



SENATE BILL No. 539

March 30, 1993, Introduced by Senators CARL, GEAKE and
WELBORN and referred to the Committee on Education.

A bill to amend sections 1169, 1507, and 1508 of Act No. 451
of the Public Acts of 1976, entitled as amended
"The school code of 1976,"
section 1169 as amended by Act No. 139 of the Public Acts of 1990
and section 1507 as amended by Act No. 87 of the Public Acts of
1981, being sections 380.1169, 380.1507, and 380.1508 of the
Michigan Compiled Laws; and to add section 1507a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1169, 1507, and 1508 of Act No. 451 of
2 the Public Acts of 1976, section 1169 as amended by Act No. 139
3 of the Public Acts of 1990 and section 1507 as amended by Act
4 No. 87 of the Public Acts of 1981, being sections 380.1169,
5 380.1507, and 380.1508 of the Michigan Compiled Laws, are amended
6 and section 1507a is added to read as follows:

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
6 school in this state. THE INSTRUCTION ON HUMAN IMMUNODEFICIENCY
7 VIRUS INFECTION AND ACQUIRED IMMUNODEFICIENCY SYNDROME SHALL
8 COMPLY WITH SECTION 1507A(1) AND (2)(E).

9 (2) Except for licensed health care professionals who have
10 received training on human immunodeficiency virus infection and
11 acquired immunodeficiency syndrome, each person who teaches K to
12 12 pupils about human immunodeficiency virus infection and
13 acquired immunodeficiency syndrome pursuant to subsection (1)
14 shall have training in human immunodeficiency virus infection and
15 acquired immunodeficiency syndrome education for young people.
16 The state board, in cooperation with the department of public
17 health, shall train trainers to provide the teacher training
18 required by this subsection and shall provide for the development
19 and distribution to school districts of material on the teaching
20 of human immunodeficiency virus infection and acquired immunode-
21 ficiency syndrome to young people.

22 (3) The choice of curricula to be used for human immunodefi-
23 ciency virus infection and acquired immunodeficiency syndrome
24 education required to be taught under subsection (1) shall be
25 approved by the appropriate school board and implemented in the
26 school setting not later than October 1, 1990.

1 Sec. 1507. (1) ~~—A—~~ THE board of a school district may
2 engage qualified instructors and provide facilities and equipment
3 for instruction in sex education, including family planning,
4 human sexuality, and the emotional, physical, psychological,
5 hygienic, economic, and social aspects of family life.
6 Instruction may also include the subjects of reproductive health
7 and the recognition, prevention, and treatment of venereal
8 disease. THE INSTRUCTION SHALL COMPLY WITH SECTION 1507A.

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

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

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

23 (5) A school district that provides a class as permitted by
24 subsection (1) shall offer the instruction by teachers qualified
25 to teach health education. A school district shall not offer
26 this instruction unless an advisory board is established by the
27 district board to periodically review the materials and methods

1 of instruction used, and to make recommendations to the district
2 regarding changes in the materials or methods. The advisory
3 board shall consist of parents having children attending the
4 district's schools, pupils in the district's schools, educators,
5 local clergy, and community health professionals.

6 (6) A person shall not dispense or otherwise distribute in a
7 public school a family planning drug or device.

8 (7) As used in this section and section 1508, "family
9 planning" means the use of a range of methods of fertility regu-
10 lation to help individuals or couples avoid unwanted pregnancies;
11 bring about wanted births; regulate the intervals between preg-
12 nancies; and plan the time at which births occur in relation to
13 the age of parents. It may include the study of fetology. It
14 may include marital and genetic information. Clinical abortion
15 shall not be considered a method of family planning, nor shall
16 abortion be taught as a method of reproductive health.

17 (8) As used in this section:

18 (a) "Class" means an instructional period of limited dura-
19 tion, not to exceed 2 hours, within a course of instruction.

