

# HOUSE BILL NO. 6452

October 11, 2022, Introduced by Reps. Meerman, Markkanen and Bollin and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending sections 1169, 1506, 1507, and 1507b (MCL 380.1169,  
380.1506, 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~~ **Except as otherwise provided in this**

**section, the** principal modes by which dangerous communicable diseases, including, but not limited to, human immunodeficiency virus infection and acquired immunodeficiency syndrome, are spread and the best methods for the restriction and prevention of these diseases ~~shall~~**must** be taught in every public school in this state.

**The information described in this subsection concerning sexually transmitted infections must not be taught in any public school in this state to pupils enrolled in any grade below grade 4.** Subject to subsection (3) and section 1507b, the teaching under this section ~~shall~~**must** stress that abstinence from sex is a responsible and effective method for restriction and prevention of these diseases and is a positive lifestyle for unmarried young ~~people~~**individuals**.

(2) Except for licensed health care professionals who have received training on human immunodeficiency virus infection and acquired immunodeficiency syndrome, each ~~person~~**individual** who teaches K to 12 pupils about human immunodeficiency virus infection and acquired immunodeficiency syndrome ~~pursuant to~~**under** subsection (1) shall have training in human immunodeficiency virus infection and acquired immunodeficiency syndrome education for young ~~people~~**individuals**. The superintendent of public instruction, in cooperation with the department of ~~public health,~~**health and human services,** shall train trainers to provide the teacher training required ~~by~~**under** this subsection and shall provide for the development and distribution to school districts of medically accurate material on the teaching of human immunodeficiency virus infection and acquired immunodeficiency syndrome to young people.

(3) The choice of curricula to be used for human immunodeficiency virus infection and acquired immunodeficiency

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

14 Sec. 1506. (1) ~~A~~ **If provided, a** program of instruction in  
 15 reproductive health ~~shall be~~ **must meet both of the following**  
 16 **criteria:**

17 (a) **It must be provided only to pupils enrolled in grade 4 or**  
 18 **above grade 4 and must not be provided to pupils enrolled in any**  
 19 **grade below grade 4.**

20 (b) **It must be** supervised by a registered physician, a  
 21 registered nurse, or other person certified by the state board as  
 22 qualified.

23 (2) Upon the written request of a pupil or the pupil's parent  
 24 or **legal** guardian, a pupil ~~shall~~ **must** be excused, without penalty  
 25 or loss of academic credit, from attending classes in which the  
 26 subject of reproductive health is under discussion.

27 (3) **If a pupil enrolled in any grade in a school district,**  
 28 **intermediate school district, or public school academy has**  
 29 **questions or comments concerning items covered in a program of**

1 instruction in reproductive health described in this section, the  
 2 school district, intermediate school district, or public school  
 3 academy may send materials from the program to the pupil's parent  
 4 or legal guardian.

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

10 Sec. 1507. (1) The board of a school district may engage  
 11 qualified instructors and provide facilities and equipment for  
 12 instruction in sex education, including family planning, human  
 13 sexuality, and the emotional, physical, psychological, hygienic,  
 14 economic, and social aspects of family life **only for pupils**  
 15 **enrolled in grade 4 or above grade 4.** ~~Instruction~~ **The board of a**  
 16 **school district shall not provide the instruction described in this**  
 17 **subsection to pupils enrolled in any grade below grade 4. The**  
 18 **instruction described in this subsection** may also include the  
 19 subjects of reproductive health and the recognition, prevention,  
 20 and treatment of sexually transmitted ~~disease~~ **infections**. Subject  
 21 to subsection (7) and section 1507b, the instruction described in  
 22 this subsection ~~shall~~ **must** stress that abstinence from sex is a  
 23 responsible and effective method of preventing unplanned or out-of-  
 24 wedlock pregnancy and sexually transmitted ~~disease~~ **infections** and  
 25 is a positive lifestyle for unmarried young ~~people~~ **individuals**.

