

**First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 13-0530.03 Jane Ritter x4342

**HOUSE BILL 13-1089**

---

**HOUSE SPONSORSHIP**

**Humphrey**, Buck, Everett, Holbert, Joshi, Nordberg, Saine, Wilson

**SENATE SPONSORSHIP**

**Renfro**e, Grantham, Harvey, Hill

---

**House Committees**

Education  
Appropriations

**Senate Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING THE CREATION OF ACADEMIC FREEDOM ACTS.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill creates an "Academic Freedom Act" (act) for both K-12 public schools and institutions of higher education in the state of Colorado (act). The provisions of the acts direct teachers to create an environment that encourages students to intelligently and respectfully explore scientific questions and learn about scientific evidence related to biological and chemical evolution, global warming, and human cloning. The acts direct that the department of education and the Colorado

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

commission on higher education notify all school districts and institutions of higher education of the provisions of their respective act by the beginning of the 2013-2014 school year and that the school districts and institutions of higher education shall disseminate that information to their employees.

---

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 15 to title  
3 22 as follows:

4 **ARTICLE 15**

5 **K-12 Academic Freedom Act**

6 **22-15-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY  
7 BE CITED AS THE "K-12 ACADEMIC FREEDOM ACT".

8 **22-15-102. Legislative declaration.** THE GENERAL ASSEMBLY  
9 HEREBY FINDS AND DECLARES THAT AN IMPORTANT PURPOSE OF SCIENCE  
10 EDUCATION IS TO INFORM STUDENTS ABOUT SCIENTIFIC EVIDENCE AND TO  
11 HELP STUDENTS DEVELOP CRITICAL THINKING SKILLS NECESSARY TO  
12 BECOME INTELLIGENT, PRODUCTIVE, AND SCIENTIFICALLY INFORMED  
13 CITIZENS. THE GENERAL ASSEMBLY FURTHER FINDS THAT THE TEACHING  
14 OF SOME SCIENTIFIC SUBJECTS, SUCH AS BIOLOGICAL EVOLUTION, THE  
15 CHEMICAL ORIGINS OF LIFE, GLOBAL WARMING, AND HUMAN CLONING, CAN  
16 CAUSE CONTROVERSY AND THAT SOME TEACHERS MAY BE UNSURE OF THE  
17 EXPECTATIONS CONCERNING HOW THEY MAY PRESENT INFORMATION ON  
18 SUCH SUBJECTS.

19 **22-15-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
20 CONTEXT OTHERWISE REQUIRES:

21 (1) "LOCAL BOARD OF EDUCATION" MEANS THE BOARD OF  
22 EDUCATION OF A SCHOOL DISTRICT.

23 (2) "SCHOOL DISTRICT" MEANS A PUBLIC SCHOOL DISTRICT

1 ORGANIZED AND EXISTING PURSUANT TO LAW.

2 (3) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION  
3 CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE  
4 STATE CONSTITUTION.

5 **22-15-104. Academic freedoms - notice.** (1) THE STATE BOARD,  
6 LOCAL BOARDS OF EDUCATION, SCHOOL ADMINISTRATORS, AND TEACHERS  
7 WITHIN A PUBLIC SCHOOL SHALL ENDEAVOR TO CREATE AN ENVIRONMENT  
8 WITHIN PUBLIC ELEMENTARY AND SECONDARY SCHOOLS THAT  
9 ENCOURAGES STUDENTS TO EXPLORE SCIENTIFIC QUESTIONS, LEARN  
10 ABOUT SCIENTIFIC EVIDENCE, DEVELOP CRITICAL THINKING SKILLS, AND  
11 RESPOND APPROPRIATELY AND RESPECTFULLY TO DIFFERENCES OF OPINION  
12 ABOUT CONTROVERSIAL ISSUES. THE EDUCATIONAL AUTHORITIES IN  
13 COLORADO SHALL ALSO ENDEAVOR TO ASSIST TEACHERS TO FIND MORE  
14 EFFECTIVE WAYS TO PRESENT SCIENCE CURRICULUM WHERE IT ADDRESSES  
15 SCIENTIFIC CONTROVERSIES. TOWARD THIS END, PUBLIC SCHOOL  
16 AUTHORITIES AND ADMINISTRATORS MUST PERMIT TEACHERS TO HELP  
17 STUDENTS UNDERSTAND, ANALYZE, CRITIQUE, AND REVIEW IN AN  
18 OBJECTIVE MANNER THE SCIENTIFIC STRENGTHS AND SCIENTIFIC  
19 WEAKNESSES OF EXISTING SCIENTIFIC THEORIES COVERED IN A GIVEN  
20 COURSE.

