

## Sex Education and HIV Prevention in Michigan's Public Schools

Changes in the Law went into effect June 24, 2004\*

<b>Topics</b>	<b>Past</b> Prior to PA 165 & 166	<b>Current</b> Including PA 165 & 166*
Mandated HIV and allowed sex education	<p>"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 be taught in every public school in this state." (Sec. 1169.1)</p> <p>"The board of a school district may engage qualified instructors and provide facilities and equipment for instruction in sex education... " (Sec 1507.1)</p>	The current law did not change the requirement for HIV/AIDS instruction and the allowance for sex education instruction.
Parental rights and exclusion from instruction	<p>For HIV/AIDS and sex education instruction, parents and/or legal guardians must be notified in advance of:</p> <ul style="list-style-type: none"> <li>. the content of the instruction;</li> <li>. their right to review materials in advance;</li> <li>. their right to observe instruction; and</li> <li>. their right to excuse their child without penalty. (Sec. 1507.3 &amp; 4)</li> </ul> <p>For sex education, a parent or legal guardian may file a continuing written notice, a request to have his or her child permanently excluded from sex education classes. Then, the student shall not be re-enrolled in the designated class(es) without written authorization for the student's inclusion. (Sec. 1507a)</p>	No change is included in the new law.

Topics	Past Prior to PA 165 & 166	Current Including PA 165 & 166*
Advisory board role	<p>"...to periodically review the materials and methods of instruction used, and to make recommendation to the district regarding changes in the materials or methods." (Sec. 1507.5)</p>	<p>"Establish program goals and objectives for pupil knowledge and skills that are likely to reduce the rates of sex, pregnancy, and sexually transmitted diseases."</p> <p>"Review the materials and methods of instruction used and make recommendations to the board of the school district for implementation. ...take into consideration the school district's needs, demographics, and trends, including, but not limited to, teenage pregnancy rates, sexually transmitted disease rates, and incidents of student sexual violence and harassment."</p> <p>"At least once every 2 years, evaluate, measure, and report the attainment of program goals and objectives established under subdivision (a). ...make the resulting report available to parents in the school district." (Sec. 1507.5, a, b, c)</p>
Advisory board membership	<p>"The advisory board shall consist of parents having children attending the district's schools, pupils in the district's schools, educators, local clergy, and community health professionals." (Sec. 1507.5)</p> <p>The numbers required for each member group are not designated.</p>	<p>"The board of a school district shall determine terms of service for the sex education advisory board, the number of members to serve on the advisory board, and a membership selection process that reasonably reflects the school district population..." .</p> <p>".. at least Y2 of the members of the sex education advisory board shall be parents who have a child attending a school operated by the school district, and a majority of these parent members shall be individuals who are not employed by a school district. The board of a school district shall include pupils of the school district, educators, local clergy, and community health professionals on the sex education advisory board." (Sec. 1507.5)</p>

Topics	Past Prior to PA 165 & 166	Current Including PA 165 & 166*
Chair of advisory board	The law did not prescribe anything related to the chair of the advisory board. In common practice, the chair is either the district's sex education supervisor or a member of the advisory board who is qualified to facilitate the work and is chosen by the advisory board.	Two co-chairs must be appointed by the school board. at least one of whom is a parent of a child attending a school operated by the school district." (Sec. 1507.5)
Notice of advisory meetings	The law did not prescribe how the advisory board meetings were set. In common practice, meetings are set and communicated to members in a manner agreed upon by the advisory group.	"Written or electronic notice of a sex education advisory board meeting shall be sent to each member at least 2 weeks before the date of the meeting." (Sec. 1507.5)
Sex education supervisor	"A program of instruction in reproductive health shall be supervised by a registered physician, a registered nurse, or other person certified by the state as qualified." (Sec. 1506.1)	No change is included in the new law.
Teacher training	<p>"Except for licensed health care professionals who have received training on human immunodeficiency virus infection and acquired immunodeficiency syndrome. each person who teaches K to 12 pupils about human immunodeficiency virus infection and acquired immunodeficiency syndrome pursuant to subsection (1) shall have training in human immunodeficiency virus infection and acquired immunodeficiency syndrome education for young people." (Sec. 1169.2)</p> <p>"A school district that provides a [sex education} class...shall offer the instruction by teachers qualified to teach health education." (Sec. 1507.5)</p>	No change is included in the new law.

