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Creationists Continue to Dictate BESE Science Education Policy

Baton Rouge, LA, September 28, 2009 — On September 16, the Board of Elementary and Secondary Education ignored the recommendations of science education professionals in the Louisiana Department of Education (DOE) and allowed the Louisiana Family Forum (LFF), a Religious Right lobbying group, to dictate the procedure concerning complaints about creationist supplementary materials used in public school science classes under the 2008 Louisiana Science Education Act (LSEA). At BESE's September 16 Student/School Performance and Support (SSPS) Committee meeting, DOE presented recommendations for reviewing such materials (see attached DOE proposal). However, DOE's recommendations were amended to include changes proposed by SSPS Committee chair Dale Bayard, the LFF's point man at BESE (see attached draft). BESE committee members approved the changes without opposition after hearing testimony by creationists who attended the meeting. As a result, the prerogatives of the DOE professional science education staff have been severely undermined, as explained below. The audiotape of the meeting shows that Bayard and the LFF pulled off a royal snow job at this meeting.

LFF director Rev. Gene Mills, whose own children do not attend public schools, attended the meeting but did not speak (see <http://www.2theadvocate.com/opinion/41721002.html>). Among the creationists testifying was University of Louisiana-Lafayette professor John W. Oller, Jr., who is a member of the "Technical Advisory Board" of the young-earth creationist Institute for Creation Research in Dallas, Texas (http://www.icr.org/research/tech_adv_board/). He wrote anti-evolution articles for ICR's magazine, *Impact*, for almost twenty years (<http://snipurl.com/s5f65>). Oller's field is linguistics; he has no credentials in either biology or science education (<http://speechandlanguage.louisiana.edu/facultystaff/oller.shtml>). In December 2002, he participated in the LFF's effort to have evolution disclaimers inserted into state-approved biology textbooks (*Advocate*, 12/11/2002), a move that BESE at that time fortunately defeated by a 7-3 vote (<http://www.ncseweb.net/news/2002/12/louisiana-rejects-evolution-disclaimer-00276>). Also testifying at the September 16 meeting was Charles Voss, vice-president of the creationist Origins Resource Association, who attempted in 1994 to persuade the Livingston Parish School Board to adopt a creationist curriculum guide (see <http://74.185.192.97/> and <http://www.textbookleague.org/83combt.htm>). LFF "consultant" Darrell White, who was also involved in the 2002 disclaimer effort and who promotes creationism on his website (<http://www.judgewhite.com/origins/index.html>), testified, as did Wade Warren, a creationist at Louisiana College who works cooperatively with the Discovery Institute (DI), the creationist think tank in Seattle, WA, that helped write the LSEA. (See DI's interview with Warren at http://www.idthefuture.com/2008/06/louisiana_circadian_rhythms_an.html.) Lenni Ditoro, who testified last year in favor of the LSEA before the Senate Education Committee, also spoke in favor of the changes to the DOE proposal. Ditoro is the former head of the LFF's "Education Resource Council." Oklahoma creationist Donald Ewert was brought in from out of state to testify. Ewert is a signatory to the Discovery Institute's "Scientific Dissent from Darwinism" (<http://www.dissentfromdarwin.org/>); his name appears on a list of "Intellectual Doubters of Darwinism" at the creationist IDEA Center website (<http://www.ideacenter.org/contentmgr/showdetails.php/id/1207>). In Oklahoma, Ewert promoted "academic freedom" legislation similar to the LSEA (SSPS audiotape, 9/16/09). He was involved in the creationist effort to influence state science standards in Texas in March 2009 (see below).

In its recommendation to the SSPS Committee, DOE proposed that, when a complaint about supplementary materials is filed, "the DOE will select three reviewers" who "should be experts" capable of determining whether the contested materials meet the necessary criteria for use in public school science classes. A meeting would be held in which both the complainant and the LEA (Local Education Agency, i.e., the school district) and their chosen representatives would present their positions and answer

reviewers' questions. Then, according to the DOE's proposal, "the DOE will consider the report of the reviewers and make recommendations to BESE." Further, the proposal specified that "the DOE may elect to support, reject or modify the recommendations of the reviewers or may substitute its own recommendation" to BESE. In short, DOE professionals, exercising their professional judgment, would do their jobs properly and preserve the integrity of Louisiana's science curriculum.

