

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1483 Evolutionary Theory

SPONSOR(S): Hays and others

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 2692

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Schools & Learning Council	7 Y, 4 N, As CS	Kutasi	Cobb
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

Public K-12 educational instruction is based on the Florida Sunshine State Standards (SSS) which set forth subject matter content knowledge and skills students are expected to know and be able to demonstrate in various subject areas. In February 2008, the State Board of Education adopted revised science SSS.

The revised science standards provide that any scientific claim should be evaluated using “critical and logical thinking,” and “active consideration of alternative scientific explanations” should occur. The council substitute codifies that goal by requiring a thorough presentation and critical analysis of the scientific theory of evolution.

The council substitute does not appear to have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The council substitute does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Background:

Public K-12 educational instruction is based on the “Sunshine State Standards” (SSS) which “delineate the academic achievement of students, for which the state will hold schools accountable.”¹ The Sunshine State Standards were first approved by the State Board of Education (SBE) in 1996 in order to identify academic expectations and provide greater accountability for student achievement.²

Florida adopted a six year “review and revise” cycle for all of the state’s K-12 SSS.³ More particularly, the review of the science standards began in June 2007.⁴

Present Situation:

Sunshine State Standards

In February 2008, the SBE adopted revised Science SSS for K-12.⁵ The new standards include content related to the scientific theory of evolution.⁶ For example, the following are included in the standards for grades 9-12:

- Recognize that the strength or usefulness of a scientific claim is evaluated through scientific argumentation, which depends on critical and logical thinking, and the active consideration of alternative scientific explanations to explain the data present.
- Discuss mechanisms of evolutionary change other than natural selection such as genetic drift and gene flow.
- Explain how the scientific theory of evolution is supported by the fossil record, comparative anatomy, comparative embryology, biogeography, molecular biology, and observed evolutionary change.⁷

¹ §1003.41, Fla. Stat.

² The Department of Education, *Florida’s Student Performance Standards-Adopted Feb. 19, 2008*, available at http://www.fldoestem.org/FLDOE_STEM/Review_FL_Science_Standards.aspx (last viewed Apr. 9, 2008).

³ *Id.*

⁴ The Department of Education, *Sunshine State Standards Proposed Six Year Cycle: Standards Revisions, Instructional Materials Adoption, and Assessment Alignment* (Jun. 20, 2006).

⁵ The Department of Education, *Florida Standards-Science*, available at <http://www.floridastandards.org/FlStandardSearch.aspx> (last viewed Apr. 9, 2008).

⁶ *Id.*

⁷ *Mozert v. Hawkins Co. Bd. of Edu.*, 827 F.2d 1058 (6th Cir. 1987) (finding that teaching or using books referring to, in example, evolution does not violate the free exercise rights of persons believing in the literal truth of the biblical story of creation, since the

- Identify which questions can be answered through science and which questions are outside the boundaries of scientific investigation, such as questions addressed by other ways of knowing, such as art, philosophy, and religion.⁸

These SSS are intended to help public school science educators increase the science literacy of their students and to support students not only with acquisition of science content knowledge, but also to have a greater understanding of the scientific method of inquiry and an ability to understand how “scientists know what they know.”⁹ The science SSS encourage teachers and students to discuss scientific evidence related to all science, including evolution.¹⁰

Required Instruction

Section 1003.42, F.S. (Required Instruction) provides that each district school board offer all courses necessary for middle grades promotion and high school graduation, as well as provide appropriate instruction designed to ensure that students meet State Board of Education adopted standards in reading and other language arts, mathematics, *science*, social studies, foreign languages, health and physical education, and the arts.¹¹ Public school instructional staff must teach the curriculum using the books and materials required, following prescribed courses of study, and employing approved methods of instruction.¹²

Effect of Proposed Changes:

The council substitute deletes all of HB 1483’s provisions and amends s. 1003.42, F.S., to require a thorough presentation and critical analysis of the scientific theory of evolution in the public schools.

The current science curriculum standards, as adopted by the State Board of Education, provide that any scientific claim should be evaluated using “critical and logical thinking,” and “active consideration of alternative scientific explanations” should occur. The council substitute codifies that goal with regard to teaching the scientific theory of evolution.

C. SECTION DIRECTORY:

Section 1. Amends s. 1003.42, F.S., to provide that instruction in K-12 public schools include a thorough presentation and critical analysis of the scientific theory of evolution.

Section 2. Provides an effective date of October 1, 2008.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

mere exposure to objectionable ideas, without governmental compulsion to affirm or deny a religious belief, is insufficient to support a free exercise complaint).

⁸ *Florida Standards-Science*, available at <http://www.floridastandards.org/FIStandardSearch.aspx>.

⁹ *Id.*

¹⁰ *Id.*

¹¹ §1003.42, Fla. Stat.

¹² *Id.*

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds.

This bill does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

This bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

3. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

None.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

House Bill 1483 creates a new section of law to be known as the “Academic Freedom Act.” The bill provides that every public school teacher in grades K through 12 has the affirmative right and freedom to objectively present scientific information relevant to the full range of views regarding biological and chemical evolution in connection with teaching any prescribed curriculum regarding chemical or biological origins.

The bill further provides that a public school teacher may not be disciplined, denied tenure, terminated, or otherwise discriminated against for objectively presenting scientific information relevant to the full range of scientific views regarding biological or chemical evolution in connection with teaching any prescribed curriculum regarding chemical or biological origins.

The bill clarifies that the rights and privileges contained in the bill do not require or encourage any change in the state curriculum standards for the K-12 public school system. Finally, the bill provides that a public school student in the state’s K-12 school system may be evaluated based upon his or her understanding of course materials, but may not be penalized in any way because he or she subscribes to a particular position or view regarding biological or chemical evolution.

The council substitute deletes all of HB 1483’s provisions and amends an existing section of law, s. 1003.42, F.S. (Required Instruction), to require that public school teachers provide a thorough presentation and critical analysis of the scientific theory of evolution.