

1 SB336
2 61117-3
3 By Senators Mitchell, Waggoner, French, Lee, Erwin, Byrne,
4 Dial, Figures, Escott, and Ross
5 RFD: Education
6 First Read: 17-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 biological or physical origins. In addition, students are not expressly provided a right to a position on biological or physical origins.

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

A BILL
TO BE ENTITLED
AN ACT

1 Providing teacher rights and protection for a public
2 school teacher or teacher at an institution of higher
3 education to present scientific, historical, theoretical, or
4 evidentiary information pertaining to alternative positions on
5 the subject of biological or physical origins in applicable
6 curricula or in a course of learning; providing employment and
7 tenure protection and protection against discrimination for
8 any public school teacher or teacher at a public institution
9 of higher education related to the presentation of scientific,
10 historical, theoretical, or evidentiary information pertaining
11 to alternative positions on the subject of biological or
12 physical origins in applicable curricula or in a course of
13 learning; and providing student protection for subscribing to
14 a particular position on biological or physical origins.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. This law shall be known as the "Academic
17 Freedom Act."

18 Section 2. Every K-12 public school teacher or
19 teacher or instructor in any two-year or four-year public
20 institution of higher education, or in any graduate or adult
21 program thereof, in the State of Alabama, shall have the
22 affirmative right and freedom to present scientific,
23 historical, theoretical, or evidentiary information pertaining
24 to alternative theories or points of view on the subject of
25 biological or physical origins in any curricula or course of
26 learning.

1 Section 3. No K-12 public school teacher or teacher
2 or instructor in any two-year or four-year public institution
3 of higher education, or in any graduate or adult program
4 thereof, in the State of Alabama, shall be terminated,
5 disciplined, denied tenure, or otherwise discriminated against
6 for presenting scientific, historical, theoretical, or
7 evidentiary information pertaining to alternative theories or
8 points of view on the subject of biological or physical
9 origins in any curricula or course of learning.

10 Section 4. No student in any public school or
11 institution shall be penalized in any way because he or she
12 may subscribe to a particular position on biological or
13 physical origins, so long as he or she demonstrates acceptable
14 understanding of course materials.

15 Section 5. The rights and privileges contained in
16 this act do not apply unless the subject of biological or
17 physical origins is raised in the context of approved
18 curricula material.

19 Section 6. This act shall become effective on the
20 first day of the third month following its passage and
21 approval by the Governor, or its otherwise becoming law.