

## **Current Revised School Code (PA 451 of 1976) and State School Aid Act (PA 94 of 1979) Provisions Regarding HIV/AIDS Education, Health Education, Physical Education, and Sex Education in Michigan Schools**

### **380.1169 Dangerous communicable diseases; human immunodeficiency virus infection and acquired immunodeficiency virus infection; teacher training; teaching materials; curricula; teaching of abstinence from sex.**

Sec. 1169.

(1) 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. Subject to subsection (3) and section 1507b, the teaching under this section 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.

(2) 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. The superintendent of public instruction, in cooperation with the department of public health, shall train trainers to provide the teacher training required by 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 syndrome education required to be taught under subsection (1) shall be approved by the appropriate school board and implemented in the school setting not later than October 1, 1990. Before adopting any revisions to the curriculum implemented under this section, including, but not limited to, revisions to provide for the teaching of abstinence from sex as a responsible method for restriction and prevention of disease, a school board 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 1507.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1987, Act 185, Imd. Eff. Nov. 30, 1987 ;-- Am. 1990, Act 139, Imd. Eff. June 26, 1990 ;-- Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993 ;-- Am. 2004, Act 165, Imd. Eff. June 24, 2004

**Popular Name:** Act 451

### **380.1170 Physiology and hygiene; instruction; development of comprehensive health education programs; conflict with religious beliefs.**

Sec. 1170.

(1) Instruction shall be given in physiology and hygiene, with special reference to substance abuse, including the abusive use of tobacco, alcohol, and drugs, and their effect upon the human system.

(2) Comprehensive health education programs shall be developed as prescribed by Act No. 226 of the Public Acts of 1969, being sections 388.381 to 388.385 of the Michigan Compiled Laws.

(3) A child upon the written statement of parent or guardian that instruction in the characteristics or symptoms of disease is in conflict with his or her sincerely held religious beliefs shall be excused from attending classes where such instruction is being given and no penalties as to credit or graduation shall result therefrom.

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977

**Popular Name:** Act 451

**380.1170a Model core academic curriculum content standards for health education; subject area content expectations and guidelines for health education; instruction in cardiopulmonary resuscitation and automated external defibrillators; individuals providing instruction; use of local resources; exemption; definitions.**

Sec. 1170a.

(1) By not later than the 2017-2018 school year, the department shall ensure that the model core academic curriculum content standards for health education and the subject area content expectations and guidelines for health education under section 1278a provide for all of the following:

(a) Instruction in cardiopulmonary resuscitation for pupils enrolled in grades 7 to 12. Subject to subsection (5), the content standards and subject area content expectations shall ensure that the psychomotor skills necessary to perform cardiopulmonary resuscitation are incorporated into the instruction and that the instruction is based on either of the following:

(i) An instructional program developed by the American Red Cross or the American Heart Association.

(ii) Nationally recognized, evidence-based guidelines for cardiopulmonary resuscitation.

(b) Instruction about automated external defibrillators for pupils enrolled in grades 7 to 12.

(2) The content standards or subject area content expectations and guidelines under subsection (1) shall not require a certificated teacher to be an authorized CPR/AED instructor to facilitate, provide, or oversee instruction described in subsection (1)(a) if that instruction does not result in a pupil earning a CPR certification card or status.

(3) If instruction described in subsection (1)(a) will result in a pupil earning a CPR certification card or status, that instruction must be taught by an authorized CPR/AED instructor, as applicable.

(4) School districts, public school academies, and nonpublic schools are encouraged to use locally available resources to provide the instruction required to meet the content standards or subject area content expectations and guidelines under subsection (1), including, but not limited to, emergency medical technicians, paramedics, police officers, firefighters, representatives of the American Heart Association or American Red Cross, or properly trained teachers or other school employees.

(5) The content standards and subject area content expectations and guidelines required under subsection (1) shall provide that a school or program that provides 100% online instruction is exempt from having to incorporate psychomotor skills into the instruction under this section.

(6) As used in this section:

(a) "Authorized CPR/AED instructor" means an instructor who is authorized by the American Heart Association, American Red Cross, or a similar nationally recognized association to provide instruction in cardiopulmonary resuscitation that results in the issuance of a CPR certification card or status.

(b) "CPR certification card or status" means a card or other credential evidencing successful completion of instruction in cardiopulmonary resuscitation that is issued by the American Heart Association, American Red Cross, or a similar nationally recognized organization using evidence-based guidelines for the teaching of cardiopulmonary resuscitation.

**History:** Add. 2016, Act 388, Eff. Mar. 29, 2017  
Popular Name: Act 451

**380.1170b State model academic standards for health education; inclusion of instruction on prescription opioid drug abuse; availability.**

Sec. 1170b.

(1) Beginning in the 2019-2020 school year, the department shall ensure that the state model academic standards for health education under section 1278a include instruction on prescription opioid drug abuse, including, at least, the model program of instruction made available under subsection (2).

