



STATE OF LOUISIANA
DEPARTMENT OF EDUCATION
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TO: City, Parish, and other Local School Superintendents;
Recovery School District Superintendents; Special
School District Directors; and, Presidents of School Boards

FROM: Paul G. Pastorek

DATE: August 27, 2008

RE: Act 473 of the 2008 Regular Legislative Session

Please be advised that Act 473 of the 2008 Regular Legislative Session (see, attached), known as the "Louisiana Science Education Act", effective date June 25, 2008, requires the Board of Elementary and Secondary Education, upon the request of a city, parish, or local public school board, to assist teachers and school administrators to create and foster, within public elementary and secondary schools, an environment that promotes critical thinking skills, logical analysis, and open and objective discussion of scientific theories being studied.

BESE is required to provide assistance to teachers, upon the request of a city, parish, or other local public school board, including support and guidance regarding effective ways to help students understand, analyze, critique, and objectively review scientific theories being studied. BESE, through Department of Education (DOE) staff is currently developing such guidance.

Teachers are mandated to teach the material presented in the standard textbook supplied to them by their school system. However, they may also, as permitted by their city, parish, or other local public school board and if not otherwise prohibited by BESE, use supplemental textbooks and other instructional materials to help their students understand, analyze, critique, and review scientific materials in an objective manner.

The legislative intent is explicitly stated that Act 473 shall not be construed to promote any religious doctrine, promote discrimination for or against a particular set of religious beliefs, or promote discrimination for or against religion or non-religion.

In *Edwards v. Aguillard*, 482 U.S. 578, 107 S. Ct. 2573 (1987), the United States Supreme Court invalidated a Louisiana statute requiring the teaching of "creation science" whenever evolution was taught. The stated purpose of the act was to protect "academic freedom". The Court held that the statute impermissibly advanced religious doctrine in violation of the First Amendment's establishment of religion clause.

Similarly, in *Tangipahoa Parish Board of Education v. Freiler*, 530 U.S. 1251, 120 S. Ct. 2706 (2000), the United States Supreme Court let stand a decision by the U.S. Fifth Circuit Court of Appeals that affirmed that a school board policy mandating the reading of a disclaimer immediately before the teaching of evolution in elementary and secondary schools constituted an establishment of religion in violation of the First Amendment. The board's articulated purpose for adopting the disclaimer, i.e., to promote critical thinking by students on the subject of the origin

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of life, was found to be a sham. The disclaimer was found to be unconstitutional under both the Federal and Louisiana constitutions.

Religious theories cannot be advanced under the guise of encouraging critical thinking. Written materials or oral presentations that teach creationism or intelligent design or that advance the religious belief that a supernatural being created humankind or that state that evolution is only a theory are prohibited. "Academic freedom" does not encompass the structuring of public school curriculum in order to promote religious beliefs.

The current Act requires that BESE as well as each city, parish, or other local public school boards adopt and promulgate rules and regulations necessary for implementation prior to the 2008-2009 school year. BESE, through DOE staff, is currently drafting such policy additions to be set forth in Bulletin 741, the Louisiana Handbook for School Administrators. Due to time that rule-making takes under the Administrative Procedures Act, it is not possible for such regulations to be promulgated prior to the 2008-2009 school year. However, it is our intent, through the sending of this letter, to notify you of the requirements and prohibitions of Act 473 and to assure you that, upon the request of a city, parish, or other local public school board, we will offer support and guidance as required by law.

If you have any questions or need further information regarding this matter, please feel free to contact Nancy Beben, Director of the Division of Curriculum Standards, directly at (225) 219-0835, or you may use the DOE toll-free number, (877) 453-2721.

c: Ollie Tyler, Deputy Superintendent of Education
Patrick Dobard
Joe Salter
James Hrdlicka
Nancy Beben