February 10, 2017

Hon. Timothy Johns, Chair
Hon. Thomas Holmes, Vice-Chair
House Education Committee
State Capitol Building
500 East Capitol Avenue
Pierre, SD 57501

By electronic mail: Timothy.Johns@sdlegislature.gov,
Thomas.Holmes@sdlegislature.gov

Re: S.B. 55, An Act to Protect the Teaching of Certain Scientific Information

Dear Chair Johns, Vice Chair Holmes, and Members of the House Education Committee:

As organizations concerned with the protection of First Amendment rights, we write to rebut claims that have been advanced in support of S.B. 55, “An Act to protect the teaching of certain scientific information.” In our view, the bill cannot be justified on First Amendment grounds. The First Amendment offers no support for legislation that would undermine the integrity of science education in the state, by allowing classroom instruction to deviate from, and possibly contradict, the professionally-developed science standards adopted by state educators.

Proponents of S.B. 55 wrongly assert that it is necessary to protect free speech and academic freedom. While the First Amendment protects the right of each person, including teachers, to their own views and beliefs, it does not give teachers or anyone else the right to have their personal views taught in the public schools.

Consistent with First Amendment law and principles, course content and curricular materials are routinely selected by professional educators and specialists in relevant disciplines. They play a critical role by identifying the essential knowledge and skills necessary for students to progress academically and function as informed citizens and by selecting curricular materials representing the consensus of experts in the field. The First Amendment does not require the presentation of all views about every subject, because not all ideas are equally valid.

For example, Holocaust denial is not taught alongside evidence that specific populations were targeted for extermination in WW II, although some individuals believe that the Holocaust did not occur or has been exaggerated. Those
individuals are entitled to their belief, but they are not entitled to have it taught in the public schools. In most schools, a history teacher would be fired for teaching that the Holocaust never happened. Similarly, teachers are entitled to believe in creationism, but not to teach it as scientific fact in the public schools.

School officials routinely accept the judgments and recommendations of subject matter experts and professional educators in designing educational standards and adopting curricular materials, and state legislators should do likewise. S.B. 55 would depart from this accepted practice in the area of science education, apparently to allow, if not encourage, teachers to depart from the curriculum in teaching about evolution and climate change. This is unsound educationally and would be unfair to students, whose knowledge of science would depend on the beliefs of their particular teacher. Students with an interest in the sciences could well be at a significant disadvantage in college if they had the misfortune to be taught by a teacher whose beliefs conflict with the scientific consensus.

The First Amendment has never been interpreted to allow, much less require, the dilution of educational standards. Scientists and science educators should determine together what should be taught in science class. Individual teachers should not be permitted to contravene that determination in favor of their own personal opinions; nor should legislators enact a bill that would allow or encourage them to do so. Doing otherwise would undermine science education in the state and disadvantage its students as they compete for college admission and jobs. We strongly urge you to reject S.B. 55.

Sincerely,

Joan Bertin, Executive Director
National Coalition Against Censorship

Charles Brownstein, Executive Director
Comic Book Legal Defense Fund

Millie Davis, Director
Intellectual Freedom Center
National Council of Teachers of English

Mary Rasenberger, Executive Director
Authors Guild

Fatima Shaik, Co-Chair
Children’s and Young Adult Book Committee
PEN America