

NCAC PARTICIPATING ORGANIZATIONS

Actors' Equity Association
American Association of
School Administrators
American Association of
University Professors
American Association of
University Women
American Booksellers for Free Expression
American Civil Liberties Union
American Ethical Union
American Federation of Teachers
American Jewish Committee
American Library Association
American Literary Translators Association
American Orthopsychiatric Association
American Society of Journalists & Authors
Americans United for Separation of
Church & State
Association of American Publishers
Authors Guild
Catholics for Choice
Children's Literature Association
College Art Association
Comic Book Legal Defense Fund
The Creative Coalition
Directors Guild of America
The Dramatists Guild of America
Dramatists Legal Defense Fund
Educational Book & Media Association
First Amendment Lawyers Association
Free Speech Coalition
International Literacy Association
Lambda Legal
Modern Language Association
National Center for Science Education
National Communication Association
National Council for the Social Studies
National Council of the Churches
National Council of Jewish Women
National Council of Teachers of English
National Education Association
National Youth Rights Association
The Newspaper Guild/CWA
PEN American Center
People For the American Way
Planned Parenthood Federation
of America
Project Censored
SAG-AFTRA
Sexuality Information & Education
Council of the U.S.
Society of Children's Book Writers
& Illustrators
Student Press Law Center
Union for Reform Judaism
Union of Democratic Intellectuals
Unitarian Universalist Association
United Church of Christ
Office of Communication
United Methodist Church,
United Methodist Communications
Women's American ORT
Woodhull Sexual Freedom Alliance
Writers Guild of America, East
Writers Guild of America, West

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

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