This chart was revised to reflect the changes in laws affected by Public Acts 165 and 166 of 2004, effective June 4, 2004. Michigan Compiled Laws (MCL) numbers are cited, and a key is included below.

<table>
<thead>
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<th>Key to Michigan Compiled Laws Regarding HIV/STD and Sex Education</th>
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<tr>
<td><strong>MCL No.</strong></td>
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**Mandated HIV and Allowed Sex Education**

- School districts are **required** to teach about dangerous communicable diseases, including, but not limited to, HIV/AIDS. §380.1169
- Instruction regarding dangerous communicable diseases, including, but not limited to, HIV/AIDS, must be offered at least **once a year at every building level** (elementary, middle/junior, senior high).
- School districts can **choose** to teach sex education. If they do, they must do so in accordance with those sections of the Michigan Compiled Laws related to sex education and reproductive health. (§380.1506, §380.1507, §380.1507a, §380.1507b, §388.1766, §388.1766a)

**Parental Rights and Exclusion From Instruction**

- For HIV/AIDS and sex education instruction, parents and/or legal guardians must be notified in advance of:
  - The **content** of the instruction.
  - Their **right** to review materials in advance.
  - Their **right** to observe instruction.
  - Their **right** to excuse their child without penalty. (§380.1507, §388.1766)
- For sex education only, if a parent or legal guardian files a **continuing written notice** (i.e., a request to have their child permanently excluded from sex education classes), the student shall not be enrolled in the class(es) unless the parent or legal guardian submits a written authorization for that enrollment. (§380.1507a)
### Sex Education Advisory Board Membership

Every district that chooses to implement sex education must have a **sex education advisory board**.
- The local school board determines the terms of service, the number of members, and a membership selection process that reasonably reflects the school district population.
- The advisory board must include: parents of children attending the district’s schools, pupils in the district’s schools, educators, local clergy, and community health professionals.
- At least **half of the members must be parents** who have a child attending a school operated by the school district. A **majority** of those parent members must **not be employed by a school district**.
- Members must be given two weeks written or electronic notice of meetings. (§380.1507)

### Sex Education Advisory Board Role

The advisory board is responsible for:
- **Establishing program goals and objectives** for pupil knowledge and skills that are likely to reduce the rates of sex, pregnancy, and STDs.
- **Reviewing and recommending materials and methods** to the board, taking into consideration the district’s needs, demographics, and trends including, but not limited to, teenage pregnancy rates, STD rates, and incidents of sexual violence and harassment.
- **Evaluating, measuring, and reporting the attainment of program goals and objectives** and making the resulting report available to parents in the district at least once every two years. (§380.1507)

### Advisory Board Chairs

Two **co-chairs** must be appointed by the school board to chair the sex education advisory board, at least one of whom is a parent of a child attending a school operated by the school district. (§380.1507)

### Sex Education Supervisor

Every district choosing to have a sex education program must have a **sex education supervisor**, approved by the Michigan Department of Education (MDE), who oversees the program of instruction. (§380.1506, §380.1507)

### Required Content Including Emphasis on Abstinence

Instruction in HIV/AIDS and sex education must **stress that abstinence** from sex is a responsible and effective method of preventing unplanned or out-of-wedlock pregnancy, and that it is the only protection that is 100% effective against unplanned pregnancy, sexually transmitted disease, and sexually transmitted HIV infection and AIDS. (§380.1169, §380.1507, §380.1507b)

Instruction in HIV/AIDS must include the principal modes by which dangerous communicable diseases are spread and the **best methods for the restriction and prevention** of these diseases. (§380.1169)

Sex education material discussing sex must be **age-appropriate**, must **not be medically inaccurate**, and must do all of the following:
- Discuss the **benefits of abstaining** from sex until marriage and the benefits of ceasing sex if a pupil is sexually active.
- Include a discussion of the possible emotional, economic, and legal **consequences** of sex.
- Stress that unplanned pregnancy and sexually transmitted diseases are **serious possibilities of sexual intercourse** that are not fully preventable except by abstinence.
- Advise pupils of the **laws pertaining to their responsibility as parents** to children born in and out of wedlock.
- Teach pupils how to say "no" to sexual advances and that is wrong to take advantage of, harass, or exploit another person sexually.
- Teach **refusal skills** and encourage pupils to resist pressure to engage in risky behavior.
- Teach that the pupil has the **power to control personal behavior**, and teach pupils to base their actions on reasoning, self-discipline, a sense of responsibility, self-control, and ethical considerations, such as respect for self and others.
### Required Content Including Emphasis on Abstinence (cont.)

