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BILL ANALYSIS

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Senate Fiscal Agency

Lansing, Michigan 48909

(517) 373-5383

**Senate Bill 115 (as enrolled)**

Sponsor: Senator Jackie Vaughn, III

Committee: Education and Mental Health

Date Completed: 1-26-88

**RATIONALE**

Just five years ago, the term AIDS was familiar to only a handful of researchers and medical practitioners. Today, the term has become synonymous with fear and despair, and AIDS is seen as a threat to the entire nation. AIDS—Acquired Immune Deficiency Syndrome—is transmitted through intimate sexual contact, blood transfusions, or the sharing of hypodermic needles. The disease attacks the body's immune system and always is fatal. Although AIDS is receiving an increasing amount of public attention, there is concern by some people about the public's lack of understanding on how the disease is spread. In the absence of a vaccine or cure, some people believe, education is the best weapon in curbing the epidemic's growth.

**CONTENT**

The bill would amend the School Code to require that the principal modes by which communicable diseases, including but not limited to Acquired Immunodeficiency Syndrome (AIDS), are spread, and the best methods for the restriction and prevention of these diseases, be taught in every public school in the State. The curricula to be used for instruction on AIDS would have to be approved by the appropriate local board of education prior to its use in the school setting.

(Currently, the Code requires that there be instruction in every public school in the State on "the principal modes by which dangerous communicable diseases are spread and the best methods for the restriction and prevention of these diseases".)

MCL 380.1169

**FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local units of government.

The Michigan School Code already requires public schools to teach students regarding the transmission and prevention of dangerous communicable diseases. Additional costs for including information on acquired immune deficiency syndrome (AIDS) in the curriculum would depend on the degree to which schools do not currently provide this information. According to a recent survey by the Michigan Department of Education, approximately 75% of the 342 school districts responding reported that AIDS education was going to be offered to students in the 1987-88 school year.

It should also be noted that, given the nature of AIDS transmission, (e.g., 291 or 74% of the 393 AIDS cases reported since 1981 in Michigan have been transmitted through sexual activity), an argument could be made that AIDS education providers would be subject to the sex

education instructor approval qualifications specified in P.A. 226 of 1977, Section 1507, potentially leading to additional training costs.

If it were determined that requiring public schools to provide AIDS education in the context of ongoing communicable disease teaching were a new activity or service that would require State financing under Article IX, Section 29 of the State Constitution, any new cost burden would be to the State rather than to local school districts.

**ARGUMENTS****Supporting Argument**

Because AIDS threatens to escalate into a worldwide epidemic, the United States Surgeon General has emphasized that education as early as the third grade is essential to combating this fatal and largely untreatable disease. Instruction concerning the prevention of AIDS is important and could make a significant contribution to the growth and development of Michigan youth. Schools are an ideal setting in which to educate persons about the prevention of AIDS, since everyone is required to attend school between the ages of 6 and 16.

**Response:** While the bill would be a step forward, it could be strengthened. The original version of Senate Bill 115 would have required the board of a local school district "to engage qualified instructors and provide facilities and equipment" for instruction on sex education. The substitute, however, would not require a school district to provide qualified instructors as well as facilities and equipment for AIDS education. Thus, there would be no way to ensure the quality of instruction and the expertise of the instructor.

**Supporting Argument**

The AIDS issue requires a reformulation of how public information regarding critical health issues should be initiated and implemented. Since prevention is the only strategy to stop the spread of the disease, it is incumbent upon the State to require that AIDS prevention education be presented to the school children of Michigan. According to a recent report from the Department of Public Health, "AIDS in Michigan: A Report to the Governor and the Legislature", the most effective time for education is prior to infection and that, relative to other areas of the country where the problem is more severe, Michigan has an opportunity to reach its population with an aggressive education campaign that stresses prevention.

**Supporting Argument**

A statewide poll conducted by the State Board of Education in April 1987 concluded that 90% of Michigan's residents

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believe public school students should be taught the dangers of AIDS, and about 75% said teachers should be allowed to discuss the use of condoms as a way to prevent the spread of the disease. Results of the poll also showed that 60% of the State's residents believe AIDS education should begin at the junior high level; 23% believe it should begin at the fifth or sixth grade level; and only 9% felt AIDS education should be delayed until high school.

**Response:** Discussion on AIDS prevention could involve a discussion of sex education. According to the Department of Education, a segment of Michigan's population has voiced opposition to the teaching of sex education and reproductive health.

### ***Supporting Argument***

Senate Bill 115 as enrolled would mandate that the subject of AIDS be taught as part of school health courses. The original version of the bill would have required local school districts to provide facilities and equipment and engage qualified instructors for instruction in sex education as an elective class, which would have included the subjects of reproductive health and the recognition, prevention, and treatment of venereal disease and of AIDS. Proponents of the enrolled bill contend that AIDS is not a venereal disease but a communicable virus and as such education about the disease is appropriate to health classes. Furthermore, they note that placing the requirement for AIDS education in the section of the School Code that requires education about dangerous communicable diseases, would remove it from any controversy about the mandating of sex education.

**Response:** Health officials are concerned about the lack of understanding of how the disease is spread, and they explain that a significant portion of the population mistakenly believes that AIDS can spread through casual, nonsexual contact with carriers. "You don't get it from sharing towels, from sleeping in the same bed or even from using the same toothbrush," U.S. Surgeon General C. Everett Koop recently said at a session of the U.S. Senate Labor and Human Resources Committee. A report written by the Surgeon General stressed that the disease cannot be spread through casual social contact, and called for AIDS education to start in early elementary school. "There is no doubt that we need sex education in schools and that it must include information on heterosexual and homosexual relationships," the Surgeon General wrote.

### ***Opposing Argument***

Despite the importance of AIDS education, attempts by the State to establish and mandate curriculum requirements should be opposed. Local control by school districts and the determination at the local level of the way such health issues as AIDS will be handled is preferable. Because of the seriousness of AIDS, it is likely that more communities and school districts will develop their own programs for responding to this issue.

**Response:** It would be a disservice to Michigan school children if lengthy policy debate on a mandated curriculum were to delay or deny AIDS education in Michigan schools.

### ***Opposing Argument***

The bill is not necessary because the Department of Public Health has worked closely with the Department of Education on development of curricula for AIDS education. According to the Public Health Department, at the end of the 1985-86 school year, the Department had compiled a senior high curriculum on AIDS that was distributed to all public and private high schools across the State. Efforts currently are under way for revising and developing a junior high curriculum. The Department also is working on

adding an eighth grade AIDS component to the Michigan Model for Comprehensive School Health Education, which 35% of the State's public school districts now are using and 90% have agreed to use in the next three years. Furthermore, the Health Department has developed several publications addressing the AIDS situation, including: "AIDS: 100 Common Questions and Answers" and "AIDS in Michigan: A Report to the Governor and the Legislature".

**Response:** While the Departments of Public Health and Education have developed curricula on AIDS, no local school district currently is required to use this material, or, for that matter, teach about AIDS. The bill would serve as an inducement for schools to provide AIDS education.

### ***Opposing Argument***

The Center for Disease Control, in Atlanta, reportedly has noted that 73% of the people with AIDS are male homosexuals, 17% are drug users, 3% contracted the disease through transfusions and 4% through heterosexual contacts. While education of the community at-large on AIDS is important, it would be more appropriate to target education efforts at high risk groups.

**Response:** Today's schools contain students who in the future will be faced with drug use, homosexual/bisexual, and heterosexual behaviors that could put them at risk in the future. The message on communicable diseases and AIDS in particular needs to be presented to students so they will be aware of the dangers.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.