However, on September 16 the LFF sought and obtained from BESE's SSPS Committee a substantial change in the complaint procedure that diminishes the influence of DOE's professional staff. As the revised draft of the complaint procedure now reads, "The DOE shall have the opportunity to appoint two reviewers of the materials. The challenger, the LEA, and the publisher (if any) shall each have the opportunity to appoint one reviewer of the materials." Furthermore, rather than allowing DOE to consider the reviewers' reports and then make its recommendation to BESE, the revised draft now requires that "the DOE will forward the reports of the reviewers to BESE," even though "the DOE may elect to make its own recommendation." Consequently, the prerogative of DOE professionals to handle the review process and make a recommendation to BESE has been seriously undermined.

There is no guarantee that the three non-DOE reviewers, especially the school district's and the publisher's appointees, will have the requisite expertise to evaluate contested materials. A school district that permits the use of creationist materials is likely to choose a creationist reviewer. The publisher of creationist materials is virtually certain to choose a creationist. Moreover, the involvement of the LFF in the response to such complaints is a certainty. Charles Voss has "published" on the Internet creationist supplementary materials that he calls "Textbook Addenda" (<http://textaddons.com/>), which the LFF promotes on its website as among the "many practical alternatives available today to the uncritical teaching of evolutionism" (<http://www.lafamilyforum.org/critical-thinking>). BESE's amended complaint procedure guarantees that a creationist such as Voss himself or his supporters will be allowed to review their own materials. In fact, at the September 16 meeting, John Oller actually spoke in favor of a process that "provides the opportunity for people to produce supplementary materials along the lines that Dr. Voss has done" (audiotape of SSPS Committee meeting, 9/16/09). The same holds for reviewers appointed by publishers of materials such as the Discovery Institute's stealth creationist textbook, *Explore Evolution*, and its creationist DVDs, which LFF also promotes on its website. (See <http://lasciencecoalition.org/2008/09/27/explore-evolution/> and <http://lasciencecoalition.org/2009/07/26/louisiana-stealth-creationist-materials/>.) Such reviewers would be manifestly unqualified to render judgments concerning materials for use in Louisiana's public schools.

In short, as BESE's complaint procedure is now drafted, DOE's expert reviewers will be in the minority, and DOE staff will not be allowed to independently assess the reviewers' reports but must instead transfer the reports directly to BESE for evaluation. Judging from BESE members' consistent concessions to LFF creationists concerning the implementation of the LSEA, their evaluations will be unlikely to favor scientific expertise and professionalism. On the contrary, BESE's actions since the passage of the LSEA indicate that the board will rubber-stamp anything that Bayard and the LFF recommend. The approved procedure will enable creationists and their allies to turn every complaint about creationist materials into a dog and pony show that they can manipulate and exploit. There are precedents for this tactic in other states.

In Kansas in 2005, creationists bogged down the revision of state science standards that were sent out for external review by the creationist-dominated Kansas Board of Education (<http://www.ncseweb.net/news/2005/08/flawed-draft-kansas-standards-out-review-00646>). They then staged a "kangaroo court" composed of creationists who testified about the standards before members of the state board (<http://www.alternet.org/story/22042/>). Earlier this year, creationists on the Texas Board of Education appointed their own "experts" (i.e., creationists) to the review panel charged with evaluating the draft of state science standards. At a hearing in March, Ewert presented pro-creationist testimony

before the Texas Board of Education, just as he did at the SSPS Committee meeting on September 16 (SSPS Committee audiotape, 9/16/09). His Texas testimony is referenced on the Discovery Institute website by DI staffer Casey Luskin, who traveled to Louisiana to attend the May 21, 2008, House Education Committee hearing on the LSEA (http://www.evolutionnews.org/2009/04/julie_berwalds_bluffs_refuted.html). Wade Warren also testified before the Texas Board of Education. As a result of these efforts in Texas, creationist code language is now embedded in the standards and will remain for an entire decade until the next revision. The LFF is using a similar tactic in order to control the policy implementing the LSEA, which they authored with assistance and legal advice from the Discovery Institute (<http://lasciencecoalition.org/2009/07/23/2009-mid-year-review-louisiana-science-education-act/>).