21 (2) THE STATE BOARD, ANY LOCAL BOARD OF EDUCATION, SCHOOL  
22 ADMINISTRATOR, OR TEACHER IN A PUBLIC SCHOOL MUST NOT PROHIBIT  
23 ANY PUBLIC SCHOOL TEACHER IN THIS STATE FROM HELPING STUDENTS  
24 UNDERSTAND, ANALYZE, CRITIQUE, AND REVIEW IN AN OBJECTIVE MANNER  
25 THE SCIENTIFIC STRENGTHS AND SCIENTIFIC WEAKNESSES OF EXISTING  
26 SCIENTIFIC THEORIES COVERED IN A GIVEN COURSE.

27 (3) THIS ARTICLE ONLY PROTECTS THE TEACHING OF SCIENTIFIC

1 INFORMATION, AND THIS ARTICLE MUST NOT BE CONSTRUED TO PROMOTE  
2 ANY RELIGIOUS OR NONRELIGIOUS DOCTRINE, PROMOTE DISCRIMINATION  
3 FOR OR AGAINST A PARTICULAR SET OF RELIGIOUS BELIEFS OR NONBELIEFS,  
4 OR PROMOTE DISCRIMINATION FOR OR AGAINST RELIGION OR  
5 NONRELIGION.

6 (4) NO LATER THAN THE BEGINNING OF THE 2013-2014 SCHOOL  
7 YEAR, AND EVERY SCHOOL YEAR THEREAFTER, THE DEPARTMENT OF  
8 EDUCATION SHALL NOTIFY ALL SCHOOL DISTRICTS OF THE PROVISIONS OF  
9 THIS ARTICLE. EACH SCHOOL DISTRICT SHALL THEN DISSEMINATE A COPY  
10 OF THE PROVISIONS OF THIS ARTICLE TO ALL EMPLOYEES WITHIN THE  
11 SCHOOL DISTRICT NO LATER THAN SEPTEMBER 30, 2013, AND EVERY  
12 SEPTEMBER 30 THEREAFTER.

13 **SECTION 2.** In Colorado Revised Statutes, **add** article 5.5 to title  
14 23 as follows:

15 **ARTICLE 5.5**

16 **Higher Education Academic Freedom Act**

17 **23-5.5-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY  
18 BE CITED AS THE "HIGHER EDUCATION ACADEMIC FREEDOM ACT".

19 **23-5.5-102. Legislative declaration.** THE GENERAL ASSEMBLY  
20 HEREBY FINDS AND DECLARES THAT AN IMPORTANT PURPOSE OF SCIENCE  
21 EDUCATION IS TO INFORM STUDENTS ABOUT SCIENTIFIC EVIDENCE AND TO  
22 HELP STUDENTS DEVELOP CRITICAL THINKING SKILLS NECESSARY TO  
23 BECOME INTELLIGENT, PRODUCTIVE, AND SCIENTIFICALLY INFORMED  
24 CITIZENS. THE GENERAL ASSEMBLY FURTHER FINDS THAT THE TEACHING  
25 OF SOME SCIENTIFIC SUBJECTS, SUCH AS BIOLOGICAL EVOLUTION, THE  
26 CHEMICAL ORIGINS OF LIFE, GLOBAL WARMING, AND HUMAN CLONING, CAN  
27 CAUSE CONTROVERSY AND THAT SOME TEACHERS MAY BE UNSURE OF THE

1 EXPECTATIONS CONCERNING HOW THEY MAY PRESENT INFORMATION ON  
2 SUCH SUBJECTS.

3 **23-5.5-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
4 CONTEXT OTHERWISE REQUIRES:

5 (1) "COMMISSION" MEANS THE COLORADO COMMISSION ON  
6 HIGHER EDUCATION CREATED AND EXISTING PURSUANT TO ARTICLE 1 OF  
7 THIS TITLE.

