

# HOUSE BILL No. 5359

December 9, 2003, Introduced by Reps. Ruth Johnson, Voorhees, Vander Veen, Bradstreet, Robertson, Garfield, DeRoche, Drolet, Acciavatti, Hoogendyk, Rocca, Woodward, Sheen, Reeves and Stahl and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending sections 1506 and 1507 (MCL 380.1506 and 380.1507),  
section 1507 as amended by 1993 PA 335; and to repeal acts and  
parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1506. (1) A program of instruction in reproductive  
2 health shall be supervised by a registered physician, a  
3 registered nurse, or other person certified by the state board as  
4 qualified. ~~Upon the written request of a pupil or the pupil's~~  
5 ~~parent or guardian, a pupil shall be excused, without penalty or~~  
6 ~~loss of academic credit, from attending classes in which the~~  
7 ~~subject of reproductive health is under discussion. At all grade~~  
8 levels, the instruction shall be elective, provided separately  
9 from the rest of the school curriculum, and not a requirement for

1 **graduation.**

2 (2) As used in subsection (1) and ~~section 1507, and 1508,~~  
 3 "reproductive health" means that state of an individual's  
 4 well-being which involves the reproductive system and its  
 5 physiological, psychological, and endocrinological functions.

6 Sec. 1507. (1) The board of a school district may engage  
 7 qualified instructors and provide facilities and equipment for  
 8 instruction in sex education, including family planning, human  
 9 sexuality, and the emotional, physical, psychological, hygienic,  
 10 economic, and social aspects of family life. Instruction may  
 11 also include the subjects of reproductive health and the  
 12 recognition, prevention, and treatment of sexually transmitted  
 13 disease. Subject to subsection ~~-(6)-~~ (5), the instruction  
 14 described in this subsection shall include the teaching of  
 15 abstinence from sex as a responsible method of preventing  
 16 unwanted pregnancy and sexually transmitted disease and as a  
 17 positive lifestyle for unmarried young people.

18 (2) ~~The~~ **At all grade levels, the** class described in  
 19 subsection (1) **and any other instruction in which the subjects of**  
 20 **family planning or reproductive health are discussed** shall be  
 21 **elective, provided separately from the rest of the school**  
 22 **curriculum,** and not a requirement for graduation.

23 (3) A pupil shall not be enrolled in a class in which the  
 24 subjects of family planning or reproductive health are discussed  
 25 unless the pupil's parent or guardian is notified in advance of  
 26 the course and the content of the course ~~—~~ **and** is given a prior  
 27 opportunity to review the materials to be used in the course. ~~—~~

1 ~~and is notified in advance of his or her right to have the pupil~~  
2 ~~excused from the class.~~ The state board shall determine the form  
3 and content of the notice required in this subsection.

4 ~~(4) Upon the written request of a pupil or the pupil's~~  
5 ~~parent or legal guardian, a pupil shall be excused, without~~  
6 ~~penalty or loss of academic credit, from attending the class~~  
7 ~~described in subsection (1).~~

8 (4) ~~—(5)—~~ A school district that provides a class as  
9 permitted by subsection (1) shall offer the instruction by  
10 teachers qualified to teach health education. A school district  
11 shall not offer this instruction unless an advisory board is  
12 established by the district board to periodically review the  
13 materials and methods of instruction used, and to make  
14 recommendations to the district regarding changes in the  
15 materials or methods. The advisory board shall consist of  
16 parents having children attending the district's schools, pupils  
17 in the district's schools, educators, local clergy, and community  
18 health professionals.

19 (5) ~~—(6)—~~ Before adopting any revisions in the materials or  
20 methods used in instruction under this section, including, but  
21 not limited to, revisions to provide for the teaching of  
22 abstinence from sex as a method of preventing unwanted pregnancy  
23 and sexually transmitted disease, the board of a school district  
24 shall hold at least 2 public hearings on the proposed revisions.  
25 The hearings shall be held at least 1 week apart and public  
26 notice of the hearings shall be given in the manner required  
27 under section 1201 for board meetings. A public hearing held

1 pursuant to this section may be held in conjunction with a public  
2 hearing held pursuant to section 1169.

3       (6) ~~—(7)—~~ A person shall not dispense or otherwise distribute  
4 in a public school a family planning drug or device.

5       (7) ~~—(8)—~~ As used in this section, ~~—and section 1508,~~  
6 "family planning" means the use of a range of methods of  
7 fertility regulation to help individuals or couples avoid  
8 unwanted pregnancies; bring about wanted births; regulate the  
9 intervals between pregnancies; and plan the time at which births  
10 occur in relation to the age of parents. It may include the  
11 study of fetology. It may include marital and genetic  
12 information. Clinical abortion shall not be considered a method  
13 of family planning, nor shall abortion be taught as a method of  
14 reproductive health.

15       (8) ~~—(9)—~~ As used in this section:

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

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

20       Enacting section 1. Section 1507a of the revised school  
21 code, 1976 PA 451, MCL 380.1507a, is repealed.