

Legislative Analysis



SEX ED REVISIONS

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House Bill 5163

Sponsor: Rep. Alma Wheeler Smith

Committee: Judiciary

Complete to 9-9-09

A SUMMARY OF HOUSE BILL 5163 AS INTRODUCED 6-25-09

The bill would amend the Revised School Code to do the following:

- Require school districts, including public school academies, to provide instruction in sexuality education.
- Require factual information presented in the course material to be medically accurate and objective.
- Reduce the emphasis in the curriculum on the role of abstinence in preventing unplanned pregnancy and sexually transmitted diseases, HIV, and AIDs, and require the instruction to be age-appropriate, medically accurate, and objective. (Information on abstinence as a positive lifestyle would continue to be provided.)
- Define "factual information" and "medically accurate."

Since 1993, the Revised School Code has required a public school, if it offers a course in human sexuality, to teach abstinence as an effective prevention against disease and unwanted pregnancy. Legislation enacted in 2004 further amended the school code to – among other things – require that public school instruction on HIV, AIDS, and sex education emphasize abstinence, the consequences of sexual behavior, and refusal skills.

House Bill 5163 would amend several provisions of the Revised School Code that pertain to sex education instruction in public schools.

HIV and AIDS instruction

Currently, all public schools are required to teach the principal modes by which dangerous communicable diseases, which include HIV infection and AIDS, are spread and the best methods for the restriction and prevention of these diseases. The code requires that this teaching 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.

The bill would add that factual information included in the teaching must be medically accurate and objective.

"Factual information" would include, but not be limited to, medical, psychiatric, psychological, empirical, and statistical statements. "Medically accurate" would mean verified or supported by research conducted in compliance with scientific methods and

published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the federal Centers for Disease Control and Prevention.

Sex education

Currently, the board of a school district may engage qualified instructors and provide facilities and equipment for instruction in sex education. The bill would instead require such action on the part of school districts and define "school district" to mean a school district or a public school academy. "Board of a school district" would mean the board of a school district or board of directors of a public school academy.

Currently, under Section 1507 of the code, the sex education instruction must include family planning; human sexuality; and the emotional, physical, psychological, hygienic, economic, and social aspects of family life. The bill would make the following revisions to Section 1507:

- Require the factual information included in the sex education instruction to be medically accurate and objective.
- Require the instruction to include comprehensive sexuality education that was medically accurate and age-appropriate for all grade levels.
- Revise several references to "sexually transmitted diseases" to instead refer to "sexually transmitted infections."
- Delete a provision stating that the sex education class be elective and not a requirement for graduation.
- Replace "health education" with "sexuality education."
- Require all school districts to create a sex education advisory board.

Numerous provisions would not be altered by the bill, including a provision requiring parental notification, access to course content, and right to have a child excused prior to a pupil's enrollment in a class in which the subjects of family planning or reproductive health are to be discussed.

Remove emphasis on abstinence

Currently, Section 1507b of the school code requires instruction on sex education, HIV infection, and AIDS to emphasize that abstinence from sex is a positive lifestyle for unmarried people because it is the only protection that is 100 percent effective against unplanned pregnancy, sexually transmitted disease, and sexually transmitted HIV infection and AIDS.

The bill would delete the word "emphasize" and instead require that the instruction be age-appropriate, medically accurate and objective, and include information that abstinence from sex is a positive lifestyle for unmarried people because it is the only protection that is 100 percent effective against unplanned pregnancy, sexually transmitted disease, and sexually transmitted HIV infection and AIDS. (Underlining denotes new language)

Currently, the school code lists several topics that must be part of a sex education curriculum. The first requires a discussion of the benefits of abstaining from sex until marriage and the benefits of ceasing sex if a pupil is sexually active. Instead, the bill would revise this provision to require a discussion of the benefits of abstaining from sex until marriage and the benefits of protecting oneself if a pupil is sexually active, and would require that the tools to make informed and responsible decisions be provided.

The term "sex education" would be replaced with "sexuality education." Factual information in the sexuality education curriculum, as well as materials and instruction, that discusses sex would have to be age-appropriate, medically accurate, and objective.

MCL 380.1169 et al.

FISCAL IMPACT:

A fiscal analysis is in process.

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