- Provide instruction on **healthy dating relationships** and on how to set limits and recognize a dangerous environment.
- 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.
- 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 one 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. (§380.1507b)

### Allowed Content Regarding Risk Reduction

School districts must teach about the **best methods** for the restriction and prevention of dangerous communicable diseases, including, but not limited to HIV/AIDS. (§380.1169)

**Districts are not prohibited** from teaching about behavioral risk reduction strategies, including the use of condoms, within their sex education program. (§380.1507)

### Prohibited Content or Actions

The age-appropriate sex education material also must ensure that pupils are not taught in a way that **condones the violation of laws** of this state pertaining to sexuality, including, but not limited to, those relating to sodomy, indecent exposure, gross indecency, and criminal sexual conduct in the first, second, third, and fourth degrees. (§380.1507b)

Clinical abortion cannot be considered a method of family planning, **nor can abortion be taught as a method of reproductive health.** (§380.1507) “Reproductive health” means that state of an individual's well-being which involves the reproductive system and its physiological, psychological, and endocrinological functions. (§380.1506)

A person cannot **dispense or otherwise distribute a family planning drug or device** in a public school or on public school property. (§380.1507)

### Definition of Sex Education

Many districts have found it useful to **develop or adopt a definition of sex education** that aligns with existing definitional language in the law. The definition determines which content and materials are considered “sex education” and need to go through the approval and parent notification process detailed in §380.1507 and §388.1766a.

### Approval Process

Curricula that are used as a part of HIV/STD or sex education instruction **offered by a school district** must go through the formal approval process, including two public hearings and school board approval. (§380.1169, §380.1507)

Curricula, materials, and methods **must be approved** in advance regardless of the:
- class in which it is taught (e.g., health class, school-wide assembly, English class);
- person providing the instruction (teacher, school nurse, guest speaker);
- time of day the instruction is offered (during the school day versus after school);
- place the instruction takes place (within the building versus off the school premises).

### Teacher Training

Each person who teaches K-12 pupils about HIV/AIDS **shall have training in HIV and AIDS education** for young people. (§380.1169)

In order to teach sex education, teachers must be qualified to teach health. (§380.1507) At the secondary level, this means teachers must have either the MA (health), MX (health, physical education, recreation and dance), or KH (family and consumer science) endorsement. In addition, ongoing professional development for teachers is strongly recommended. The Office of Professional Preparation Services at MDE accepts applications from districts for full-year permits that allow certified teachers to teach without the required endorsements, while pursuing coursework toward earning the endorsement.

Trainings in both HIV/AIDS and sex education/reproductive health are usually offered through the regional Intermediate School District (ISD) school health coordinator that services that school district. Guest speakers are not required by law to go through these trainings. A trained teacher, however, should always be in the classroom when guest speakers are presenting.
Model Curricula

Michigan has a model health education curriculum that is used by a majority of school districts in Michigan. In HIV/STD prevention, there are model curricula for Grades 4-5, 7-8, and, 9-12. The elementary lessons include one lesson per grade level. The seven-lesson middle school module is “abstinence-only” (i.e., condoms are not discussed as a means of risk reduction). The 22-lesson high school module includes abstinence-based and abstinence-only options. Districts can choose to adopt, adapt, or disregard the model curriculum and implement commercially or locally developed curricula.

Complaint Process

If a parent or legal guardian of a pupil enrolled in a district or intermediate district (ISD) believes that the district or intermediate district has violated the following sections of Michigan law pertaining to HIV/AIDS instruction or sex education (§380.1169, §380.1506, §380.1507, §388.1766a), the person can file a complaint with the superintendent or chief administrator of the district or ISD in which the pupil is enrolled. The district has 30 days to investigate, provide a written report, and if violations are found, develop a plan for corrective action. The district has an additional 30 days to take corrective action.

If the parent is not satisfied with the investigation or findings made by the superintendent, the parent can appeal the findings to the ISD in which the district is located. The ISD has 30 days to investigate, provide a written report, and if violations are found, develop a plan for corrective action. The district has an additional 30 days to take corrective action.

If the parent is not satisfied with the investigation or findings made by the ISD superintendent, the parent can appeal the findings to the MDE. The MDE has 90 days to investigate, provide a written report, and if violations are found, develop a plan for corrective action. The district has an additional 30 days to take corrective action. (§380.1766)

Penalties

If an investigation conducted by MDE (see Complaint Process section) reveals that a district or ISD has committed one or more violations of the following sections of the Revised School Code or State School Aid Act (§380.1169, §380.1506, §380.1507, §388.1766a) the district or intermediate district shall forfeit an amount equal to 1% of its total state school aid allocation. (§388.1766a)

A district in which a school official, member of a board, or other person dispenses or otherwise distributes a family planning drug or device, dispenses prescriptions for any family planning drug, or makes referrals for abortions shall forfeit 5% of its total state aid appropriation. (§388.1766)

State Board Policy

The Michigan State Board of Education adopted a Policy to Promote Health and Prevent Disease and Pregnancy in September of 2003. The policy recommends that local school boards select, adopt, and implement comprehensive sexuality education programs that are based on sound science and proven principles of instruction. For a copy, go to www.michigan.gov/mde, click “K-12 Curriculum”, click “Health Education”, and click “HIV/STD and Sexuality Education”.

For more information on HIV/STD Education in Michigan Schools, go to the Michigan Department of MDE web site, www.michigan.gov/mde, click “K-12 Curriculum”, click “Health Education”, and click “HIV/STD and Sexuality Education”. Questions should be directed to Laurie Bechhofer, MDE Consultant, 517-335-7252, bechhoferl@Michigan.gov.

This summary should not be used to replace statute. For the exact language of the MCL, go to www.michiganlegislature.org. Concerns regarding interpretation should be directed to legal counsel.