<b>Topics</b>	<b>Past</b> Prior to PA 165 & 166	<b>Current</b> Including PA 165 & 166*
Abstinence meetings	<p>"...teaching under this section shall include the teaching of abstinence from sex as a responsible method for restriction and prevention of diseases and as a positive lifestyle for unmarried young people." (Sec. 1169.1)</p> <p>"...instruction described in this subsection shall include the teaching of abstinence from sex as a responsible method of preventing unwanted pregnancy and sexually transmitted disease and as a positive lifestyle for unmarried young people." (Sec. 1507. 1)</p>	<p>"...teaching under this section shall stress that abstinence from sex is a responsible and effective method for restriction and prevention of diseases and is a positive lifestyle for unmarried young people." (Sec. 1169.1)</p> <p>".. instruction described in this subsection shall stress that abstinence from sex is a responsible and effective method of preventing unplanned or out-of-wedlock pregnancy and sexually transmitted disease and is a positive lifestyle for unmarried young people." (Sec. 1507.1)</p> <p>"...shall emphasize that abstinence from sex is a positive lifestyle for unmarried young people because abstinence is the only protection that is 100% effective against unplanned pregnancy, sexually transmitted disease, and sexually transmitted human immunodeficiency virus infection and acquired immunodeficiency syndrome." (Sec. 1507b.1)</p>
Accuracy of instruction	The law did not address the accuracy of instruction.	<p>"...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." (Sec. 1169.2)</p> <p>"Material and instruction in the sex education curriculum under section 1507 that discusses sex...shall not be medically inaccurate.,," (Sec. 1507b.2)</p>

Topics	Past Prior to PA 165 & 166	Current Including PA 165 & 166*
Risk reduction messages	"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 be taught in every public school in this state." (Sec. 1169.1)	<p>"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 be taught in every public school in this state." (Sec. 1169.1)</p> <p>"Establish program goals and objectives for pupil knowledge and skills that are likely to reduce the rates of sex, pregnancy, and sexually transmitted diseases. This subdivision does not prohibit a school district from establishing additional program goals and objectives that are not contrary to this section, section 1169, or section 1507b." (Sec. 1507.5.a)</p> <p>"This section does not prohibit a public school from offering sex education with behavioral risk reduction strategies, as defined by law, that are not 100% effective against unplanned pregnancy, sexually transmitted disease, and sexually transmitted human immunodeficiency virus infection and acquired immunodeficiency syndrome." (Sec.1507.3)</p>
Family planning drugs or devices	"A person shall not dispense or otherwise distribute in a public school a family planning drug or device." (Sec 1507.7)	.. A person shall not dispense or otherwise distribute in a public school or on public school property a family planning drug or device." (Sec 1507.7)

Topics	Past Prior to PA 165 & 166	Current Including PA 165 & 166*
Required content and local control	<p>“...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 be taught...  “...shall include the teaching of abstinence from sex as a responsible method for restriction and prevention of these diseases and as a positive lifestyle for unmarried young people.” (Sec. 1169.1)</p> <p>“...includes information clearly informing pupils that having sex or sexual contact with an individual under the age of 16 is a crime punishable by imprisonment, and that 1 of the other results of being convicted of this crime is to be listed on the sex offender registry on the Internet for at least 25 years.” (Sec. 166a.1.c)</p> <p>Most other decisions about content are left up to local districts. The advisory board makes recommendations to the local school board as to the sex education program, methods, and materials. The school board must approve the program.</p>	<p>“...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 be taught...  “...shall 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.” (Sec. 1169.1)</p> <p>“...includes age-appropriate information clearly informing pupils at 1 or more age-appropriate grade levels that having sex or sexual contact with an individual under the age of 16 is a crime punishable by imprisonment, and that 1 of the other results of being convicted of this crime is to be listed on the sex offender registry on the Internet for up to 25 years.” (Sec. 166a.1.c)</p> <p>“Material and instruction in the sex education curriculum under section 1507 that discusses sex shall be age-appropriate, shall not be medically inaccurate, and shall do at least all of the following if age-appropriate:  (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 are serious possibilities of sex that are not fully preventable except by abstinence.</p>