(2) Not later than July 1, 2019, the department shall make available to school districts and public school academies a grade-and age-appropriate model program of instruction on prescription opioid drug abuse based on the recommendations developed by the prescription drug and opioid abuse commission under section 7113a of the public health code, 1978 PA 368, MCL 333.7113a. The model program of instruction made available by the department shall include at least instruction on the prescription drug epidemic and the connection between prescription opioid drug abuse and addiction to other drugs.

**History:** Add. 2017, Act 255, Eff. Mar. 27, 2018  
Popular Name: Act 451

**380.1502 Health and physical education; establishment; course in physical education required; extracurricular athletics as meeting requirement.**

Sec. 1502.

(1) Health and physical education for pupils of both sexes shall be established and provided in all public schools of this state. Subject to subsection (2), each pupil attending public school in this state who is physically fit and capable of doing so shall take the course in physical education.

(2) A school district may credit a pupil's participation in extracurricular athletics or other extracurricular activities involving physical activity as meeting the physical education requirement for the pupil under subsection (1).

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993  
**Popular Name:** Act 451

**380.1506 Program of instruction in reproductive health; supervision; request to excuse pupil from attendance; "reproductive health" defined.**

Sec. 1506.

(1) A program of instruction in reproductive health shall be supervised by a registered physician, a registered nurse, or other person certified by the state board as qualified. Upon the written request of a pupil or the pupil's parent or guardian, a pupil shall be excused, without penalty or loss of academic credit, from attending classes in which the subject of reproductive health is under discussion.

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

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1977, Act 226, Imd. Eff. Nov. 30, 1977  
**Popular Name:** Act 451

**380.1507 Instruction in sex education; instructors, facilities, and equipment; stressing abstinence from sex; elective class; notice to parent or guardian; request to excuse pupil from attendance; qualifications of teacher; sex education advisory board; public hearing; distribution of family planning drug or device prohibited; "family planning," "class," and "course" defined.**

Sec. 1507.

(1) The board of a school district may engage qualified instructors and provide facilities and equipment for instruction in sex education, including family planning, human sexuality, and the emotional, physical, psychological, hygienic, economic, and social aspects of family life. Instruction may also include the subjects of reproductive health and the recognition, prevention, and treatment of sexually transmitted disease. Subject to subsection (7) and section 1507b, the 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.

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

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

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

(5) A school district that provides a class as permitted by subsection (1) shall offer the instruction by teachers qualified to teach health education. A school district shall not offer this instruction unless a sex education advisory board is established by the board of the school district. 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, and shall appoint 2 co-chairs for the advisory board, at least 1 of whom is a parent of a child attending a school operated by the school district. At least 1/2 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. 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. The advisory board shall do all of the following:

(a) 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.

(b) Review the materials and methods of instruction used and make recommendations to the board of the school district for implementation. The advisory board shall 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.

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

(6) 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.

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

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

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

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

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

**History:** 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1977, Act 226, Imd. Eff. Nov. 30, 1977 ;-- Am. 1981, Act 87, Imd. Eff. July 2, 1981 ;-- Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993 ;-- Am. 2004, Act 165, Imd. Eff. June 24, 2004  
**Popular Name:** Act 451

### **380.1507a Notice of excuse from class; enrollment.**

Sec. 1507a.

If a parent or legal guardian of a pupil files with the public school in which the pupil is enrolled a continuing written notice that the pupil is to be excused from a class described in section 1507, the pupil shall not be enrolled in a class described in section 1507 unless the parent or legal guardian submits a written authorization for that enrollment.

**History:** Add. 1995, Act 289, Eff. July 1, 1996  
**Popular Name:** Act 451

### **380.1507b Sex education and instruction; curriculum requirements.**

Sec. 1507b.

(1) Instruction under section 1507 in sex education and instruction under section 1169 on human immunodeficiency virus infection and acquired immunodeficiency syndrome 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.

(2) 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:

(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.

(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 sexually.

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

(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.

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

(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.

(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 up to 25 years.

(3) 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.

**History:** Add. 2004, Act 165, Imd. Eff. June 24, 2004

**Popular Name:** Act 451

### **388.1766 Violations of MCL 380.1507 or referral of pupil for abortion or assisting pupil in obtaining abortion; disciplinary policy.**

Sec. 166.

The governing board of a district or intermediate district shall adopt and implement a disciplinary policy for a school official, member of a governing board, or employee of the district or intermediate district who refers a pupil for an abortion or assists a pupil in obtaining an abortion and who is not the parent or legal guardian of that pupil.

**History:** Add. 1987, Act 128, Eff. Oct. 1, 1987;-- Am. 1988, Act 318, Eff. Oct. 1, 1988;-- Am. 1989, Act 197, Eff. Oct. 1, 1989;-- Am. 1990, Act 207, Eff. Oct. 1, 1990;-- Am. 1991, Act 118, Imd. Eff. Oct. 11, 1991;-- Am. 1992, Act 148, Eff. Oct. 1, 1992;-- Am. 1996, Act 300, Eff. Oct. 1, 1996;-- Am. 2016, Act 249, Eff. Oct. 1, 2016;-- Am. 2019, Act 58, Eff. Oct. 1, 2019

### **388.1766a Instruction in reproductive health or other sex education; requirements; complaint process.**

Sec. 166a.

