F1 6lr3378

By: Delegate Burns

Introduced and read first time: February 16, 2006 Assigned to: Rules and Executive Nominations

28 MARYLAND, That the Laws of Maryland read as follows:

	A BILL ENTITLED
1	AN ACT concerning
2 3	Education - Public Schools and Institutions of Higher Education - Academic Freedom Acts
4 5 6 7 8 9 10 11 12	FOR the purpose of establishing the Teachers Academic Freedom Act and the Faculty Academic Freedom Act; providing for the application of the Acts; specifying certain faculty and teacher rights and protections relating to the expression of scientific views in applicable curricula and courses of learning; specifying protections relating to employment and against discrimination with regard to the presentation of certain information; specifying student protections relating to the expression of certain views; specifying that the Acts shall be construed in a certain manner; and generally relating to the Teachers Academic Freedom Act and the Faculty Academic Freedom Act.
13 14 15 16 17 18	Academic Freedom Act"
19	Preamble
22	WHEREAS, The General Assembly finds that existing law does not expressly protect the right of teachers identified by the United States Supreme Court in Edwards v. Aguillard, 107 S. Ct. 2573 (1987), to present scientific critiques of prevailing scientific theories; and
24 25	WHEREAS, The General Assembly further finds that existing law does not expressly protect the right of students to hold a position on any views; and
26	WHEREAS, It is the intent of this Act to protect those rights; now, therefore,
27	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

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2	UNOFFICIAL COPY OF HOUSE BILL 1531
1	Article - Education
2	6-115.
3 4	(A) THIS SECTION APPLIES TO A TEACHER AT A PUBLIC SCHOOL IN THIS STATE.
	(B) A TEACHER SHALL HAVE THE AFFIRMATIVE RIGHT AND FREEDOM TO PRESENT SCIENTIFIC INFORMATION TO THE FULL RANGE OF SCIENTIFIC VIEWS IN ANY CURRICULA OR COURSE OF LEARNING.
10 11 12	(C) (1) PROVIDED THE COURSE OF STUDY FOR SCIENCE HAS BEEN DETERMINED AS APPROPRIATE TO THE GRADE AND SUBJECT ASSIGNMENT BY THE STATE BOARD, A TEACHER MAY NOT BE TERMINATED, DISCIPLINED, DENIED TENURE, OR OTHERWISE DISCRIMINATED AGAINST FOR PRESENTING SCIENTIFIC INFORMATION RELATING TO THE FULL RANGE OF SCIENTIFIC VIEWS IN ANY CURRICULA OR COURSE OF LEARNING, INCLUDING INTELLIGENT DESIGN.
	(2) WHEN PROVIDING SUPPORTING EVIDENCE ON THE THEORY OF INTELLIGENT DESIGN, A TEACHER MAY NOT STRESS ANY PARTICULAR DENOMINATION, SECTARIAN, OR RELIGIOUS DOCTRINE OR BELIEF.
17	(D) A TEACHER:
18 19	(1) SHALL EVALUATE A STUDENT ON THE BASIS OF THE STUDENT'S UNDERSTANDING OF COURSE MATERIALS; AND
20 21	(2) MAY NOT PENALIZE A STUDENT IN ANY WAY BECAUSE THE STUDENT MAY SUBSCRIBE TO A PARTICULAR POSITION ON ANY VIEWS.
	(E) THE RIGHTS AND PRIVILEGES PRESCRIBED UNDER THIS SECTION APPLY WHEN TOPICS ARE TAUGHT THAT MAY GENERATE CONTROVERSY, INCLUDING BIOLOGICAL OR CHEMICAL ORIGINS.
27	(F) THE PROTECTIONS PROVIDED UNDER THIS SECTION MAY NOT BE RESTRICTED BY ANY METAPHYSICAL OR RELIGIOUS IMPLICATIONS OF A VIEW, AS LONG AS THE VIEW IS DEFENSIBLE AND JUSTIFIED BY EMPIRICAL SCIENCE AND OBSERVATION OF THE NATURAL WORLD.
29	(G) THIS SECTION MAY NOT BE CONSTRUED TO:
30 31	(1) REQUIRE OR ENCOURAGE A CHANGE IN STATE CURRICULUM STANDARDS FOR PUBLIC SCHOOLS;

PROTECT AS SCIENTIFIC A VIEW THAT LACKS PUBLISHED OR

33 EMPIRICAL OR OBSERVATIONAL SUPPORT OR THAT HAS BEEN SOUNDLY REFUTED 34 BY EMPIRICAL OR OBSERVATIONAL SCIENCE IN PUBLISHED SCIENTIFIC DEBATE;

