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FISCAL IMPACT REPORT

ORIGINAL DATE 2/8/2007

SPONSOR Komadina LAST UPDATED _____ HB _____

SHORT TITLE School Science Content Standards SB 371

ANALYST Aguilar

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
NFI			

(Parenthesis () Indicate Expenditure Decreases)

Relates to SJM-9

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		* \$0.1			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

* SEE FISCAL IMPLICATIONS

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)

Public Education Department (PED)

Department of Finance and Administration (DFA)

SUMMARY

Synopsis of Bill

Senate Bill 371 provides for the Public Education Department to adopt rules to allow teachers, when a theory of biological origins is taught, to inform students of "scientific information" relevant to the strengths and weaknesses of that theory and to protect teachers from adverse consequences for doing so. The rules must also encourage students to reach their own conclusions about biological origins and prevent any penalty for a student subscribing to a particular position on biological origins.

FISCAL IMPLICATIONS

It is likely that if SB 371 is signed into law, there will likely be a need for new textbooks to be adopted by school districts across the state. The following figures were provided by the PED Instructional Materials Bureau and include textbooks used in a handful of private schools that receive instructional materials as part of State policy. The figures below are based on School Year 2006 and reflect only high school texts distributed through the bureau. The calculations include the fields of Biology, Anatomy, Chemistry and Life Sciences that may be impacted by a change in standards. There is, however, the additional issue of finding textbooks that incorporate principles of intelligent design or creation science that have undergone the rigors of expert peer review and have received approval for content.

	Total Books	Expenditure (Thousand \$)
Biology	46,200	\$2,300
Anatomy	5,044	\$ 332
Chemistry	21,984	\$1,200
Life Sciences	30,253	\$1,200
Estimated Total Expenditures For Replacement		\$5,000

SIGNIFICANT ISSUES

The Attorney General’s Office notes that proponents of evolution are engaged in a long-standing battle over the legal status of creation and evolution in the public schools. Judicial decisions have been based upon attempts by some states (Alabama, Kansas, Kentucky, Georgia, Ohio for example) to require disclaimers in textbooks regarding evolution; the teaching of “alternative” theories; and direct teaching of the theory of “intelligent design” in the public schools. Attacks on those attempts have usually been based upon the “Establishment Clause” of the First Amendment to the United States Constitution, which prohibits Congress (and the states) from making laws “respecting an establishment of religion”. In *Edwards v. Aguillard*, 482 U.S. 578 (1987) the United States Supreme Court ruled that a Louisiana law requiring that creation science be taught in public schools whenever evolution was taught was unconstitutional, because the law was specifically intended to advance a particular religion. At the same time, however, it held that “teaching a variety of scientific theories about the origins of humankind to school children might be validly done with the clear secular intent of enhancing the effectiveness of science instruction.” Many lower Federal District Court cases have examined the issues raised by specific attempts to provide “alternative” doctrines regarding the origin of life to public school students. Most of those cases have not been favorable toward proponents of those “alternative” doctrines.

ADMINISTRATIVE IMPLICATIONS

If enacted, PED Science and Math Bureau staff would be required to draft, open to public review, and implement new science standards relating to the wording changes detailed in SB-371. To the extent that the new standards would require retraining science teachers and/or textbooks, the administrative costs could be substantial.

TECHNICAL ISSUES

The Attorney General’s Office notes that it is conceivable that this bill, if passed, will be subject to judicial scrutiny in order to determine whether its intent is purely “secular”, or is an attempt to advance religious beliefs.