

1 HB391  
2 63328-1  
3 By Representatives Carns, Collier, Beason, Gaines, Galliher,  
4 Ward, Humphryes, Garner, Greer, Glover, Brewbaker, Allen,  
5 Oden, Greeson, Davis, Gaston, Barton, Love, Clouse, Johnson,  
6 Beck, Faust, Gipson, Bentley, Hawkins, Payne, Morrison,  
7 McClurkin, McClendon, Bridges and Hubbard  
8 RFD: Education  
9 First Read: 12-FEB-04

SYNOPSIS: Existing law does not expressly provide a right nor does it expressly protect tenure and employment for a public school teacher or teacher at an institution of higher education for presenting scientific, historical, theoretical, or evidentiary information pertaining to alternative positions in curricula being taught or in a course of learning on the subject of origins.

This bill would expressly provide those rights and protections.

This bill would also expressly provide that a public school student or student at an institution of higher education may not be penalized for subscribing to a particular position on origins if the student demonstrates acceptable understanding of course materials.

A BILL  
TO BE ENTITLED  
AN ACT

1  
2 Providing for teacher rights and protections for the  
3 presentation of scientific, historical, theoretical, or  
4 evidentiary information pertaining to alternative positions on  
5 the subject of origins in applicable curricula or in a course  
6 of learning; and providing student protection for subscribing  
7 to a particular position on origins.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. (a) This section shall be known as the  
10 "Academic Freedom Act."

11 (b) The Legislature expressly finds:

12 (1) The purpose of education includes to teach and  
13 fully inform students about the various subjects presented to  
14 them at every educational level, and to fully and completely  
15 present to students all information on a given subject so that  
16 students may be not only fully informed, but also taught to  
17 seek and acquire all information necessary for critical  
18 thinking.

19 (2) Not all subjects consist of positions fully  
20 agreed upon by the academic community, but there exists  
21 various points of view, interpretations of evidence, and  
22 theoretical positions.

23 (3) The study of all material or resources  
24 applicable to a given subject or area of study, including  
25 review and dissection of points of view, theories, and  
26 discrete information and evidence, will lead students, at  
27 every level, to critical thinking.

1           (4) Critical thinking will not only lead to new  
2     discoveries, scientific and societal progress, medical,  
3     environmental, and other advances, but is also necessary to  
4     preserve democratic society.

5           (5) In order for students to be fully educated and  
6     develop the capacity for such critical thinking, it is  
7     necessary that teachers and instructors at every level of  
8     education be given the affirmative right to present  
9     scientific, historical, theoretical, or evidentiary  
10    information to students without fear of penalty or reprimand.  
11    Similarly, students should have a right to subscribe to a  
12    position without fear of penalty.

13          (6) There has been an extensive debate on the  
14    subject of origins, the origins of life and matter, including,  
15    among other issues, the questions of how the universe came  
16    into existence, when did life begin, and from where did man  
17    come. Further, while there are predominate resources that  
18    address these questions with the position of evolution, there  
19    are many other resources that provide alternative positions.  
20    Perhaps, students will consider no other subject that will  
21    require as much study and critical thinking as the subject of  
22    origins.

23          (7) There are constitutional requirements that  
24    include, among other things, the necessity of laws having  
25    secular purposes, not promoting or inhibiting religion, not  
26    causing entanglement with religion, and not endorsing  
27    religion. The Legislature further recognizes that some of the

1 points of view, evidence, or theories on the subject of  
2 origins may reflect reference to some religious, theological,  
3 or philosophical belief, but it is not the purpose of the  
4 Legislature to promote any religious, theological, or  
5 philosophical belief in any way. Specifically, the Legislature  
6 does not intend by this section to authorize, require, or  
7 permit the teaching of any religion or religious principle or  
8 tenet. The Legislature's purpose is to provide public school  
9 students and students in the institutions of higher learning  
10 the proper basis of education regardless of any religious,  
11 theological, or philosophical implication. Further, it is not  
12 the purpose of the Legislature to require any public school  
13 student or student in any institution of higher learning to  
14 accept or deny the truth of any religious, theological, or  
15 philosophical belief, but simply to be permitted to have made  
16 available to them all information necessary for proper  
17 learning and critical thinking.

18 (c) Every K-12 public school teacher or teacher or  
19 instructor in any two-year or four-year public institution of  
20 higher education, or in any graduate or adult program thereof,  
21 in the state, shall have the affirmative right and freedom to  
22 present scientific, historical, theoretical, or evidentiary  
23 information pertaining to alternative theories or points of  
24 view on the subject of origins in any curricula or course of  
25 learning.

26 (d) No K-12 public school teacher or teacher or  
27 instructor in any two-year or four-year public institution of

1 higher education, or in any graduate or adult program thereof,  
2 in the state, shall be terminated, disciplined, denied tenure,  
3 or otherwise discriminated against for presenting scientific,  
4 historical, theoretical, or evidentiary information pertaining  
5 to alternative theories or points of view on the subject of  
6 origins in any curricula or course of learning.

7 (e) No student in any public school or two-year or  
8 four-year public institution of higher education, or in any  
9 graduate or adult program thereof, shall be penalized in any  
10 way because the student may subscribe to a particular position  
11 on origins, so long as the student demonstrates acceptable  
12 understanding of course materials.

13 Section 2. This act shall become effective on the  
14 first day of the third month following its passage and  
15 approval by the Governor, or its otherwise becoming law.