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Senator Conrad Appel, Chairman
Senate Education Committee
Louisiana State Senate
Baton Rouge, LA 70804

Senator Eric LaFleur, Vice Chairman
Senate Education Committee
Louisiana State Senate
Baton Rouge, LA 70804

RE: Support SB 26 – Repealing the Louisiana Science Education Act

Dear Chairman Appel and Vice Chairman LaFleur:

On behalf of the Louisiana Chapter of Americans United for Separation of Church and State, I write in support of SB 26, which would repeal the Louisiana Science Education Act (LSEA).¹ Enacted in 2008, the LSEA inserts religion into public school science classrooms, harms Louisiana’s public school students, and results in financial costs to a state already in the midst of economic crisis. The citizens of Louisiana have made their opposition to this law known,² and repealing it would bring Louisiana in line with well-established authority that religion has no place in public school curricula. For these reasons, it is imperative that Louisiana legislators act now to repeal this law by voting in favor of SB 26.

The LSEA Inserts Religion into Louisiana’s Science Classrooms

There is little question that the LSEA was a thinly veiled attempt to make “intelligent design” creationism³—a theory with no scientific basis⁴—part of Louisiana’s public school science curriculum.⁵ The LSEA achieves this goal by permitting teachers, principals, and

¹ See R.S. 17 §285.1 (2010).

² See www.repealcreationism.com, a popular website promoted by Zack Kopplin, a former high school student at Baton Rouge Magnet High School, who has been pushing for the repeal since 2010; see also Letter from Barbara Forrest to the Senate Education Committee, Louisiana Coalition for Science (Apr. 28, 2013), available at asciencecoalition.org/2013/04/28/letter-to-senate-education-committee-sb-26/.

³ “Intelligent design” was unequivocally declared both unscientific and religious in *Kitzmiller v. Dover Area School District*, 400 F. Supp. 2d 707 (M.D. Pa. 2005).

⁴ See, e.g., *Science and Creationism: A View from the National Academy of Sciences* 28 (1999) (“The occurrence of evolution . . . is a fact. Scientists no longer question whether descent with modification occurred because the evidence supporting the idea is so strong. . . . The scientific consensus around evolution is overwhelming. Those opposed to the teaching of evolution sometimes use quotations from prominent scientists out of context to claim that scientists do not support evolution. However, examination of the quotations reveals that the scientists are actually disputing some aspect of *how* evolution occurs, not *whether* evolution occurred.”).

⁵ After the Act became law, state education officials drafted an interpretation of the policy explicitly prohibiting teachers from teaching intelligent design. But after pressure from conservative religious advocates, the same officials unanimously approved a version of the policy that excluded the prohibition. See Yudhijit Bhattacharjee, *Louisiana Creates: New Pro-Intelligent Design Rules for Teachers*, SCIENCE MAGAZINE (Jan. 15, 2009) available at <http://news.sciencemag.org/scienceinsider/2009/01/louisiana-creat.html> (last visited April 18, 2012).

school administrators to use “supplemental textbooks and instructional materials” *of their own choosing* to teach alternative religious theories on, among other things, evolution and the origins of life.⁶ The LSEA is purposely misleading—it purports to promote “critical thinking skills” and foster “open and objective discussion of scientific theories.” In reality, the LSEA’s most outspoken advocates encourage teaching Biblically-inspired creationism in science classrooms, and support the LSEA because it allows just that. Further, LSEA proponents falsely frame evolution as a “controversial” theory, rather than what it really is: a well-established scientific fact.