Topics	Past Prior to PA 165 & 166	Current Including PA 165 & 166*
		<p>(d) Advise pupils of the laws pertaining to their responsibility as parents to children born in and out of wedlock.</p> <p>(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, 33'8b. 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.</p> <p>(f) Teach pupils how to say "no" to sexual advances and that it is wrong to take advantage of, harass, or exploit another person sexually.</p> <p>(g) Teach refusal skills and encourage pupils to resist pressure to engage in risky behavior.</p> <p>(h) Teach that the pupil has the power to control personal behavior. Pupils shall be taught to base their actions on reasoning, self-discipline, a sense of responsibility, self-control, and ethical considerations such as respect for self and others.</p> <p>(i) Provide instruction on healthy dating relationships and on how to set limits and recognize a dangerous environment.</p> <p>(j) Provide information for pupils about how young parents can learn more about adoption services and about the provisions of the safe delivery of newborns law, chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20.</p> <p>(k) Include information clearly informing pupils that having sex or sexual contact with an individual under the age of 16 is a crime punishable by imprisonment and that 1 of the other results of being convicted of this crime is to be listed on the sex offender registry on the Internet for at least 25 years.</p>

Topics	Past Prior to PA 165 & 166	Current Including PA 165 & 166*
Age-appropriateness of instruction	The law did not address the need for age-appropriate instruction.	<p>"Material and instruction in the sex education curriculum under section 1507 that discusses sex shall be age-appropriate...and shall do at least all of the following if age-appropriate:" (Sec. 1507b.2)</p> <p>"That the sex education instruction includes age-appropriate information clearly informing pupils at 1 or more age-appropriate grade levels that having sex or sexual contact with an individual under the age of 16 is a crime..." (Sec. 166a.1.c)</p>
Pregnancy options	"Clinical abortion shall not be considered a method of family planning, nor shall abortion be taught as a method of reproductive health." (Sec 1507.8)	<p>"Clinical abortion shall not be considered a method of family planning, nor shall abortion be taught as a method of reproductive health." (Sec 1507.8)</p> <p>"Provide information for pupils about how young parents can learn more about adoption services and about the provisions of the safe delivery of newborns law" (Sec.1507b.2.j.)</p>
Public hearings and notice of hearings	"Before adopting any revisions in the materials or methods used in instruction under this section, including, but not limited to, revisions to provide for the teaching of abstinence from sex as a method of preventing unwanted pregnancy and sexually transmitted disease, the board of a school district shall hold at least 2 public hearings on the proposed revisions. The hearings shall be held at least 1 week apart and public notice of the hearings shall be given in the manner required under section 1201 for board meetings. A public hearing held pursuant to this section may be held in conjunction with a public hearing held pursuant to section 1169."	"Before adopting any revisions in the materials or methods used in instruction under this section, including, but not limited to, revisions to provide for the teaching of abstinence from sex as a method of preventing unplanned or out-of-wedlock pregnancy and sexually transmitted disease, the board of a school district shall hold at least 2 public hearings on the proposed revisions. The hearings shall be held at least 1 week apart and public notice: of the hearings shall be given in the manner required under section 1201 for board meetings. A public hearing held pursuant to this section may be held in conjunction with a public hearing held pursuant to section 1169."

Topics	Past Prior to PA 165 & 166	Current Including PA 165 & 166*
Complaint process and penalty	<p>" A district or intermediate district that does not comply with this section shall forfeit 5% of its total state school aid allocation under this act." (Sec. 166a.2)</p> <p>A complaint process is not formally addressed in the law.</p> <p>In common practice, complaints are handled at the local district level. In some instances, individuals have called the Michigan Department of Education for assistance.</p>	<p>"If a parent or legal guardian of a pupil enrolled in a district or intermediate district believes that the district or intermediate district has violated this section or section 1169, 1506, or 1507 of the revised school code, MCL 380.1169, 380.1506, and 380.1507, he or she may file a complaint with the superintendent or chief administrator of the district or intermediate district in which the pupil is enrolled.</p> <p>...a parent who has filed a complaint with a district...may appeal the findings to the intermediate district in which the district is located.</p> <p>...a parent who has filed a complaint with an intermediate district...may appeal the findings to the department." (Sec. 166a.2, 3,4)</p> <p>"If an investigation conducted by the department under subsection (4) reveals that a district or intermediate district has committed 1 or more violations of this section or section 1169, 1506, or 1507 of the revised school code, MCL 380.1169, 380.1506, and 380.1507, the district or intermediate district shall forfeit an amount equal to 1 % of its total state school aid allocation under this act." (Sec. 166a.5)</p>
Terminology	<ul style="list-style-type: none"> <li>• Advisory Board</li> <li>• Unwanted pregnancy</li> <li>• Class</li> </ul>	<ul style="list-style-type: none"> <li>• Sex education advisory board</li> <li>• Unplanned or out-of-wedlock pregnancy</li> <li>• Class</li> </ul>

\* P A 165 & 166 are now part of the Michigan Compiled Laws #380.1169, 380.1506, 380.1507, 380.1507a, 380.157b, 388.1766, & 388.1766a.