8 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF HIGHER  
9 EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-114,  
10 C.R.S.

11 (3) "INSTITUTION OF HIGHER EDUCATION" OR "INSTITUTION"  
12 MEANS A STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION IN  
13 COLORADO.

14 **23-5.5-104. Academic freedoms - notice.** (1) THE COMMISSION,  
15 THE DEPARTMENT, AND ADMINISTRATORS AND TEACHERS OF INSTITUTIONS  
16 OF HIGHER EDUCATION SHALL ENDEAVOR TO CREATE AN ENVIRONMENT  
17 WITHIN INSTITUTIONS OF HIGHER EDUCATION THAT ENCOURAGES  
18 STUDENTS TO EXPLORE SCIENTIFIC QUESTIONS, LEARN ABOUT SCIENTIFIC  
19 EVIDENCE, DEVELOP CRITICAL THINKING SKILLS, AND RESPOND  
20 APPROPRIATELY AND RESPECTFULLY TO DIFFERENCES OF OPINION ABOUT  
21 CONTROVERSIAL ISSUES. THE EDUCATIONAL AUTHORITIES FOR  
22 INSTITUTIONS OF HIGHER EDUCATION IN COLORADO SHALL ALSO  
23 ENDEAVOR TO ASSIST TEACHERS TO FIND MORE EFFECTIVE WAYS TO  
24 PRESENT SCIENCE CURRICULUM WHERE IT ADDRESSES SCIENTIFIC  
25 CONTROVERSIES. TOWARD THIS END, AUTHORITIES AND ADMINISTRATORS  
26 OF INSTITUTIONS OF HIGHER EDUCATION MUST PERMIT TEACHERS TO HELP  
27 STUDENTS UNDERSTAND, ANALYZE, CRITIQUE, AND REVIEW IN AN

1 OBJECTIVE MANNER THE SCIENTIFIC STRENGTHS AND SCIENTIFIC  
2 WEAKNESSES OF EXISTING SCIENTIFIC THEORIES COVERED IN A GIVEN  
3 COURSE.

4 (2) THE COMMISSION, THE DEPARTMENT, AND ADMINISTRATORS OF  
5 INSTITUTIONS OF HIGHER EDUCATION MUST NOT PROHIBIT ANY TEACHER  
6 IN AN INSTITUTION OF HIGHER EDUCATION FROM HELPING STUDENTS  
7 UNDERSTAND, ANALYZE, CRITIQUE, AND REVIEW IN AN OBJECTIVE MANNER  
8 THE SCIENTIFIC STRENGTHS AND SCIENTIFIC WEAKNESSES OF EXISTING  
9 SCIENTIFIC THEORIES COVERED IN A GIVEN COURSE.

10 (3) THIS ARTICLE ONLY PROTECTS THE TEACHING OF SCIENTIFIC  
11 INFORMATION, AND THIS ARTICLE MUST NOT BE CONSTRUED TO PROMOTE  
12 ANY RELIGIOUS OR NONRELIGIOUS DOCTRINE, PROMOTE DISCRIMINATION  
13 FOR OR AGAINST A PARTICULAR SET OF RELIGIOUS BELIEFS OR NONBELIEFS,  
14 OR PROMOTE DISCRIMINATION FOR OR AGAINST RELIGION OR  
15 NONRELIGION.

16 (4) NO LATER THAN THE BEGINNING OF THE 2013-2014 SCHOOL  
17 YEAR, AND EVERY SCHOOL YEAR THEREAFTER, THE COMMISSION SHALL  
18 NOTIFY ALL INSTITUTIONS OF HIGHER EDUCATION OF THE PROVISIONS OF  
19 THIS ARTICLE. EACH INSTITUTION SHALL THEN DISSEMINATE A COPY OF  
20 THE PROVISIONS OF THIS ARTICLE TO ALL EMPLOYEES WITHIN THE  
21 INSTITUTION NO LATER THAN SEPTEMBER 30, 2013, AND EVERY  
22 SEPTEMBER 30 THEREAFTER.

23 **SECTION 3. Safety clause.** The general assembly hereby finds,  
24 determines, and declares that this act is necessary for the immediate  
25 preservation of the public peace, health, and safety.