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

22 SEC. 1507A. (1) INSTRUCTION UNDER SECTION 1507 IN SEX EDU-
23 CATION, AND INSTRUCTION UNDER SECTION 1169 ON HUMAN IMMUNODEFI-
24 CIENCY VIRUS INFECTION AND ACQUIRED IMMUNODEFICIENCY SYNDROME
25 SHALL EMPHASIZE THAT ABSTINENCE FROM SEXUAL INTERCOURSE IS THE
26 EXPECTED BEHAVIORAL NORM FOR UNMARRIED PEOPLE BECAUSE ABSTINENCE
27 IS THE ONLY PROTECTION THAT IS 100% EFFECTIVE AGAINST UNWANTED

1 TEENAGE PREGNANCY, SEXUALLY TRANSMITTED DISEASE, AND SEXUALLY
2 TRANSMITTED HUMAN IMMUNODEFICIENCY VIRUS INFECTION AND ACQUIRED
3 IMMUNODEFICIENCY SYNDROME.

4 (2) COURSE MATERIAL AND INSTRUCTION IN A SEX EDUCATION
5 COURSE UNDER SECTION 1507 THAT DISCUSSES SEXUAL INTERCOURSE SHALL
6 MEET ALL OF THE FOLLOWING:

7 (A) BE AGE APPROPRIATE.

8 (B) TEACH HONOR AND RESPECT FOR MONOGAMOUS HETEROSEXUAL
9 MARRIAGE.

10 (C) STRESS THAT PUPILS SHOULD ABSTAIN FROM SEXUAL INTER-
11 COURSE UNTIL THEY ARE READY FOR MARRIAGE.

12 (D) INCLUDE A DISCUSSION OF THE POSSIBLE EMOTIONAL AND PSY-
13 CHOLOGICAL CONSEQUENCES OF PREADOLESCENT AND ADOLESCENT SEXUAL
14 INTERCOURSE OUTSIDE OF MARRIAGE AND THE CONSEQUENCES OF UNWANTED
15 ADOLESCENT PREGNANCY.

16 (E) STRESS THAT SEXUALLY TRANSMITTED DISEASES ARE SERIOUS
17 POSSIBLE HAZARDS OF SEXUAL INTERCOURSE. PUPILS SHALL BE PROVIDED
18 WITH STATISTICS BASED ON THE LATEST MEDICAL INFORMATION CITING
19 THE FAILURE AND SUCCESS RATES OF CONDOMS IN PREVENTING HUMAN
20 IMMUNODEFICIENCY VIRUS INFECTION AND ACQUIRED IMMUNODEFICIENCY
21 SYNDROME AND OTHER SEXUALLY TRANSMITTED DISEASES.

22 (F) ADVISE PUPILS OF THE LAWS PERTAINING TO FINANCIAL
23 RESPONSIBILITY AS PARENTS TO CHILDREN BORN IN AND OUT OF
24 WEDLOCK.

25 (G) ADVISE PUPILS OF THE CIRCUMSTANCES UNDER WHICH IT IS
26 CRIMINAL TO HAVE SEXUAL CONTACT WITH A PERSON UNDER THE AGE OF 16
27 UNDER SECTIONS 520B TO 520D OF THE MICHIGAN PENAL CODE, ACT

1 NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTIONS 750.520B TO
2 750.520D OF THE MICHIGAN COMPILED LAWS.

3 (H) TEACH PUPILS TO NOT MAKE UNWANTED PHYSICAL AND VERBAL
4 SEXUAL ADVANCES AND HOW TO SAY NO TO UNWANTED SEXUAL ADVANCES.
5 PUPILS SHALL BE TAUGHT THAT IT IS WRONG TO TAKE ADVANTAGE OF OR
6 TO EXPLOIT ANOTHER PERSON. THE MATERIAL AND INSTRUCTION SHALL
7 ALSO ENCOURAGE PUPILS TO RESIST NEGATIVE PEER PRESSURE.

