



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING

GRETCHEN WHITMER  
GOVERNOR

MICHAEL F. RICE, Ph.D.  
STATE SUPERINTENDENT

**MEMORANDUM**

**DATE:** September 23, 2021

**TO:** Local and Intermediate School District Superintendents  
Public School Academy Directors

**FROM:** Kyle L. Guerrant, Deputy Superintendent KG  
Finance and Operations

**SUBJECT:** Reminder of Legal Obligations and Best Practices for HIV and Sex Education

As the 2021-22 school year begins, the Michigan Department of Education (MDE) reminds intermediate school districts (ISDs) and local education agencies (LEAs), both traditional school districts and public school academies (PSAs), of their legal obligations and best practices pertaining to HIV and sex education. ISDs and LEAs may also be referred to in this memorandum as "districts."

**Legal Overview and Advisory Board Process.** In Michigan, LEAs are required to teach about HIV ([MCL 380.1169](#)) and can elect to teach about sex education. If LEAs choose to teach about sex education, they must follow the law pertaining to sex education ([MCL 380.1507](#), [MCL 380.1507b](#)) in terms of both content and process. Materials and methods must first be reviewed and recommended by a local sex education advisory board (SEAB). The SEAB, established by the LEA's local school board, is composed of parents of children attending school in the district (must be at least half of the members), educators, community health professionals, clergy, and pupils in the school district. Materials and methods recommended by the SEAB must be approved by the locally elected school board before being used in the classroom.

Any changes to the approved materials and methods for HIV and sex education, including adding or removing content, must go through the statutorily required approval process and include public hearings and approval by the local school board. The process keeps parents and the broader community informed and provides an opportunity for public comment. If the district does not comply with laws pertaining to HIV and sex education, a parent or legal guardian of a pupil in the district can file a complaint that could ultimately result in the district forfeiting 1% of its state school aid allocation ([§388.1766](#)). MDE has compiled a user-friendly [summary of legal obligations and best practices](#).

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**Teacher Qualifications.** To teach HIV education, teachers must complete an in-service training provided by the designated [Regional School Health Coordinators](#) and approved by the Michigan Department of Education. To implement sex education, teachers who teach sex education must be endorsed to teach health. For more about qualified teachers of health and sex education, see this [MDE webpage](#). If the district does not employ an individual with a valid and appropriate endorsement and/or certificate, they may be eligible for a substitute permit. To learn more, visit the MDE permit [webpage](#) or contact [MDE-EducatorHelp@Michigan.gov](mailto:MDE-EducatorHelp@Michigan.gov).

**Program Leadership.** State law identifies leadership roles related to the sex education/reproductive health program: the program supervisor ([MCL 380.1506](#)) and the SEAB co-chairs ([MCL 380.1507\(5\)](#)). Districts should complete the [sex education supervisor approval form](#) and return it to MDE. In addition, districts may use the [program leadership worksheet](#) to determine the key roles and responsibilities of individuals.

**Supports and Resources.** In recognition of the importance of sex education and the fact that most Michigan districts have opted to provide this instruction to their students, MDE has identified resources to assist school districts in providing quality instruction to meet student needs.

- The State Board of Education's [Policy to Promote Health and Prevent Disease and Pregnancy](#) provides overarching principles and recommendation and stresses the importance of "comprehensive sexuality education programs that are based on sound science and proven principles of instruction." The health education content expectations and Michigan Merit Curriculum credit guidelines for health education include standards detailing what students are expected to know by specific grade levels. [Strands 6 and 7](#) include the standards for HIV prevention, growth and development, and sexuality education.
- The [network of Regional School Health Coordinators](#) provides training and technical assistance to every school district, charter school, and non-public school in the state of Michigan on health education, including HIV and sex education.
- The Michigan Organization on Adolescent Sexual Health (MOASH) has created user-friendly [resources](#) for school personnel and parents regarding the law and best practices for sex education in school.
- The [online instructional resource page on the MDE website](#) provides considerations for implementing health education, including sex education, at a distance. The website also includes information regarding standards and curricula.

For additional information, visit the [MDE HIV/STD and sexuality education web page](#) or contact Laurie Bechhofer ([BechhoferL@michigan.gov](mailto:BechhoferL@michigan.gov)) at the Michigan Department of Education.

cc: Michigan Education Alliance  
Confederation of Michigan Tribal Education Directors