

Department of Legislative Services  
 Maryland General Assembly  
 2006 Session

FISCAL AND POLICY NOTE

House Bill 1228 (Delegate Burns, *et al.*)  
 Ways and Means

State Board of Education - Intelligent Design - Regulation

This bill requires the State Board of Education to develop instructional materials for the teaching and discussion of intelligent design theory in humanities and philosophy classes. The materials must be made available to local boards of education and teachers. The State board may not permit the teaching or discussion of intelligent design theory in science classes and may not require the teaching and discussion of intelligent design in any class. However, the State board may not prohibit intelligent design theory from being taught or discussed in humanities and philosophy classes.

The bill takes effect July 1, 2006.

Fiscal Summary

**State Effect:** General fund expenditures would increase by an estimated \$20,000 in FY 2007 for the Maryland State Department of Education (MSDE) to contract for the development and printing of intelligent design instructional materials. Revenues would not be affected.

(in dollars)	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	20,000	0	0	0	0
Net Effect	(\$20,000)	\$0	\$0	\$0	\$0

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** Local school expenditures for teacher training could increase minimally in systems that elect to teach intelligent design theory in humanities and philosophy classes. School revenues would not be affected.

**Small Business Effect:** None.

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## **Analysis**

**Bill Summary:** The theory of intelligent design is defined as a theoretical concept that holds that certain features of the universe and of living things are best explained by an intelligent cause rather than an undirected process such as natural selection.

**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. 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)

**State Expenditures:** MSDE advises that it does not have personnel familiar with instruction in intelligent design theory. Assuming the bill only requires the State Board of Education to develop instructional materials for a relatively brief discussion of the theory, general fund expenditures to contract for the development of intelligent design materials would total an estimated \$20,000 in fiscal 2007. This would be a one-time cost.

**Local Fiscal Effect:** If school systems elect to incorporate intelligent design instruction into philosophy and humanities classes, costs for teacher training could increase minimally. MSDE advises that, at present, elementary and secondary school systems do not offer philosophy and humanities classes.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education, Department of Legislative Services

**Fiscal Note History:** First Reader - March 3, 2006  
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