ~~transmitted disease and is a positive lifestyle for unmarried young~~
 10 ~~people.~~**Factual information included in the instruction under this**
 11 **section must be medically accurate and objective.**

12 (2) The class described in subsection (1) ~~shall~~**must** be
 13 elective and not a requirement for graduation.

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

23 (4) ~~Upon~~**On** the written request of a pupil or the pupil's
 24 parent or legal guardian, a pupil ~~shall~~**must** be excused, without
 25 penalty or loss of academic credit, from attending a class
 26 described in subsection (1).

27 (5) A school district ~~that provides a class as permitted by~~
 28 ~~subsection (1) shall offer~~**shall provide** the instruction **under this**
 29 **section** by teachers qualified to teach health education.



1 (6) A program of instruction in sex education, including
 2 reproductive health, must be supervised by an employee of the
 3 school district who is in a leadership role, has an understanding
 4 of health education, and is qualified to be in a supervisory role
 5 over the school district's sex education program, as determined by
 6 the department.

7 (7) A school district **that provides the instruction under this**
 8 **section** shall ~~not offer this instruction unless~~ **establish** a sex
 9 education advisory board. ~~is established by the board of the school~~
 10 ~~district.~~ The board of a school district shall determine terms of
 11 service for the sex education advisory board, the number of members
 12 to serve on the advisory board, and a membership selection process
 13 that reasonably reflects the school district population, and shall
 14 appoint 2 co-chairs for the advisory board, at least 1 of whom is a
 15 parent of a child attending a school operated by the school
 16 district. At least ~~1/2~~ **fifty percent** of the members of the sex
 17 education advisory board ~~shall~~ **must** be parents who have a child
 18 attending a school operated by the school district, and a majority
 19 of these parent members ~~shall~~ **must** be individuals who are not
 20 employed by a school district. ~~The board of a school district shall~~
 21 **At least 2 of the members of the sex education advisory board must**
 22 **be pupils of the school district. The remaining members of the sex**
 23 **education advisory board must** include, ~~pupils of the school~~
 24 ~~district,~~ **but is not limited to,** educators, ~~and~~ local energy, ~~and~~
 25 community health professionals. ~~on the sex education advisory~~
 26 ~~board.~~ Written or electronic notice of a sex education advisory
 27 board meeting ~~shall~~ **must** be sent to each member at least 2 weeks
 28 before the date of the meeting. The advisory board shall do all of
 29 the following:



1 (a) Establish program goals and objectives for pupil knowledge
 2 and skills that are likely to reduce the rates of sex, pregnancy,
 3 and sexually transmitted ~~diseases~~. **infections**. This subdivision
 4 does not prohibit a school district from establishing additional
 5 program goals and objectives that are not contrary to this section,
 6 section 1169, or section 1507b.

7 (b) Review the materials and methods of instruction used and
 8 make recommendations to the board of the school district for
 9 implementation. The advisory board shall take into consideration
 10 the school district's needs, demographics, and trends, including,
 11 but not limited to, ~~teenage pregnancy rates~~ **in individuals who are**
 12 **less than 20 years of age**, sexually transmitted ~~disease~~**infection**
 13 rates, and incidents of student sexual violence and harassment.

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

18 **(8)** ~~(6)~~ Before adopting any revisions in the materials or
 19 methods used in instruction under this section, ~~including, but not~~
 20 ~~limited to, revisions to provide for the teaching of abstinence~~
 21 ~~from sex as a method of preventing unplanned or out-of-wedlock~~
 22 ~~pregnancy and sexually transmitted disease,~~ the board of a school
 23 district shall hold at least 2 public hearings on the proposed
 24 revisions, **including a proposed discontinuation of sex education**.
 25 The hearings ~~shall~~ **must** be held at least 1 week apart and public
 26 notice of the hearings ~~shall~~ **must** be given in the manner required
 27 under section 1201 for board meetings. A public hearing held
 28 ~~pursuant to~~ **under** this section may be held in conjunction with a
 29 public hearing held ~~pursuant to~~ **under** section 1169.



