

HOUSE BILL NO. 5499

February 19, 2020, Introduced by Reps. Hood, Wittenberg, Ellison, Pohutsky, Hope, Cynthia Johnson, Tyrone Carter, Koleszar, Stone, Peterson, Hertel, Brixie, Gay-Dagnogo, Hoadley, Sowerby, Cambensy, Anthony, Bolden, Clemente, Yancey and Sneller 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
- 4 syndrome, are spread and the best methods for the restriction and



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

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

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



1 teaching of abstinence from sex as a responsible method for
 2 restriction and prevention of disease, a school board shall hold at
 3 least 2 public hearings on the proposed revisions. The hearings
 4 shall ~~must~~ be held at least 1 week apart and public notice of the
 5 hearings shall ~~must~~ be given in the manner required under section
 6 1201 for board meetings. A public hearing held ~~pursuant to~~ **under**
 7 this section may be held in conjunction with a public hearing held
 8 ~~pursuant to~~ **under** section 1507.

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

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

13 (b) **"Medically accurate" means verified or supported by**
 14 **research conducted in compliance with scientific methods and**
 15 **published in peer-reviewed journals, where appropriate, and**
 16 **recognized as accurate and objective by professional organizations**
 17 **and agencies with expertise in the relevant field, such as the**
 18 **federal centers for disease control and prevention.**

19 Sec. 1507. (1) The board of a school district may engage
 20 qualified instructors and provide facilities and equipment for
 21 instruction in sex education, including family planning, human
 22 sexuality, and the emotional, physical, psychological, hygienic,
 23 economic, and social aspects of family life. **If the board of a**
 24 **school district provides instruction in sex education under this**
 25 **section, the instruction must include comprehensive sexuality**
 26 **education that is medically accurate and age-appropriate.**
 27 Instruction may also include the subjects of reproductive health
 28 and the recognition, prevention, and treatment of sexually
 29 transmitted ~~disease.~~ **infection.** Subject to subsection ~~(7)~~ **(6)** and



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

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

10 **(2)** ~~(3)~~ A pupil ~~shall~~ **must** not be enrolled in a class in which
 11 the subjects of family planning or reproductive health are
 12 discussed unless the pupil's parent or guardian is notified in
 13 advance of the course and the content of the course, is given a
 14 prior opportunity to review the materials to be used in the course,
 15 and is notified in advance of his or her right to have the pupil
 16 excused from the class. The state board shall determine the form
 17 and content of the notice required in this subsection.

18 **(3)** ~~(4)~~ Upon the written request of a pupil or the pupil's
 19 parent or legal guardian, a pupil ~~shall~~ **must** be excused, without
 20 penalty or loss of academic credit, from attending a class
 21 described in subsection (1).

22 **(4)** ~~(5)~~ A school district ~~that provides a class as permitted~~
 23 ~~by subsection (1) shall offer~~ **shall provide** the instruction **under**
 24 **this section** by teachers qualified to teach ~~health~~ **sexuality**
 25 education. A school district **that provides the instruction under**
 26 **this section** shall ~~not offer this instruction unless~~ **establish** a
 27 sex education advisory board. ~~is established by the board of the~~
 28 ~~school district.~~ The board of a school district shall determine
 29 terms of service for the sex education advisory board, the number



1 of members to serve on the advisory board, and a membership
 2 selection process that reasonably reflects the school district
 3 population, and shall appoint 2 co-chairs for the advisory board,
 4 at least 1 of whom is a parent of a child attending a school
 5 operated by the school district. At least 1/2 of the members of the
 6 sex education advisory board shall be parents who have a child
 7 attending a school operated by the school district, and a majority
 8 of these parent members shall be individuals who are not employed
 9 by a school district. The board of a school district shall include
 10 pupils of the school district, educators, local clergy, and
 11 community health professionals on the sex education advisory board.
 12 Written or electronic notice of a sex education advisory board
 13 meeting ~~shall~~**must** be sent to each member at least 2 weeks before
 14 the date of the meeting. The advisory board shall do all of the
 15 following:

16 (a) Establish program goals and objectives for pupil knowledge
 17 and skills that are likely to reduce the rates of sex, pregnancy,
 18 and sexually transmitted ~~diseases.~~**infections**. This subdivision
 19 does not prohibit a school district from establishing additional
 20 program goals and objectives that are not contrary to this section,
 21 section 1169, or section 1507b.

22 (b) Review the materials and methods of instruction used and
 23 make recommendations to the board of the school district for
 24 implementation. The advisory board shall take into consideration
 25 the school district's needs, demographics, and trends, including,
 26 but not limited to, teenage pregnancy rates, sexually transmitted
 27 disease rates, and incidents of student sexual violence and
 28 harassment.

29 (c) At least once every 2 years, evaluate, measure, and report



1 the attainment of program goals and objectives established under
 2 subdivision (a). The board of a school district shall make the
 3 resulting report available to parents in the school district.

4 (5) ~~(6)~~—Before adopting any revisions in the materials or
 5 methods used in instruction under this section, including, but not
 6 limited to, revisions to provide for the teaching of abstinence
 7 from sex as a method of preventing unplanned or out-of-wedlock
 8 pregnancy and sexually transmitted ~~disease,~~ **infection**, the board of
 9 a school district shall hold at least 2 public hearings on the
 10 proposed revisions. The hearings ~~shall~~ **must** be held at least 1 week
 11 apart and public notice of the hearings ~~shall~~ **must** be given in the
 12 manner required under section 1201 for board meetings. A public
 13 hearing held ~~pursuant to~~ **under** this section may be held in
 14 conjunction with a public hearing held ~~pursuant to~~ **under** section
 15 1169.

16 (6) ~~(7)~~—A person shall not dispense or otherwise distribute in
 17 a public school or on public school property a family planning drug
 18 or device.

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

28 (8) ~~(9)~~—As used in this section and sections 1506 and 1507a:

29 (a) **"Board of a school district" means the board of a school**



1 **district or board of directors of a public school academy.**

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

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

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

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

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

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

28 (2) Material, **factual information**, and instruction in the ~~sex~~
29 **sexuality** education curriculum under section 1507 that discusses



1 sex ~~shall~~**must** be age-appropriate, ~~shall not be~~ medically
2 ~~inaccurate~~**accurate, and objective**, and ~~shall~~**must** do at least all
3 of the following:

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

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

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

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

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

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

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

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



1 others.

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

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

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

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

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

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

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

27 (d) Instruction and materials must encourage pupils to
28 communicate with their parents, guardians, and other trusted adults
29 about human sexuality and provide the knowledge and skills



1 necessary to do so.

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

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

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

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

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

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

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

29 (l) Instruction and materials must include information about



1 resources related to sexual and reproductive health care, how to
2 access those resources, and pupils' legal rights to access those
3 resources, including resources for assistance with sexual assault
4 and partner violence.

5 (4) ~~(3)~~—This section does not prohibit a public school from
6 offering sex education with behavioral risk reduction strategies,
7 as defined by law, that are not 100% effective against unplanned
8 pregnancy, sexually transmitted ~~disease,~~ **infection**, and sexually
9 transmitted human immunodeficiency virus infection and acquired
10 immunodeficiency syndrome.

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

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

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

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