PROMOTE ANY RELIGIOUS DOCTRINE; OR

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- 1 (4) PROMOTE DISCRIMINATION FOR OR AGAINST A PARTICULAR SET OF
- 2 RELIGIOUS BELIEFS OR PROMOTE DISCRIMINATION FOR OR AGAINST RELIGION OR
- 3 NONRELIGION.
- 4 (H) THIS SECTION MAY BE CITED AS THE TEACHERS ACADEMIC FREEDOM
- 5 ACT.
- 6 SUBTITLE 9. FACULTY ACADEMIC FREEDOM ACT.
- 7 11-901.
- 8 (A) THIS SECTION APPLIES TO A FACULTY MEMBER AT A PUBLIC INSTITUTION
- 9 OF HIGHER EDUCATION IN THE STATE.
- 10 (B) A FACULTY MEMBER SHALL HAVE THE AFFIRMATIVE RIGHT AND
- 11 FREEDOM TO PRESENT SCIENTIFIC INFORMATION TO THE FULL RANGE OF
- 12 SCIENTIFIC VIEWS IN ANY CURRICULA OR COURSE OF LEARNING.
- 13 (C) (1) A FACULTY MEMBER MAY NOT BE TERMINATED, DISCIPLINED,
- 14 DENIED TENURE, OR OTHERWISE DISCRIMINATED AGAINST FOR PRESENTING
- 15 SCIENTIFIC INFORMATION RELATING TO THE FULL RANGE OF SCIENTIFIC VIEWS IN
- 16 ANY CURRICULA OR COURSE OF LEARNING, INCLUDING INTELLIGENT DESIGN.
- 17 (2) WHEN PROVIDING SUPPORTING EVIDENCE ON THE THEORY OF
- 18 INTELLIGENT DESIGN, A FACULTY MEMBER MAY NOT STRESS ANY PARTICULAR
- 19 DENOMINATION, SECTARIAN, OR RELIGIOUS DOCTRINE OR BELIEF.
- 20 (D) A FACULTY MEMBER:
- 21 (1) SHALL EVALUATE A STUDENT ON THE BASIS OF THE STUDENT'S
- 22 UNDERSTANDING OF COURSE MATERIALS; AND
- 23 (2) MAY NOT PENALIZE A STUDENT IN ANY WAY BECAUSE THE STUDENT
- 24 MAY SUBSCRIBE TO A PARTICULAR POSITION ON ANY VIEWS.
- 25 (E) THE RIGHTS AND PRIVILEGES PRESCRIBED UNDER THIS SECTION APPLY
- 26 WHEN TOPICS ARE TAUGHT THAT MAY GENERATE CONTROVERSY, INCLUDING
- 27 BIOLOGICAL OR CHEMICAL ORIGINS.
- 28 (F) THE PROTECTIONS PROVIDED UNDER THIS SECTION MAY NOT BE
- 29 RESTRICTED BY ANY METAPHYSICAL OR RELIGIOUS IMPLICATIONS OF A VIEW, AS
- 30 LONG AS THE VIEW IS DEFENSIBLE FROM AND JUSTIFIED BY EMPIRICAL SCIENCE
- 31 AND OBSERVATION OF THE NATURAL WORLD.
- 32 (G) THIS SECTION MAY NOT BE CONSTRUED TO:
- 33 (1) PRESCRIBE THE CURRICULAR CONTENT OF ANY COURSE AT A
- 34 PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE;

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- 1 (2) PROTECT AS SCIENTIFIC A VIEW THAT LACKS PUBLISHED OR
- 2 EMPIRICAL OR OBSERVATIONAL SUPPORT OR THAT HAS BEEN SOUNDLY REFUTED
- 3 BY EMPIRICAL OR OBSERVATIONAL SCIENCE IN PUBLISHED SCIENTIFIC DEBATE;
- 4 (3) PROMOTE ANY RELIGIOUS DOCTRINE; OR
- 5 (4) PROMOTE DISCRIMINATION FOR OR AGAINST A PARTICULAR SET OF
- 6 RELIGIOUS BELIEFS OR PROMOTE DISCRIMINATION FOR OR AGAINST RELIGION OR
- 7 NONRELIGION.
- 8 (H) THIS SUBTITLE MAY BE CITED AS THE FACULTY ACADEMIC FREEDOM ACT.
- 9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 10 October 1, 2006.