1 ~~(7) A person shall not dispense or otherwise distribute in a~~
 2 ~~public school or on public school property a family planning drug~~
 3 ~~or device.~~

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

13 (9) As used in this section ~~and sections 1506 and~~ **section**
 14 **1507a:**

15 **(a) "Board of a school district" means the board of a school**
 16 **district or board of directors of a public school academy.**

17 **(b) ~~(a)~~"Class" means an instructional period of limited**
 18 **duration within a course of instruction and includes an assembly or**
 19 **small group presentation.**

20 **(c) ~~(b)~~"Course" means a series of classes linked by a common**
 21 **subject matter.**

22 **(d) "Factual information" includes, but is not limited to,**
 23 **medical, psychological, empirical, and statistical statements.**

24 **(e) "Medically accurate" means information that is verified or**
 25 **supported by research conducted in compliance with scientific**
 26 **methods and published in peer-reviewed journals, where appropriate,**
 27 **and recognized as accurate and objective by professional**
 28 **organizations and agencies with expertise in the relevant field,**
 29 **such as the federal Centers for Disease Control and Prevention.**



1 (f) "Reproductive health" means the state of an individual's
2 well-being that involves the reproductive system and its
3 physiological, psychological, and endocrinological functions.

4 (g) "School district" means a school district or a public
5 school academy.

6 (h) "Sex education" means sequential developmentally
7 appropriate instruction that aims to develop and strengthen the
8 ability of students to make informed, healthy, and respectful
9 decisions regarding relationships and sexual and reproductive
10 health.

11 Sec. 1507b. (1) Instruction under section 1507 in sex
12 education and instruction under section 1169 on **communicable**
13 **diseases, including** human immunodeficiency virus, ~~infection and~~
14 ~~acquired immunodeficiency syndrome shall emphasize~~ **must be age**
15 **appropriate, developmentally appropriate, medically accurate, and**
16 **objective, and must emphasize** that abstinence from sex ~~is a~~
17 ~~positive lifestyle for unmarried young people because abstinence is~~
18 ~~the only protection that is 100% effective~~ **most protective** against
19 ~~unplanned pregnancy, and sexually transmitted disease, and~~
20 ~~sexually transmitted~~ **infection, including** human immunodeficiency
21 virus. ~~infection and acquired immunodeficiency syndrome.~~

22 (2) Material, **factual information**, and instruction in the sex
23 education curriculum under section 1507 that discusses sex ~~shall be~~
24 ~~age appropriate, shall not be medically inaccurate, and shall do at~~
25 ~~least all of the following:~~

26 ~~(a) Discuss the benefits of abstaining from sex until marriage~~
27 ~~and the benefits of ceasing sex if a pupil is sexually active.~~

28 ~~(b) Include a discussion of the possible emotional, economic,~~
29 ~~and legal consequences of sex.~~



1 ~~(c) Stress that unplanned pregnancy and sexually transmitted~~
2 ~~diseases are serious possibilities of sex that are not fully~~
3 ~~preventable except by abstinence.~~

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

6 ~~(e) Ensure that pupils are not taught in a way that condones~~
7 ~~the violation of the laws of this state pertaining to sexual~~
8 ~~activity, including, but not limited to, sections 158, 335a, 338,~~
9 ~~338a, 338b, and 520b to 520e of the Michigan penal code, 1931 PA~~
10 ~~328, MCL 750.158, 750.335a, 750.338, 750.338a, 750.338b, and~~
11 ~~750.520b to 750.520e.~~

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

15 ~~(g) Teach refusal skills and encourage pupils to resist~~
16 ~~pressure to engage in risky behavior.~~

17 ~~(h) Teach that the pupil has the power to control personal~~
18 ~~behavior. Pupils shall be taught to base their actions on~~
19 ~~reasoning, self-discipline, a sense of responsibility, self-~~
20 ~~control, and ethical considerations such as respect for self and~~
21 ~~others.~~

22 ~~(i) Provide instruction on healthy dating relationships and on~~
23 ~~how to set limits and recognize a dangerous environment.~~

24 ~~(j) Provide information for pupils about how young parents can~~
25 ~~learn more about adoption services and about the provisions of the~~
26 ~~safe delivery of newborns law, chapter XII of the probate code of~~
27 ~~1939, 1939 PA 288, MCL 712.1 to 712.20.~~

28 ~~(k) Include information clearly informing pupils that having~~
29 ~~sex or sexual contact with an individual under the age of 16 is a~~



1 ~~crime punishable by imprisonment and that 1 of the other results of~~
 2 ~~being convicted of this crime is to be listed on the sex offender~~
 3 ~~registry on the internet for up to 25 years.~~

