

Department of Legislative Services  
Maryland General Assembly  
2006 Session

FISCAL AND POLICY NOTE

House Bill 1531  
Ways and Means

(Delegate Burns)

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Education - Public Schools and Institutions of Higher Education - Academic  
Freedom Acts

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This bill provides that teachers at public elementary and secondary schools and public institutions of higher education have the affirmative right and freedom to present scientific information to the full range of scientific views in any curriculum or course of learning. When providing evidence of the theory of intelligent design, teachers may not stress any particular denomination, sectarian, or religious doctrine or belief. The bill also prohibits teachers from being terminated, disciplined, denied tenure, or otherwise discriminated against for presenting a full range of scientific views. Teachers must evaluate students on the basis of their understanding of course material and may not penalize students because of their views. These protections for teachers and students may not be restricted by any metaphysical or religious implications of the views.

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Fiscal Summary

**State Effect:** Four-year public institutions of higher education could meet any conditions of the bill that are not already being met with existing resources.

**Local Effect:** Local school systems and community colleges could meet any conditions of the bill that are not already being met with existing resources.

**Small Business Effect:** None.

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## Analysis

**Current Law:** Within the guidelines established by the State Board of Education, local boards of education set curricula and policies for the public schools under their jurisdictions. A public school teacher's certification must be revoked for: (1) a guilty or *nolo contendere* plea, or a probation before judgment sentence, for a violent crime or a crime involving child abuse or neglect; or (2) a dismissal or resignation following allegations of child sexual abuse. A public school teacher's certification must be either suspended or revoked for: (1) a guilty or *nolo contendere* plea, or a probation before judgment sentence, for a crime involving contributing to the delinquency of a minor, moral turpitude if the offense bears directly on the individual's fitness to teach, or drugs; (2) willfully and knowingly misrepresenting information on an application for certification; (3) fraudulently or deceptively obtaining a certificate; (4) knowingly failing to report suspected child abuse; (5) a dismissal or resignation following allegations of misconduct involving a student; or (6) having a certificate suspended or revoked in another state for a cause that is grounds for suspension or revocation in Maryland.

The governing boards of public institutions of higher education establish policies for the institutions. For example, policies adopted by the University System of Maryland (USM) Board of Regents state that faculty members have the responsibility to encourage free and honest inquiry and expression on the part of students. In addition, faculty members are required to assign grades and evaluate students fairly and without prejudice or bias. Acceptable reasons for firing tenured or tenure-track faculty are limited to moral turpitude, professional or scholarly misconduct, incompetence, or willful neglect of duty.

There is nothing in State law or regulations that expressly requires, permits, or prohibits the teaching or discussion of intelligent design.

**Background:** In November 2004, the Dover Area School District announced that ninth grade biology teachers in the district would be required to read a statement that offers intelligent design as a competing theory to Darwin's theory of evolution. Parents of students in the Dover Area School District challenged the constitutional validity of the statement on the grounds that it constitutes an establishment of religion. The federal District Court ruled with the plaintiffs, concluding that intelligent design "cannot uncouple itself from its creationist, and thus religious, antecedents." (*Kitzmiller, et al. v. Dover Area School District, et al.*, December 20, 2005).

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## Additional Information

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education, University System of Maryland, Maryland Higher Education Commission, Department of Legislative Services

**Fiscal Note History:** First Reader - March 21, 2006  
ncs/rhh

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