

HOUSE BILL No. 5734

March 20, 2018, Introduced by Reps. Cochran, Elder, Wittenberg, Scott, Lasinski, Sabo, Dianda, Robinson, Peterson, Gay-Dagnogo, Yanez, LaGrand, Chang, Hoadley and Love and referred to the Committee on Education Reform.

A bill to amend 1976 PA 451, entitled
 "The revised school code,"
 by amending section 1507b (MCL 380.1507b), as added by 2004 PA 165,
 and by adding section 1507c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1507b. (1) Instruction under section 1507 in sex
 2 education and instruction under section 1169 on human
 3 immunodeficiency virus infection and acquired immunodeficiency
 4 syndrome shall emphasize that abstinence from sex is a positive
 5 lifestyle for unmarried young people because abstinence is the only
 6 protection that is 100% effective against unplanned pregnancy,
 7 sexually transmitted ~~disease~~, **INFECTION**, and sexually transmitted
 8 human immunodeficiency virus infection and acquired
 9 immunodeficiency syndrome.

1 (2) Material and instruction in the sex education curriculum
2 under section 1507 that discusses sex shall be age-appropriate,
3 shall not be medically inaccurate, and shall do at least all of the
4 following:

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

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

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

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

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

20 (f) Teach pupils ~~how to say "no" to sexual advances and that~~
21 ~~it is wrong to take advantage of, harass, or exploit another person~~

22 **sexually.ABOUT SEXUAL ASSAULT AND DATING VIOLENCE AND THE**
23 **PREVENTION OF SEXUAL ASSAULT AND DATING VIOLENCE, INCLUDING, BUT**
24 **NOT LIMITED TO, CONCEPTS RELATING TO BYSTANDER INTERVENTION, AND**
25 **CREATE A SCHOOL ENVIRONMENT IN WHICH SEXUAL ASSAULT AND DATING**
26 **VIOLENCE ARE NOT ACCEPTABLE AND VICTIMS OF SEXUAL ASSAULT AND**
27 **DATING VIOLENCE ARE PROVIDED HELP AND SUPPORT. INSTRUCTION PROVIDED**

1 TO COMPLY WITH THIS SUBDIVISION MUST BE CONSISTENT WITH SECTION
2 1507C.

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 **RESPECTFUL AND** healthy dating
11 relationships, **ON AFFIRMATIVE CONSENT**, and on ~~how to set limits and~~
12 ~~recognize a dangerous environment.~~ **SETTING AND RESPECTING PERSONAL**
13 **BOUNDARIES. INSTRUCTION ON AFFIRMATIVE CONSENT SHALL INCLUDE**
14 **TEACHING PUPILS THAT IN ORDER FOR CONSENT TO BE GIVEN TO SEXUAL**
15 **ACTIVITY, IT MUST BE AFFIRMATIVE AND CONSCIOUS AND INVOLVE A**
16 **VOLUNTARY AGREEMENT TO ENGAGE IN SEXUAL ACTIVITY; THAT IT IS THE**
17 **RESPONSIBILITY OF EACH INDIVIDUAL INVOLVED IN THE SEXUAL ACTIVITY**
18 **TO ENSURE THAT HE OR SHE HAS THE AFFIRMATIVE CONSENT OF THE OTHER**
19 **TO ENGAGE IN SEXUAL ACTIVITY; THAT LACK OF PROTEST OR RESISTANCE**
20 **DOES NOT MEAN CONSENT AND THAT SILENCE DOES NOT MEAN CONSENT; THAT**
21 **AFFIRMATIVE CONSENT MUST BE ONGOING THROUGHOUT A SEXUAL ACTIVITY**
22 **AND CAN BE REVOKED AT ANY TIME; AND THAT THE EXISTENCE OF A DATING**
23 **RELATIONSHIP BETWEEN THE INDIVIDUALS INVOLVED OR THE FACT OF PAST**
24 **SEXUAL RELATIONS BETWEEN THEM ARE NOT INDICATORS OF CONSENT.**

25 (j) Provide information for pupils about how young parents can
26 learn more about adoption services and about the provisions of the
27 safe delivery of newborns law, chapter XII of the probate code of

1 1939, 1939 PA 288, MCL 712.1 to 712.20.