The September 16 concession is the second time that BESE has allowed the LFF to dictate public school science education policy. On January 13, 2009, BESE voted 10-0 to delete vital safeguards against the teaching of creationism from the policy governing Louisiana school administrators in their implementation of the LSEA. In that case, too, the expert recommendations of the DOE were ignored. The very next day, on January 14, Mills told a religious news service that “Louisiana is open for business.” (See <http://lasciencecoalition.org/2009/01/25/louisiana-open-for-business>.) This creationist-friendly policy is now in effect in Bulletin 741, the *Louisiana Handbook for School Administrators*. (See Bulletin 741, August 2009, p. 45, at <http://www.doa.louisiana.gov/osr/lac/28v115/28v115.doc>.) The September 16 draft of the complaint procedure will expand this policy.

The passage of the LSEA — and BESE’s subsequent adoption of whatever policies the creationists at the LFF dictate — have damaged Louisiana’s already tarnished image in the rest of the country. In fact, these actions have done tangible harm to the state. In February 2009, the Society for Integrative and Comparative Biology (SICB) notified Gov. Jindal that the SICB will hold its 2011 convention in Utah rather than New Orleans because of his signing the LSEA (<http://lasciencecoalition.org/2009/02/14/repercussions-in-louisiana/>). SICB will boycott Louisiana as long as the LSEA remains on the books. In August 2008, the president of the American Society for Biochemistry and Molecular Biology, which met in New Orleans in April 2009, had already called for scientists to protest such decisions “with our feet and wallets”:

I think we need to see to it that no future meeting of our society will take place in Louisiana as long as that law stands, nor should we hold it in any other state (are you listening, Michigan and Texas?) that passes a similar law. And I call upon the presidents of the American Chemical Society, the American Association of Immunologists, the Society for Neuroscience, and all the other scientific societies around the U.S. and the world, to join me in this action and make clear to the state legislators in Louisiana, the governor of the state, and the mayor and business bureau of New Orleans that this will be the consequence. (*ASBMB Today*, August 2008, <http://a-cdn.dashdigital.com/asbmbtoday/200808/data/asbmbtoday200808-dl.pdf>)

In June, concerned citizens and scientists from across Louisiana sent dozens of letters to BESE asking board members to restore the integrity of the policy that had been gutted in January. Their requests were ignored. Rather than restoring the protections against teaching creationism that the DOE had initially written into the policy, BESE published the policy in Bulletin 741 without the necessary safeguards.

With the SSPS Committee’s approval of the pro-creationist complaint procedure on September 16, BESE has once again allowed the LFF to dictate policy governing science education in Louisiana.

Louisiana Coalition for Science is a grassroots group working to protect the teaching of science in Louisiana. On the web at <http://lasciencecoalition.org>.

Contact: Barbara Forrest / barbara.forrest@gmail.com / 985-974-4244

<http://www.doe.state.la.us/LDE/uploads/12570.pdf> 9.16.09

LOUISIANA DEPT. OF EDUCATION PROPOSED PROCEDURE FOR FILING COMPLAINTS CONCERNING
SUPPLEMENTAL MATERIALS UNDER THE LOUISIANA SCIENCE EDUCATION ACT OF 2008

SEE PP. 2, 19, and §2304 (LAST PAGE),



**BOARD
of
ELEMENTARY
and
SECONDARY
EDUCATION**

**STUDENT/SCHOOL PERFORMANCE and
SUPPORT COMMITTEE**

Claiborne Building
Room 1-100, The Louisiana Purchase Room
1201 N. 3rd Street, Baton Rouge, LA 70802

**Wednesday, September 16, 2009
1:00 p.m.**

(NOTICE: This meeting may be convened up to 30 minutes prior to the posted schedule to facilitate the orderly conduct of business.)

**STUDENT/SCHOOL PERFORMANCE AND SUPPORT
COMMITTEE**



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Room 1-100, the Louisiana Purchase Room
1201 N. Third Street, Baton Rouge, LA 70802
Wednesday, September 16, 2009
1:00 p.m.**

(Notice: This meeting may be convened up to 30 minutes prior to the posted schedule to facilitate the orderly conduct of business)

Committee Members

Chair, Mr. Dale Bayard

Vice-Chair, Mr. John Bennett

Member, Mr. Chas Roemer

LDE Liaisons

Ms. Donna Nola-Ganey

Dr. Scott Norton

BESE Staff

Ms. Shan Davis

Ms. Nina Ford

Ms. Robyn Jenkins

AGENDA

NOTICE: The Louisiana State Board of Elementary and Secondary Education or its committees reserve the right to enter into Executive Session, if needed, in accordance with R.S. 42:6.1.

