

# HIV and Sex Education

## Parental Rights and Exclusion from Instruction

This bulletin will define the rights of parents and/or legal guardians for HIV/AIDS and sex education instruction (§380.1507, §388.1766a, §380.1507a). The following **bolded** points below are the legal rights of parents or legal guardians of a pupil in a district or intermediate school district (ISD):

- **Must be notified in advance of the course and content of instruction**
  - The law does not stipulate a timeframe. The district makes this determination.
  - The law says the state board determines the form and content of the parent notice. Contact your local ISD Health Coordinator or the Michigan Department of Education (MDE) HIV Consultant for the parent notification sample letter.
- **They have the right to review materials in advance**
  - The law does not stipulate how the review should take place or how far in advance. The process is determined by the district.
- **They have the right to observe instruction**
  - The law does not provide a directive for observing instruction. The process and parameters are determined by the district.
- **They have the right to excuse child without penalty**
  - Upon written request of a pupil or the pupil's parent or legal guardian, a pupil can be excused without penalty or loss of academic credit.
- **They have the right to file continuing written notice**
  - This is a written notice from the parent or legal guardian to excuse the pupil from all reproductive health classes during the pupils' tenure in the district. Upon such written notice, it then becomes the responsibility of the district to ensure the pupil never participates in any reproductive health class unless the parent or legal guardian submits a written authorization for enrollment.
- **They have the right to file a complaint if they believe the district or ISD has violated the law.** (§380.1169, §380.1506, §380.1507, §388.1766a)

### Complaint Process (MCL §380.1766)

If parents or legal guardians of a pupil enrolled in a district or ISD believes that the district or ISD has violated §380.1169, §380.1506, §380.1507, §388.1766a of Michigan law pertaining to HIV/AIDS instruction or sex education, the person can file a complaint to the superintendent or chief administrator of the district or ISD in which the pupil is enrolled. The district has 30 days to investigate, provide a written report, and if violations are found, develop a plan for corrective action. The district has an additional 30 days to take corrective action. If the person is not satisfied with the investigation or findings, they can appeal to the ISD. If still not satisfied, they can appeal to the MDE. Complaint forms can be obtained from your ISD Health Coordinator or from the Michigan Department of Education HIV Consultant. Regarding complaint process and penalties see MCL §388.1766 and §388.1766a.