(1) In order to avoid forfeiture of state aid under subsection (2), the board of a district or intermediate district providing reproductive health or other sex education instruction under section 1169, 1506, or 1507 of the revised school code, MCL 380.1169, 380.1506, and 380.1507, or under any other provision of law, shall ensure that all of the following are met:

(a) That the district or intermediate district does not provide any of the instruction to a pupil who is less than 18 years of age unless the district or intermediate district notifies the pupil's parent or legal guardian in advance of the instruction and the content of the instruction, gives the pupil's parent or legal guardian a prior opportunity to review the materials to be used in the instruction, allows the pupil's parent or legal guardian to observe the instruction, and notifies the pupil's parent or legal guardian in advance of his or her rights to observe the instruction and to have the pupil excused from the instruction.

(b) That, upon the written request of a pupil's parent or legal guardian or of a pupil if the pupil is at least age 18, the pupil is excused, without penalty or loss of academic credit, from attending class sessions in which the instruction is provided.

(c) 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 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.

(d) That the district or intermediate district has adopted and implemented a disciplinary policy as required under section 166.

(2) 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, section 166, 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. Upon receipt of the complaint, the superintendent or chief administrator of the district or intermediate district shall investigate the complaint and, within 30 days after the date of the complaint, provide a written report of his or her findings to the parent or legal guardian who filed the complaint and to the superintendent of public instruction. If the investigation reveals that 1 or more violations have occurred, the written report must contain a description of each violation and of corrective action the district or intermediate district will take to correct the situation to ensure that there is no further violation. The district or intermediate district shall take the corrective action described in the written report within 30 days after the date of the written report.

(3) If a parent who has filed a complaint with a district under subsection (2) believes that the district is still not in compliance with law based on the findings made by the superintendent or chief administrator of the district, the parent may appeal the findings to the intermediate district in which the district is located. If there is an appeal to an intermediate district under this subsection, the intermediate superintendent of the intermediate district shall investigate the complaint and, within 30 days after the date of the appeal, provide a written report of his or her findings to the parent or legal guardian who filed the appeal and to the superintendent of public instruction. If the investigation by the intermediate superintendent reveals that 1 or more violations have occurred, the intermediate superintendent in consultation with the local district shall develop a plan for corrective action for the district to take to correct the situation to ensure that there is no further violation, and shall include this plan for corrective action with the written report provided to the parent or legal guardian and the superintendent of public instruction. The district shall take the corrective action described in the plan within 30 days after the date of the written report.

(4) If a parent who has filed a complaint with an intermediate district under subsection (2) or a parent who has filed an appeal with an intermediate district under subsection (3) believes that the district or intermediate district is still not in compliance with law based on the findings made by the intermediate superintendent of the intermediate district, the parent may appeal the findings to the department. If there is an appeal to the department under this subsection, the department shall investigate the complaint and, within 90 days after the date of the appeal, provide a written report of its findings to the parent or legal guardian who filed the appeal, to the superintendent of public instruction, and to the district and intermediate district. If the department finds 1 or more violations as a result of its investigation, then all of the following apply:

(a) The department shall develop a plan for corrective action for the district or intermediate district to take to correct the situation to ensure that there is no further violation, and shall include this plan for corrective action with the written report provided to the parent or legal guardian, the superintendent of public instruction, and the district or intermediate district. The district or intermediate district shall take the corrective action described in the plan within 30 days after the date of the written report.

(b) In addition to withholding the percentage of state school aid forfeited by the district or intermediate district under subsection (5), the department may assess a fee to the district or intermediate district that committed the violation in an amount not to exceed the actual cost to the department of conducting the investigation and making the reports required under this subsection.

(5) 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, section 166, or section 1169, 1506, or 1507 of the revised school code, MCL 380.1169, 380.1506, and 380.1507, the district or intermediate district forfeits an amount equal to 1% of its total state school aid allocation under this act.

(6) The department, with the approval of the superintendent of public instruction, shall establish a reasonable process for a complainant to appeal to the department under subsection (4). The department shall ensure that the process does not place an undue burden on the complainant, the district or intermediate district, or the department.

**History:** Add. 1993, Act 175, Eff. Oct. 1, 1993 ;-- Am. 1993, Act 336, Eff. Mar. 15, 1994 ;-- Am. 1996, Act 300, Eff. Oct. 1, 1996 ;-- Am. 2003, Act 158, Eff. Oct. 1, 2003 ;-- Am. 2004, Act 166, Imd. Eff. June 24, 2004 ;-- Am. 2019, Act 58, Eff. Oct. 1, 2019