



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING


GRETCHEN WHITMER  
GOVERNOR

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STATE SUPERINTENDENT

**MEMORANDUM**

**DATE:** February 2, 2023

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

**FROM:** Dr. Diane L. Golzynski, Interim Deputy Superintendent   
Finance and Operations

**SUBJECT:** Parent and Legal Guardian Requests to Excuse their Child from Sex Education

This memo is to provide clarity around certain aspects of state law pertaining to sex education (MCL [380.1506](#), MCL [380.1507](#), MCL [380.1507b](#), MCL [388.1766a](#)), which include requirements that a district provide parental notification prior to offering sex education class(es) and establish a process to allow parents and legal guardians to submit a written request that their child(ren) be excused from local board-approved sex education class(es) without penalty. These requirements are specific to sex education classes within a health course or unit, as described in these sections of statute, and should not be inferred to apply to classes or course content outside of that scope.

**Scope of Sex Education**

In Michigan, local education agencies, both traditional public school districts and public school academies, are required to teach about Human Immunodeficiency Virus (HIV) (MCL [380.1169](#)) and may elect to teach about sex education. If districts choose to teach sex education, they must follow the law pertaining to sex education in terms of both content and process. Michigan law allows 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," (MCL [380.1507\(1\)](#)). Sex education typically includes sequential developmentally appropriate instruction that aims to develop and strengthen the ability of young people to make informed, healthy, and respectful decisions regarding relationships and sexual and reproductive health. Sex education is taught within the framework of Michigan's [Health Education Standards](#).

By law, sex education classes must be taught by a person qualified to teach health education. The law ensures that parents and legal guardians are kept informed regarding the materials and methods that have been adopted by the locally elected school board and have the right to excuse their child from sex education classes without penalty, upon written request. In September 2021, the Michigan Department

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of Education (MDE) issued a [memorandum](#) that reminded schools and school districts of legal obligations and best practices for HIV and sex education, including the limited role of the district's appointed sex education advisory board (SEAB).

Under state law, a parent or legal guardian may submit a written request to excuse their child from sex education classes on an annual or continuous basis. The provision pertaining to a continuous excusal in MCL [380.1507a](#) states, "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." See the [MDE website](#) for a template of an excusal letter.

### **Other Content Areas**

The provision to allow a parent or legal guardian to request that their child be excused from classes specified in the statute referenced above applies only to sex education classes as defined in those sections. Policies and procedures for excusing a student from participating in courses and content areas other than the sex education classes within a health education program, such as an English or Social Studies course, are not provided for in these sections of state law, and would be determined at the local district level, subject to the state's core academic curriculum requirements (MCL [380.1278](#)), high school diploma requirements (MCL [380.1278a](#)), and other state and federal statutory requirements.

Michigan law (MCL [380.1137](#)) specifies that parents and legal guardians are permitted to review curriculum, textbooks, and teaching materials of the school in which the pupil is enrolled at a reasonable time and place. A school board may adopt policies and guidelines concerning these permitted activities and, if it does, must make those policies and guidelines available to the public.

### **Additional Considerations**

Sometimes a parent or legal guardian requests to excuse their child from district programs, practices, and resources outside of the instructional program (e.g., those that pertain to facilities, communications, library holdings, surveys, after-school programs, and student-led non-curricular clubs). These programs, practices, and resources are also not part of formal instruction detailed in MCL 380.1507 and would not be subject to the sex education excusal provisions specified in statute. Decisions regarding excusal from these programs, practices, and resources are governed by other federal and state statutes (e.g., civil rights laws, privacy laws) as well as local policies and practices. How districts handle these parent requests would also be determined locally, within the context of those statutes.

For additional information on sex education in Michigan, visit the MDE HIV/Sexually Transmitted Disease (STD) and sexuality education [web page](#), or contact [Laurie Bechhofer](#) at MDE. For district-specific situations, you may wish to confer with district legal counsel.

cc: Michigan Education Alliance  
Confederation of Michigan Tribal Education Departments