A BILL FOR AN ACT

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
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.

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

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

ARTICLE 15
K-12 Academic Freedom Act

22-15-101. Short title. This article shall be known and may be cited as the "K-12 Academic Freedom Act".

22-15-102. Legislative declaration. The General Assembly hereby finds and declares that an important purpose of science education is to inform students about scientific evidence and to help students develop critical thinking skills necessary to become intelligent, productive, and scientifically informed citizens. The General Assembly further finds that the teaching of some scientific subjects, such as biological evolution, the chemical origins of life, global warming, and human cloning, can cause controversy and that some teachers may be unsure of the expectations concerning how they may present information on such subjects.

22-15-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "Local board of education" means the board of education of a school district.

(2) "School district" means a public school district.

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ORGANIZED AND EXISTING PURSUANT TO LAW.

(3) "State board" means the state board of education created and existing pursuant to section 1 of article IX of the state constitution.

22-15-104. Academic freedoms - notice. (1) The state board, local boards of education, school administrators, and teachers within a public school shall endeavor to create an environment within public elementary and secondary schools that encourages students to explore scientific questions, learn about scientific evidence, develop critical thinking skills, and respond appropriately and respectfully to differences of opinion about controversial issues. The educational authorities in Colorado shall also endeavor to assist teachers to find more effective ways to present science curriculum where it addresses scientific controversies. Toward this end, public school authorities and administrators must permit teachers to help students understand, analyze, critique, and review in an objective manner the scientific strengths and scientific weaknesses of existing scientific theories covered in a given course.

(2) The state board, any local board of education, school administrator, or teacher in a public school must not prohibit any public school teacher in this state from helping students understand, analyze, critique, and review in an objective manner the scientific strengths and scientific weaknesses of existing scientific theories covered in a given course.

(3) This article only protects the teaching of scientific
INFORMATION, AND THIS ARTICLE MUST NOT BE CONSTRUED TO PROMOTE ANY RELIGIOUS OR NONRELIGIOUS DOCTRINE, PROMOTE DISCRIMINATION FOR OR AGAINST A PARTICULAR SET OF RELIGIOUS BELIEFS OR NONBELIEFS, OR PROMOTE DISCRIMINATION FOR OR AGAINST RELIGION OR NONRELIGION.

(4) No later than the beginning of the 2013-2014 school year, and every school year thereafter, the Department of Education shall notify all school districts of the provisions of this article. Each school district shall then disseminate a copy of the provisions of this article to all employees within the school district no later than September 30, 2013, and every September 30 thereafter.

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

ARTICLE 5.5

Higher Education Academic Freedom Act

23-5.5-101. Short title. This article shall be known and may be cited as the "Higher Education Academic Freedom Act".

23-5.5-102. Legislative declaration. The General Assembly hereby finds and declares that an important purpose of science education is to inform students about scientific evidence and to help students develop critical thinking skills necessary to become intelligent, productive, and scientifically informed citizens. The General Assembly further finds that the teaching of some scientific subjects, such as biological evolution, the chemical origins of life, global warming, and human cloning, can cause controversy and that some teachers may be unsure of the
EXPECTATIONS CONCERNING HOW THEY MAY PRESENT INFORMATION ON SUCH SUBJECTS.

23-5.5-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "Commission" means the Colorado Commission on higher education created and existing pursuant to Article 1 of this title.

(2) "Department" means the department of higher education created and existing pursuant to section 24-1-114, C.R.S.

(3) "Institution of higher education" or "institution" means a state-supported institution of higher education in Colorado.

23-5.5-104. Academic freedoms - notice. (1) The commission, the department, and administrators and teachers of institutions of higher education shall endeavor to create an environment within institutions of higher education that encourages students to explore scientific questions, learn about scientific evidence, develop critical thinking skills, and respond appropriately and respectfully to differences of opinion about controversial issues. The educational authorities for institutions of higher education in Colorado shall also endeavor to assist teachers to find more effective ways to present science curriculum where it addresses scientific controversies. Toward this end, authorities and administrators of institutions of higher education must permit teachers to help students understand, analyze, critique, and review in an
OBJECTIVE MANNER THE SCIENTIFIC STRENGTHS AND SCIENTIFIC
WEAKNESSES OF EXISTING SCIENTIFIC THEORIES COVERED IN A GIVEN
COURSE.

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

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

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

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