The LSEA Harms Public School Students

The LSEA harms public school students by promoting misinformation at the expense of science education, and wasting critical school resources and funding in the process. Strong elementary and secondary science education is critical to students’ overall academic achievement—which includes successfully graduating from high school and attending college⁷—and to creating a highly-skilled science and engineering workforce.⁸ Indeed, a 2011 National Assessment of Educational Progress (NAEP) report found poor performance by Louisiana students in the subject of science.⁹ In the study, 45% of eighth graders tested below the most basic level of science aptitude.¹⁰ Indeed, the average science scores in Louisiana were lower than the scores in all but three other states.¹¹ Clearly, Louisiana’s students are in dire need of stronger science education that will prepare them to compete on a national level. The LSEA significantly undermines this. It sets students back further, by allowing teachers to masquerade factually erroneous concepts as real science, with the support of public funding that would be better spent improving students’ science proficiency. In 2012, Shannon Lafont, former president of the Louisiana Science Teachers Association, wrote that the LSEA “does not support effective science teaching in Louisiana public schools ... [T]he legislation undermines years of work to improve the teaching and learning of science in our schools.”¹²

⁶ See John Farrell, *Creeping Creationism in Louisiana Public Schools?*, FORBES BLOG, (Nov. 10, 2010) available at <http://blogs.forbes.com/johnfarrell/2010/11/19/creeping-creationism-in-louisiana-public-schools/> (last visited April 18, 2012).

⁷ Teaching creationism as science harms students’ chances of obtaining college and advanced degrees, because it does not adequately prepare them to compete on a post-secondary level, where creationism is not accepted as legitimate science. See *Institute for Creation for Research Graduate Sch. v. Texas Higher Educ. Bd.*, 2010 WL 2522529 (W.D. Tex. 2010) (state education board properly rejected institute’s effort to certify science degree program with a major in science education from “a Biblical scientific creationist viewpoint” because such a degree did not adequately prepare students in the field of science education and ignored established scientific data); *Ass’n of Christian Schools Intern. v. Stearns*, 679 F. Supp. 2d 1083, 1113 (C.D. Cal. 2008) (state university’s admissions policy rejecting high school biology courses that used creationist biology texts was reasonable because the texts “[did] not adequately teach students the scientific principles, methods, and knowledge necessary for them to successfully study those subjects at [the college level].”).

⁸ See William Symonds, “America’s Failure in Science Education,” *BusinessWeek*, March 16, 2004 (accessible at http://www.businessweek.com/technology/content/mar2004/tc20040316_0601_tc166.htm (last visited April 18, 2012)).

⁹ NATIONAL CENTER FOR EDUCATIONAL STATISTICS, *SCIENCE 2011*, available at <http://nces.ed.gov/nationsreportcard/pdf/main2011/2012465.pdf>

¹⁰ *Id.*

¹¹ *Id.*

¹² Letter from Sharon Lafont to State Senator, Louisiana Coalition for Science (April 20, 2011), http://lasciencecoalition.org/docs/LSTA_Repeal_Support_Letter.pdf.

By failing to teach effective science, the economic implications for Louisiana's future workforce cannot be overstated. In 2011, when the New Orleans City Council voted unanimously to support the repeal effort, councilmember Kristin Gisleson Palmer said, "The [LSEA] inhibits science-focused students of all ages and inadequately prepares them for jobs in the science field. With the New Orleans Medical Corridor poised for tremendous growth, this law also profoundly impacts our ability to fill jobs in the cutting-edge science fields with students educated in our state's public schools."¹³

LSEA Harms Louisiana's Economy and National Reputation

The LSEA has already directly resulted in substantial lost revenue for Louisiana. In 2011, the Society for Integrative and Comparative Biology (SICB) planned to hold its annual weeklong meeting in New Orleans; but SICB decided to relocate its convention—which would have brought nearly 2000 participants to Louisiana—because its members believed that the LSEA "undermines the integrity of science and science education in Louisiana."¹⁴ Prior to the SICB's withdrawal, the president of the American Society for Biochemistry and Molecular Biology vowed that his organization would not hold any future meetings in Louisiana as long as the LSEA remains law.¹⁵ Louisiana cannot afford to lose these kinds of revenue sources.

Schools Can Be Sued for Teaching Creationism

The federal courts, including the U.S. Supreme Court, have consistently and repeatedly held that creationism in all its variations—such as, "creation science," "intelligent design," and other anti-evolution tactics—cannot be taught in public schools.¹⁶ A lawsuit challenging the LSEA could result in staggering legal fees at taxpayers' expense. In *Kitzmiller v. Dover Area School District*,¹⁷ where the court found a school board's intelligent design curriculum

¹³ New Orleans City Council May 5, 2011 Regular Meeting Summary, <http://www.nolacitycouncil.com/news/meetingsummary.asp?id={D5BF04A0-905F-4FAA-B525-9142A973504F}>; see also Cornelia Dean, *When Science Suddenly Mattered, in Space and in Class*, N.Y. TIMES (September 25, 2007) (linking the decline in science education to the "erosion of . . . America's strategic and economic security.").

