

1 66884-2 : n : 04/28/2004 : JDT / JDT

2
3 SB336 HOUSE EDUCATION COMMITTEE SUBSTITUTE

4
5
6
7
8 SYNOPSIS: Existing law does not expressly provide a
9 right nor does it expressly protect tenure and
10 employment for a public school teacher or teacher
11 at an institution of higher education for
12 presenting scientific information pertaining to the
13 full range of scientific views concerning
14 biological or physical origins. In addition,
15 students are not expressly provided a right to a
16 position on biological or physical origins.

17 This bill would expressly provide rights and
18 protection for teachers and students concerning
19 their position on biological or physical origins.
20

21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 Providing teacher rights and protection for a public
26 school teacher or teacher at an institution of higher
27 education to present scientific information pertaining to the

1 full range of scientific views concerning biological or
2 physical origins in applicable curricula or in a course of
3 learning; providing employment and tenure protection and
4 protection against discrimination for any public school
5 teacher or teacher at a public institution of higher education
6 related to the presentation of such information; and providing
7 student protection for subscribing to a particular position on
8 biological or physical origins.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. This law shall be known as the "Academic
11 Freedom Act."

12 Section 2. The Legislature finds that existing law
13 does not expressly protect the right of teachers identified by
14 the United States Supreme Court in *Edwards v. Aguillard* to
15 present scientific critiques of prevailing scientific
16 theories. The Legislature further finds that existing law does
17 not expressly protect the right of students to hold positions
18 regarding theories of biological or physical origins. It is
19 the intent of the Legislature that this act expressly protect
20 those rights.

21 Section 3. Every K-12 public school teacher or
22 teacher or instructor in any two-year or four-year public
23 institution of higher education, or in any graduate or adult
24 program thereof, in the State of Alabama, shall have the
25 affirmative right and freedom to present scientific
26 information pertaining to the full range of scientific views

1 concerning biological or physical origins in any curricula or
2 course of learning.

3 Section 4. No K-12 public school teacher or teacher
4 or instructor in any two-year or four-year public institution
5 of higher education, or in any graduate or adult program
6 thereof, in the State of Alabama, shall be terminated,
7 disciplined, denied tenure, or otherwise discriminated against
8 for presenting scientific information pertaining to the full
9 range of scientific views concerning biological or physical
10 origins in any curricula or course of learning.

11 Section 5. Students may be evaluated based upon
12 their understanding of course materials, but no student in any
13 public school or institution shall be penalized in any way
14 because he or she may subscribe to a particular position on
15 biological or physical origins.

16 Section 6. The rights and privileges contained in
17 this act apply when the subject of biological or physical
18 origins is part of the curriculum. Nothing in this act shall
19 be construed as requiring or encouraging any change in the
20 state curriculum standards in K-12 public schools, nor shall
21 any provision of this act be construed as prescribing the
22 curricular content of any course in any two-year or four-year
23 public institution of higher education in the state.

24 Section 7. Nothing in this act shall be construed as
25 promoting any religious doctrine, promoting discrimination for
26 or against a particular set of religious beliefs, or promoting
27 discrimination for or against religion or non-religion.

1 Section 8. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.