4 ~~(3) This section does not prohibit a public school from~~
 5 ~~offering sex education with behavioral risk reduction strategies,~~
 6 ~~as defined by law, that are not 100% effective against unplanned~~
 7 ~~pregnancy, sexually transmitted disease, and sexually transmitted~~
 8 ~~human immunodeficiency virus infection and acquired~~
 9 ~~immunodeficiency syndrome.~~ **must align with the K to 12 academic**
 10 **standards for health education. The material, factual information,**
 11 **and instruction must be medically accurate, evidence informed, age**
 12 **appropriate, developmentally appropriate, accessible, skills based,**
 13 **and trauma informed and must not reflect or promote any**
 14 **discriminatory bias based on sex, race, ethnicity, language,**
 15 **national origin, disability, religion, gender expression, gender**
 16 **identity, sexual orientation, size, age, family structure, or any**
 17 **status that may be protected under the Elliott-Larsen civil rights**
 18 **act, 1976 PA 453, MCL 37.2101 to 37.2804, or the persons with**
 19 **disabilities civil rights act, 1976 PA 220, MCL 37.1101 to 37.1607.**
 20 **The material, factual information, and instruction must do all of**
 21 **the following:**

22 (a) Provide students with knowledge and skills needed to make
 23 decisions about their optimal sexual health, Relationships, and
 24 well-being. The material, factual information, and instruction must
 25 include, but not be limited to, the following concepts:

- 26 (i) Body autonomy.
 27 (ii) Puberty and development.
 28 (iii) Sexual identity.
 29 (iv) Sexual decision making.



- 1 (v) Healthy relationships and consent.
2 (vi) Sexually transmitted infection prevention and treatment.
3 (vii) Pregnancy.
4 (viii) Contraception.
5 (ix) Accessing sexual and reproductive health resources and
6 services.

7 (b) Provide students with the knowledge and skills needed to
8 communicate with parents, guardians, health care providers, and
9 other trusted adults about relationships, sexual and reproductive
10 health, and well-being.

11 (c) Include information and skills needed to develop healthy
12 relationships that are based on mutual respect and affection and
13 that are free from violence, coercion, and intimidation.

14 (d) Include information and skills about how to communicate
15 consent, recognize the communication of consent, recognize and
16 respect the withdrawal or denial of consent, and understand the
17 laws and age of consent.

18 (e) Include education on the laws pertaining to sexual
19 harassment, sexual assault, sex trafficking, and sexually explicit
20 material and information and strategies to reduce the occurrence
21 and risk of sexual harassment, sexual assault, and sex trafficking.
22 Students must be taught all of the following:

23 (i) Information and skills related to the prevention of
24 interpersonal violence, intimate partner violence, and sexual
25 violence, including cyberviolence.

26 (ii) How to not make unwanted physical, verbal, and digital
27 sexual advances.

28 (iii) How to decline unwanted physical, verbal, and digital
29 sexual advances and accept the refusal of unwanted physical,

1 verbal, and digital sexual advances.

2 (iv) That it is wrong to take advantage of or to exploit
3 another individual.

4 (f) Include information about resources related to sexual and
5 reproductive health, reproductive health care, sexual assault and
6 partner violence, how to access those resources, and minors' and
7 adults' legal rights to access those resources.

8 (g) Include information about the effectiveness and safety of
9 all contraceptive methods approved by the United States Food and
10 Drug Administration in preventing pregnancy.

11 (h) Include nonbiased information about all legally available
12 pregnancy outcomes. The information described in this subdivision
13 must include the importance of prenatal care and the laws of this
14 state that address an individual's rights and responsibilities
15 related to childbearing and parenting.

16 (i) Affirmatively recognize that individuals have different
17 sexual orientations and gender identities and, when discussing or
18 providing examples of relationships, be inclusive of various gender
19 relationships.

20 (3) As used in this section:

21 (a) "Factual information" includes, but is not limited to,
22 medical, psychological, empirical, and statistical statements.

23 (b) "Medically accurate" means information that is verified or
24 supported by research conducted in compliance with scientific
25 methods and published in peer-reviewed journals, where appropriate,
26 and recognized as accurate and objective by professional
27 organizations and agencies with expertise in the relevant field,
28 such as the federal Centers for Disease Control and Prevention.

29 (c) "Reproductive health" means the state of an individual's

1 well-being that involves the reproductive system and its
2 physiological, psychological, and endocrinological functions.

3 (d) "Sex education" means sequential developmentally
4 appropriate instruction that aims to develop and strengthen the
5 ability of students to make informed, healthy, and respectful
6 decisions regarding relationships and sexual and reproductive
7 health.

8 (e) "Sexual assault" means that term as defined in section
9 3950a of the revised judicature act of 1961, 1961 PA 236, MCL
10 600.2950a.

11 Enacting section 1. Section 1506 of the revised school code,
12 1976 PA 451, MCL 380.1506, is repealed.

13 Enacting section 2. This amendatory act takes effect 90 days
14 after the date it is enacted into law.

