March 6, 2017

Mike Schulz, President Pro Tempore
Greg Treat, Majority Floor Leader
Oklahoma State Senate
2300 N. Lincoln Blvd
Oklahoma City OK 73105

By Electronic Mail: schulz@oksenate.gov; treat@oksenate.gov

Re: SB 393

Dear Mr. Schulz and Mr. Treat:

As organizations concerned with the protection of First Amendment rights, we write to comment on S.B. 393, the “Oklahoma Science Education Act” and to rebut First Amendment arguments that may be advanced to support such legislation.

In contrast to its title, the bill is likely to undermine the integrity of science education by allowing classroom instruction to deviate from, and possibly contradict, professionally-developed science standards. Proponents of such bills claim that they protect the free speech and academic freedom rights of teachers. While the First Amendment obviously protects teachers’ rights to express their own views and beliefs in their private lives, 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. These experts 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 scientific subject, because not all theories are equally valid or supported by evidence.

For example, Flat Earth Theory is not taught alongside evidence that the earth is spherical, although some individuals continue to believe that the earth is flat. Those individuals are entitled to their belief, but they are not entitled to have it taught in the public schools. In most schools, a science teacher would be disciplined for teaching that the earth is flat, and the First Amendment would offer no protection. Similarly, teachers are entitled to believe in creationism, but not to teach it as scientific fact in the course being taught.

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. 393, in contrast, would invite teachers to express their own opinions about “the scientific strengths and scientific weaknesses of existing scientific theories covered in the course being taught,”
rather than requiring them to adhere to scientifically-sound analyses of “scientific controversies” that are widely accepted and taught in schools around the country. This departure from accepted educational practice in science education is apparently intended to allow, if not encourage, teachers to depart from the curriculum in teaching about evolution and possibly other subjects.

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. 393.

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
National Council of Teachers of English