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

28 (3) A pupil ~~shall~~ **must** not be enrolled in a class in which the  
 29 subjects of family planning or reproductive health are discussed

1 unless the pupil's parent or **legal** guardian is notified in advance  
2 of the course and the content of the course, is given a prior  
3 opportunity to review the materials to be used in the course and is  
4 notified in advance of ~~his or her~~ **the** right to have the pupil  
5 excused from the class. The state board shall determine the form  
6 and content of the notice required in this subsection.

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

11 (5) A school district that provides a class as permitted by  
12 subsection (1) shall offer the instruction by teachers qualified to  
13 teach health education. A school district shall not offer this  
14 instruction unless a sex education advisory board is established by  
15 the board of the school district. The board of a school district  
16 shall determine terms of service for the sex education advisory  
17 board, the number of members to serve on the advisory board, and a  
18 membership selection process that reasonably reflects the school  
19 district population, and shall appoint 2 co-chairs for the advisory  
20 board, at least 1 of whom is a parent of a child attending a school  
21 operated by the school district. At least 1/2 of the members of the  
22 sex education advisory board shall be parents who have a child  
23 attending a school operated by the school district, and a majority  
24 of these parent members shall be individuals who are not employed  
25 by a school district. The board of a school district shall include  
26 pupils of the school district, educators, local clergy, and  
27 community health professionals on the sex education advisory board.  
28 Written or electronic notice of a sex education advisory board  
29 meeting ~~shall~~ **must** be sent to each member at least 2 weeks before

1 the date of the meeting. The advisory board shall do all of the  
2 following:

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

9 (b) Review the materials and methods of instruction used and  
10 make recommendations to the board of the school district for  
11 implementation. The advisory board shall take into consideration  
12 the school district's needs, demographics, and trends, including,  
13 but not limited to, teenage pregnancy rates, sexually transmitted  
14 ~~disease~~-**infection** rates, and incidents of student sexual violence  
15 and harassment.

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

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

1 a public hearing held ~~pursuant to~~ **under** section 1169.

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

5 (8) If a pupil enrolled in any grade in a school district,  
6 intermediate school district, or public school academy has  
7 questions or comments concerning items covered by instruction in  
8 sex education as described in this section, the school district,  
9 intermediate school district, or public school academy may send  
10 materials concerning the instruction to the pupil's parent or legal  
11 guardian.

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

21 (10) ~~(9)~~ As used in this section and sections 1506 and 1507a:

22 (a) "Class" means an instructional period of limited duration  
23 within a course of instruction and includes an assembly or small  
24 group presentation.

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

27 Sec. 1507b. (1) Instruction under **section 1506 in reproductive**  
28 **health, instruction under** section 1507 in sex education, and  
29 instruction under section 1169 on human immunodeficiency virus

infection and acquired immunodeficiency syndrome ~~shall~~**must** emphasize that abstinence from sex is a positive lifestyle for unmarried young ~~people~~**individuals** because abstinence is the only protection that is 100% effective against unplanned pregnancy, sexually transmitted ~~disease,~~**infections**, and sexually transmitted human immunodeficiency virus infection and acquired immunodeficiency syndrome.

(2) Material and instruction in the sex education curriculum under section 1507 that discusses sex ~~shall~~**must** be age-appropriate ~~, shall for use for the provision of that instruction to pupils in grade 4 or in a grade above grade 4, must~~ not be medically inaccurate, and ~~shall~~**must** do at least all of the following:

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

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

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

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

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

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

1 **individual** sexually.

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

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

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

11 (j) Provide information for pupils about how young parents can  
12 learn more about adoption services and about the provisions of the  
13 safe delivery of newborns law, chapter XII of the probate code of  
14 1939, 1939 PA 288, MCL 712.1 to 712.20.

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

20 (3) This section does not prohibit a public school from  
21 offering sex education with behavioral risk reduction strategies,  
22 as defined by law, that are not 100% effective against unplanned  
23 pregnancy, sexually transmitted ~~disease,~~**infections**, and sexually  
24 transmitted human immunodeficiency virus infection and acquired  
25 immunodeficiency syndrome.