8 (I) SHALL NOT ENCOURAGE OR PROPOSE TO PUPILS CONDUCT THAT IS
9 ILLEGAL UNDER STATE OR FEDERAL LAW IN SUCH A MANNER AS TO INDI-
10 CATE THAT A PUPIL HAS A LEGITIMATE RIGHT TO CHOOSE TO ENGAGE IN
11 ILLEGAL CONDUCT.

12 Sec. 1508. The state board shall DO ALL OF THE FOLLOWING:

13 (a) Aid in the establishment of educational programs
14 designed to provide pupils in elementary and secondary schools,
15 institutions of higher education, and adult education programs
16 wholesome and comprehensive education and instruction in sex
17 education, CONSISTENT WITH SECTION 1507A.

18 (b) Establish a library of motion pictures, tapes, litera-
19 ture, and other education materials concerning sex education
20 available to school districts authorized to receive the material
21 under rules of the state board.

22 (c) Aid in the establishment of educational programs within
23 colleges and universities of the state and in-service programs
24 for instruction of teachers and related personnel to enable them
25 to conduct effective classes in sex education.

1 (d) Recommend and provide leadership for sex education
2 instruction established by school districts including guidelines
3 for family planning information.

4 (e) Establish guidelines and may review and recommend mate-
5 rials to be used in teaching family planning, reproductive
6 health, and the recognition, prevention, and treatment of vene-
7 real disease. The guidelines established pursuant to this subdi-
8 vision shall be CONSISTENT WITH SECTION 1507A AND SHALL BE formu-
9 lated in cooperation with the departments of public health and
10 mental health, and the state department of social services. ~~The~~
11 ~~guidelines shall be established within 180 days after the effec-~~
12 ~~tive date of this subdivision.~~ A school district that provides
13 instruction as permitted by section 1507 may adopt the guidelines
14 established by the state board or shall establish its own
15 guidelines, CONSISTENT WITH SECTION 1507A, in cooperation with
16 its intermediate school district and its county or district
17 department of public health. Family planning shall not be taught
18 in a school district until the guidelines as required by this
19 subdivision have been established by the state board or the local
20 school district. However, the teaching of sex education, sex
21 hygiene, or reproductive health as permitted under sections 1506
22 and 1507 before the enactment of this subdivision ~~shall be per-~~
23 ~~mitted to~~ MAY continue pending the development of the guidelines
24 required by this subdivision.

25 (F) DEVELOP A PROCEDURE FOR EVALUATING AND MEASURING THE
26 EFFECTIVENESS OF THE FAMILY LIFE COMPONENT OF THE INSTRUCTION IN
27 SEX EDUCATION UNDER SECTION 1507 IN EACH SCHOOL DISTRICT,

1 INCLUDING THE SETTING OF REASONABLE GOALS FOR REDUCTIONS IN THE
2 LEVELS AMONG YOUNG PEOPLE OF SEXUAL ACTIVITY, SEXUALLY TRANSMIT-
3 TED DISEASES, AND PREMARITAL PREGNANCY. THE GOALS SHALL BE SET
4 BY THE BEGINNING OF THE 1993-1994 SCHOOL YEAR. THE STATE BOARD
5 SHALL DISTRIBUTE A COPY OF THE PROCEDURE TO EACH SCHOOL
6 DISTRICT. EACH SCHOOL DISTRICT MAY DEVELOP ADDITIONAL PROCEDURES
7 OR METHODS FOR MEASURING THE EFFECTIVENESS OF THE FAMILY LIFE
8 INSTRUCTION DESCRIBED IN THIS SUBSECTION WITHIN THE SCHOOL
9 DISTRICT. NOT LATER THAN THE BEGINNING OF THE 1995-1996 SCHOOL
10 YEAR, THE STATE BOARD SHALL COLLECT AND EVALUATE ALL RELEVANT
11 DATA TO DETERMINE WHETHER THE GOALS ARE BEING ACHIEVED AND SHALL
12 REPORT ITS FINDINGS TO THE STANDING COMMITTEES OF THE LEGISLATURE
13 RESPONSIBLE FOR MATTERS PERTAINING TO EDUCATION.