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

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

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

14 (A) **"DATING RELATIONSHIP" MEANS THAT TERM AS DEFINED IN**
15 **SECTION 1 OF 1978 PA 389, MCL 400.1501.**

16 (B) **"DATING VIOLENCE" MEANS AN ACT OF DOMESTIC VIOLENCE**
17 **AGAINST AN INDIVIDUAL WHO HAS OR HAD A DATING RELATIONSHIP WITH THE**
18 **INDIVIDUAL WHO COMMITTED THE ACT OF DOMESTIC VIOLENCE.**

19 (C) **"DOMESTIC VIOLENCE" MEANS THAT TERM AS DEFINED IN SECTION**
20 **1 OF 1978 PA 389, MCL 400.1501.**

21 (D) **"SEXUAL ASSAULT" MEANS THAT TERM AS DEFINED IN SECTION**
22 **2950A OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL**
23 **600.2950A.**

24 **SEC. 1507C. (1) NOT LATER THAN 1 YEAR AFTER THE EFFECTIVE DATE**
25 **OF THIS SECTION, THE MDSVPT BOARD, IN CONSULTATION WITH THE**
26 **MICHIGAN COALITION TO END DOMESTIC AND SEXUAL VIOLENCE, THE**
27 **SUPERINTENDENT OF PUBLIC INSTRUCTION, COMMUNITY-BASED SEXUAL**

1 ASSAULT OR DOMESTIC VIOLENCE SERVICE PROVIDERS THAT ARE FUNDED BY
2 THE MDSVPT BOARD, AND EDUCATION PROFESSIONALS, SHALL DEVELOP A
3 MODEL CURRICULUM FOR INSTRUCTION ON SEXUAL ASSAULT AND DATING
4 VIOLENCE AND THE PREVENTION OF SEXUAL ASSAULT AND DATING VIOLENCE.
5 THE MODEL CURRICULUM DEVELOPED UNDER THIS SECTION MUST BE ALIGNED
6 WITH THE INSTRUCTIONAL REQUIREMENTS DESCRIBED IN SECTION
7 1507B(2) (F) .

8 (2) NOT LATER THAN SEPTEMBER 1, 2020, THE INSTRUCTION PROVIDED
9 TO COMPLY WITH SECTION 1507B(2) (F) MUST MEET ALL OF THE FOLLOWING:

10 (A) IS DELIVERED USING EITHER THE MODEL CURRICULUM DEVELOPED
11 UNDER SUBSECTION (1) OR, IF APPROVED BY THE MDSVPT BOARD IN
12 CONSULTATION WITH THE SUPERINTENDENT OF PUBLIC INSTRUCTION, A
13 SUBSTANTIALLY SIMILAR CURRICULUM THAT IS SOLICITED BY THE MDSVPT
14 BOARD OR DEVELOPED BY A COMMUNITY-BASED SEXUAL ASSAULT OR DOMESTIC
15 VIOLENCE SERVICE PROVIDER THAT IS FUNDED BY THE MDSVPT BOARD.

16 (B) IS PROVIDED BY EITHER OF THE FOLLOWING:

17 (i) A REPRESENTATIVE OF A COMMUNITY-BASED SEXUAL ASSAULT OR
18 DOMESTIC VIOLENCE SERVICE PROVIDER THAT IS FUNDED BY THE MDSVPT
19 BOARD. THE REPRESENTATIVE SHALL HAVE DEMONSTRATED EXPERIENCE IN
20 PROVIDING INSTRUCTION ON SEXUAL ASSAULT OR DOMESTIC VIOLENCE AND
21 COMPLETE 6 HOURS OF TRAINING THAT IS DEVELOPED AND ADMINISTERED BY
22 THE MDSVPT BOARD OR APPROVED BY THE MDSVPT BOARD IN CONSULTATION
23 WITH THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

24 (ii) AN INDIVIDUAL QUALIFIED TO TEACH HEALTH EDUCATION AS
25 REQUIRED UNDER SECTION 1507. THE INDIVIDUAL SHALL COMPLETE 6 HOURS
26 OF TRAINING THAT IS DEVELOPED AND ADMINISTERED BY THE MDSVPT BOARD
27 OR APPROVED BY THE MDSVPT BOARD IN CONSULTATION WITH THE

1 SUPERINTENDENT OF PUBLIC INSTRUCTION.

2 (3) AS USED IN THIS SECTION:

3 (A) "DATING VIOLENCE" AND "SEXUAL ASSAULT" MEAN THOSE TERMS AS
4 DEFINED IN SECTION 1507B.

5 (B) "MDSVPT BOARD" MEANS THE MICHIGAN DOMESTIC AND SEXUAL
6 VIOLENCE PREVENTION AND TREATMENT BOARD CREATED UNDER EXECUTIVE
7 ORDER NO. 2012-17.

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

10 Enacting section 2. This amendatory act does not take effect
11 unless Senate Bill No. ____ or House Bill No. 5735 (request no.
12 00490'17 **) of the 99th Legislature is enacted into law.