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FISCAL IMPACT REPORT

SPONSOR Anderson ORIGINAL DATE 02/17/11
LAST UPDATED _____ HB 302
SHORT TITLE Protection From Certain Scientific Topics SB _____
ANALYST Haug

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Attorney General (AGO)

SUMMARY

Synopsis of Bill

House Bill 302 would bar school administrators from preventing teachers from discussing “scientific strengths or scientific weaknesses” that related to “controversial scientific topics.” HB 302 would also protect:

- a) teachers who provide this information from reassignment, termination, or other discipline,
- b) students who hold a particular viewpoint on a controversial scientific topic from any penalty.

Section D of the bill defines “controversial scientific topic” to include biological origins and evolution, climate change, human cloning, and other scientific topics generally considered to be controversial.

FISCAL IMPLICATIONS

House Bill 302 contains no appropriation and has no fiscal implications.

SIGNIFICANT ISSUES

According to the AGO, HB 302 is vulnerable to legal challenge on grounds that its definitions and application are unconstitutionally vague.

The AOC comments:

If enacted, HB 302 may result in litigation if the law is interpreted to provide teachers with the latitude to advance certain concepts, such as creationism or intelligent design, as science. The U.S. Supreme Court has ruled that teaching creationism as science in public schools is unconstitutional. *Edwards v. Aguillard*, 482 U.S. 578 (1987). A lower federal court has ruled that teaching the concept of “intelligent design” as a scientific alternative to evolution is unconstitutional but that “intelligent design does have a religious and cultural underpinning, and could be taught as comparative religion etc.. *Kitzmiller, et al. v. Dover Area School District, et al.*, 400 F. Supp. 2d 707 (2005).

GH/svb