

HOUSE BILL NO. 321

INTRODUCED BY C. FISCUS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ENCOURAGING THE BOARD OF PUBLIC EDUCATION TO
5 EMPHASIZE CRITICAL THINKING IN INSTRUCTION RELATED TO CONTROVERSIAL SCIENTIFIC
6 THEORIES ON THE ORIGIN OF LIFE; CLARIFYING THE DUTY OF THE BOARD OF PUBLIC EDUCATION
7 TO INCLUDE THE BASIC INSTRUCTIONAL PROGRAM IN THE BOARD'S STANDARDS OF
8 ACCREDITATION; ENCOURAGING TEACHERS TO FOSTER CRITICAL THINKING; PROTECTING
9 TEACHERS WHO PRESENT ALTERNATIVE VIEWPOINTS REGARDING CONTROVERSIAL SCIENTIFIC
10 THEORIES; AMENDING SECTIONS 20-2-121 AND 20-7-111, MCA; AND PROVIDING AN IMMEDIATE
11 EFFECTIVE DATE."

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13 WHEREAS, academic freedom would provide the opportunity to educate, communicate, and discuss
14 recent discoveries and various claims on the origins of life in our universe; and

15 WHEREAS, since Darwin's theory of evolution, fossil discoveries, DNA evidence, random mutation,
16 natural selection, and alternative theories have added additional new information to the discussion on the origins
17 of life; and

18 WHEREAS, the scientific community is not at all in agreement that current theories, opinions, and beliefs
19 have resolved or answered the questions related to the origins of all life or the origin of our universe; and

20 WHEREAS, all theories and viewpoints must be allowed if true critical thinking is to be encouraged.

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22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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24 **NEW SECTION. Section 1. Legislative findings -- instruction to encourage critical thinking**
25 **regarding controversial scientific theories.** (1) The legislature finds that:

26 (a) an important purpose of science education is to inform students about scientific evidence and
27 encourage students to develop critical thinking skills necessary for finding answers and becoming intelligent,
28 productive, and scientifically informed citizens about all issues related to the origin of life as we know it today;

29 (b) truth in education about claims over scientific discoveries, including but not limited to biological
30 evolution, the chemical origins of life, random mutation, natural selection, DNA, and fossil discoveries, can cause

1 controversy; and

2 (c) some teachers may be unsure of the expectations concerning how they should present information
3 on these subjects.

4 (2) The board of public education, the superintendent of public instruction, school district trustees, county
5 and district superintendents, and school principals and administrators are encouraged to create an environment
6 within public elementary and secondary schools that encourages students to explore scientific questions, learn
7 about scientific evidence, develop critical thinking skills, and respond appropriately and respectfully to differences
8 of opinion about controversial issues.

9 (3) The board of public education, the superintendent of public instruction, school district trustees, county
10 and district superintendents, and school principals and administrators are encouraged to assist teachers in finding
11 effective ways to present the science curriculum as it addresses scientific controversies. Teachers must be
12 permitted to help students understand, analyze, and review in an objective manner the scientific strengths and
13 scientific weaknesses of existing scientific theories covered in the course being taught.

14 (4) The board of public education, the superintendent of public instruction, school district trustees, county
15 and district superintendents, and school principals and administrators may not prohibit any teacher in a public
16 school system of this state from helping students understand, analyze, and review in an objective manner the
17 scientific strengths and scientific weaknesses of existing scientific theories covered in the course being taught.

18 (5) This section only protects the teaching of scientific information and may not be construed to promote
19 any religious or nonreligious doctrine, promote discrimination for or against a particular set of religious beliefs or
20 nonbeliefs, or promote discrimination for or against religion or nonreligion.

21 (6) By no later than the start of the 2015-2016 school year, the superintendent of public instruction shall
22 notify all school districts of the provisions of this section. Each district shall notify all employees within the school
23 district of the provisions of this section.

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25 **Section 2.** Section 20-2-121, MCA, is amended to read:

26 **"20-2-121. Board of public education -- powers and duties.** The board of public education shall:

27 (1) effect an orderly and uniform system for teacher certification and specialist certification and for the
28 issuance of an emergency authorization of employment by adopting the policies prescribed by 20-4-102 and
29 20-4-111;

30 (2) consider the suspension or revocation of teacher or specialist certificates and appeals from the denial

- 1 of teacher or specialist certification in accordance with the provisions of 20-4-110;
- 2 (3) administer and order the distribution of BASE aid in accordance with the provisions of 20-9-344;
- 3 (4) adopt and enforce policies to provide uniform standards and regulations for the design, construction,
- 4 and operation of school buses in accordance with the provisions of 20-10-111;
- 5 (5) adopt policies prescribing the conditions when school may be conducted on Saturday and the types
- 6 of pupil-instruction-related days and approval procedure for those days in accordance with the provisions of
- 7 20-1-303 and 20-1-304;
- 8 (6) adopt standards of accreditation, including the basic instructional program provided for in 20-7-111,
- 9 and establish the accreditation status of every school in accordance with the provisions of 20-7-101 and 20-7-102;
- 10 (7) approve or disapprove educational media selected by the superintendent of public instruction for the
- 11 educational media library in accordance with the provisions of 20-7-201;
- 12 (8) adopt policies for the conduct of special education in accordance with the provisions of 20-7-402;
- 13 (9) adopt rules for issuance of documents certifying equivalency of completion of secondary education
- 14 in accordance with 20-7-131;
- 15 (10) adopt policies for the conduct of programs for gifted and talented children in accordance with the
- 16 provisions of 20-7-903 and 20-7-904;
- 17 (11) adopt rules for student assessment in the public schools; and
- 18 (12) perform any other duty prescribed from time to time by this title or any other act of the legislature."

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20 **Section 3.** Section 20-7-111, MCA, is amended to read:

21 **"20-7-111. Instruction in public schools.** The board of public education shall define and specify the

22 basic instructional program for pupils in public schools, including the provisions of [section 1], and ~~such the~~

23 program ~~shall~~ must be set forth in the standards of accreditation. Other instruction may be given when approved

24 by the board of trustees."

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26 NEW SECTION. **Section 4. Codification instruction.** [Section 1] is intended to be codified as an

27 integral part of Title 20, chapter 7, part 1, and the provisions of Title 20, chapter 7, part 1, apply to [section 1].

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29 NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

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