¹⁴ Letter from Richard Satterlie to Governor Bobby Jindal, Society for Integrative and Comparative Biology (February 5, 2009), available at <http://www.sicb.org/resources/LouisianaLetterJindal.pdf>.

¹⁵ American Society for Biochemistry and Molecular Biology, President's Message (Aug. 2008), available at <http://www.asbmb.org/uploadedFiles/ASBMBToday/Content/Archive/ASBMBToday-August-2008.pdf>.

¹⁶ In *Epperson v. Arkansas*, 393 U.S. 97 (1968), the Supreme Court found it was unconstitutional to prohibit the teaching of evolution in public schools, because "the First Amendment does not permit the State to require that teaching and learning must be tailored to the principles or prohibitions of any [religion]." *Id.* at 106. Subsequently, in *Edwards v. Aguillard*, 482 U.S. 578 (1987), the Supreme Court invalidated a Louisiana statute requiring the "balanced treatment" of evolution and "creation science" in the public schools. The Court declared the law unconstitutional because its "preeminent purpose . . . was clearly to advance the religious viewpoint that a supernatural being created humankind." *Id.* at 591. See also *Freiler v. Tangipahoa Parish Bd. of Educ.*, 185 F.3d 337, 348 (5th Cir. 1999) (striking down an oral disclaimer casting doubt on evolution and referring to "biblical" alternatives); *Pelozo v. Capistrano Unified Sch. Dist.*, 37 F.3d 517, 522 (9th Cir. 1994) (holding that a science teacher was properly required by his school district to teach evolution and refrain from discussing his religious views); *Daniel v. Waters*, 515 F.2d 485, 491 (6th Cir. 1975) (striking down statute requiring schools teaching evolution to devote equal time to other theories, including Biblical account of creation); *Kitzmiller*, 400 F. Supp. 2d at 765-66 (holding that "intelligent design," an "untestable alternative hypothesis grounded in religion" cannot be taught alongside evolution in the science classroom, nor can evolutionary theory, "well-established scientific propositions," be misrepresented); *Selman v. Cobb County Sch. Dist.*, 390 F. Supp. 2d 1286, 1312 (N.D. Ga. 2005) (striking down a textbook disclaimer sticker telling students that evolution is "just a theory"), *vacated and remanded on procedural grounds*, 449 F.3d 1320 (11th Cir. 2006); *McLean v. Ark. Bd. of Educ.*, 529 F. Supp. 1255, 1258-64 (E.D. Ark. 1982) (holding that teaching creation science in public schools unconstitutionally advances religion).

¹⁷ 400 F. Supp. 2d 707 (M.D. Pa. 2005).

policy violated the U.S. Constitution, the school district ultimately paid more than \$1 million in legal fees incurred over the course of its unsuccessful litigation.¹⁸ Considering the current state of Louisiana's economy, especially its dire effect on Louisiana's public schools,¹⁹ that is far too high a price to pay.

Americans United is committed to protecting students' and parents' rights to have sound science, rather than religious belief, taught in public-school science classrooms. Accordingly, we urge you to support SB 26.

Thank you for your consideration of this important matter. If you have any questions regarding Americans United's position on this bill, please contact me at (202) 466-3234, x243 or at helgesen@au.org.

Sincerely,

Elise Helgesen
State Legislative Counsel

¹⁸ National Center for Science Education, *Kitzmiller v. Dover* Timeline, accessed at <http://ncse.com/creationism/legal/kitzmiller-v-dover-timeline> (last visited April 18, 2012).

¹⁹ Charles Lussier, *School systems battling budget woes*, THE ADVOCATE (August 7, 2011), available at <http://theadvocate.com/news/527958-63/school-systems-battling-budget-woes.html>.