

1 SB240
2 71386-1
3 By Senators Mitchell and Erwin
4 RFD: Constitution, Campaign Finance, Ethics, and Elections
5 First Read: 08-FEB-05

SYNOPSIS: Existing law does not expressly provide a right to, nor does it expressly protect, tenure and employment for a public school teacher or a teacher at an institution of higher education for presenting scientific information pertaining to the full range of scientific views. In addition, students are not expressly provided a right to a position on scientific views.

This bill would expressly provide rights and protection for teachers and students concerning their position on scientific views.

A BILL
TO BE ENTITLED
AN ACT

Providing teacher rights and protection for a public school teacher or teacher at an institution of higher education to present scientific information pertaining to the full range of scientific views in applicable curricula or in a

1 course of learning; providing employment and tenure protection
2 and protection against discrimination for any public school
3 teacher or teacher at a public institution of higher education
4 related to the presentation of such information; and providing
5 student protection for subscribing to a particular position on
6 scientific views.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. This law shall be know as the "Academic
9 Freedom Act."

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

18 Section 3. 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 information pertaining to the full range of scientific views
24 in any curricula or course of learning.

25 Section 4. No K-12 public school teacher or teacher
26 or instructor in any two-year or four-year public institution
27 of higher education, or in any graduate or adult program

1 thereof, in the State of Alabama, shall be terminated,
2 disciplined, denied tenure, or otherwise discriminated against
3 for presenting scientific information pertaining to the full
4 range of scientific views in any curricula or course of
5 learning.

6 Section 5. Students may be evaluated based upon
7 their understanding of course materials, but no student, in
8 any public school or institution of higher education, shall be
9 penalized in any way because he or she may subscribe to a
10 particular position on scientific views.

11 Section 6. The rights and privileges contained in
12 this act apply when topics are taught that may generate
13 controversy, such as biological or chemical origins. Nothing
14 in this act shall be construed as requiring or encouraging any
15 change in the state curriculum standards in K-12 public
16 schools, nor shall any provision of this act be construed as
17 prescribing the curricular content of any course in any
18 two-year or four-year public institution of higher education
19 in the state.

20 Section 7. Nothing in this act shall be construed as
21 promoting any religious doctrine, promoting discrimination for
22 or against a particular set of religious beliefs, or promoting
23 discrimination for or against religion or non-religion.

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