

1 SB45
2 71386-4
3 By Senator Mitchell
4 RFD: Education
5 First Read: 10-JAN-06
6 PFD: 12/28/2005

SYNOPSIS: Existing law does not expressly provide a right 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 positions on views.

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

A BILL
TO BE ENTITLED
AN ACT

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

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

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

26 Section 4. No K-12 public school teacher or teacher
27 or instructor in any two-year or four-year public institution

1 of higher education, or in any graduate or adult program
2 thereof, in the State of Alabama, shall be terminated,
3 disciplined, denied tenure, or otherwise discriminated against
4 for presenting scientific information pertaining to the full
5 range of scientific views in any curricula or course of
6 learning, provided, with respect to K-12 teachers, the Alabama
7 Course of Study for Science has been taught as appropriate to
8 the grade and subject assignment.

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

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

23 Section 7. Nothing in this act shall be construed as
24 protecting as scientific any view that lacks published
25 empirical or observational support or that has been soundly
26 refuted by empirical or observational science in published
27 scientific debate. Likewise, the protection provided by this

1 act shall not be restricted by any metaphysical or religious
2 implications of a view, so long as the views are defensible
3 from and justified by empirical science and observation of the
4 natural world.

5 Section 8. Nothing in this act shall be construed as
6 promoting any religious doctrine, promoting discrimination for
7 or against a particular set of religious beliefs, or promoting
8 discrimination for or against religion or non-religion.

9 Section 9. This act shall become effective on the
10 first day of the third month following its passage and
11 approval by the Governor, or its otherwise becoming law.