In accordance with the Americans with Disabilities Act, if you need special assistance at a public meeting of the Board of Elementary and Secondary Education, please contact the Executive Director of BESE at 225-342-5840, or by email at sbese@la.gov, describing the assistance that is necessary.

- I. Call to Order
- II. Roll Call
- III. **CONSENT AGENDA (including other items indicated by * on the agenda)**

A. Informational Reports

pg. 1

1. Consideration of a report on elementary and/or secondary elective courses, including nonpublic electives. (Reports on public school electives are presented in September and January. Reports on nonpublic electives are presented in October.)

pg. 2

2. Consideration of a semiannual report on approved alternative schools. (reports due in January and June)

pg. 4

3. Consideration of a semiannual report on approved alternative programs. (reports due in January and June)

4. Consideration of an update report on LEAP, GEE, and iLEAP testing. (reports due in October, March, and May)

None

pg. 6 5. Consideration of a report on School Choice Plans. (reports due in September, January, and May)

B. Administrative Actions

pg. 7 1. Consideration of requests from local education agencies for waivers of policy contained in Bulletins, submitted by the State Superintendent of Education. (monthly)

pg. 16 2. Consideration of Textbook Waiver Requests. (monthly)

pg. 17 3. Consideration of approval of nonpublic school academic classifications.

IV. **STANDING ITEMS**

A. Issues regarding content standards, including Grade Level Expectations, Textbooks, and Curriculum

pg. 19 1. Consideration of approval of procedural rules for implementing the Science Education Act.

pg. 21 2. Consideration of policy revisions related to the solicitation and receipt of free items with textbook orders. (referred to the Parish Superintendents' Advisory Council, June 2009)

pg. 22 3. Consideration of revisions to the textbook adoption cycle to accommodate the revision of science standards.

B. Accountability issues

pg. 24 * 1. Consideration of the Department recommendations concerning the proper use of Distinguished Educators, including proposed policy language granting the Distinguished Educators authority.

pg. 25 * 2. Consideration of the removal of all PreK-2 schools from the current accountability program. (referred to the School and District Accountability Commission, March 2009)

pg. 28 * 3. Consideration of the fall preliminary accountability release and LEA compliance with ESEA concerning parental notification of school choice and supplemental educational services.

pg. 31 4. Consideration of the release of accountability results for alternative schools and compliance with ESEA.

C. Assessment issues

- pg. 32 * 1. Consideration of a report regarding the cost of moving the LEAP test to the week after Easter and the cost of administering the writing portion of the English Language Arts exam earlier in the year.
- pg. 33 2. Consideration of changes to Bulletin 118: Statewide Assessment Standards and Practices.
- pg. 44 3. Consideration of revised testing dates for 2009-2010 and testing dates for 2010-2011.
- pg. 48 * 4. Consideration of the Spring 2009 Nongraduating Senior Survey Report.

D. Special Education and Section 504 issues

- pg. 53 * 1. Consideration of revisions to Bulletin 1706, Subpart B, *The Regulations for the Gifted and Talented Students*. (September 2009)
- pg. 56 * 2. Consideration of the Department's determination by the US Department of Education's Office of Special Education Programs.

E. Preschool and Early Childhood issues

None

F. Adult Education issues

None

G. School and Community Support issues

- pg. 61 1. Consideration of revisions to Bulletin 1179, *Driver Education, Traffic Safety, and Administrative Guide*.
- pg. 63 2. Consideration of revisions to Bulletin 741, *Louisiana Handbook for School Administrators* to include changes relative to non-complex health procedures
- pg. 66 3. Consideration of revisions to Bulletin 741, *Louisiana Handbook for School Administrators* to include the requirements of legislation regarding instruction relative to the safe haven relinquishment law.
- pg. 68 4. Consideration of revisions to Bulletin 741, *Louisiana Handbook for School Administrators* to implement the requirements of legislation regarding medication administration to public school students.

H. Alternative Schools/Programs

None

V. **REFERRALS**

A. Unfinished Business

1. Consideration of tracking efforts to improve high priority/high needs schools by compiling a list of programs, funding, and other LDE activities, such as professional development, that are targeted to each of these schools.

2. New Business.

None

VI. **PUBLIC COMMENTS REGARDING NOTICES OF INTENT** (submitted in accordance with La. R.S. 49:953).

None

pg. 71

<input type="checkbox"/> Receive & Refer <input checked="" type="checkbox"/> Action <input type="checkbox"/> Information	Contact Person: <u>Nancy Beben</u> Phone Number: <u>342-1152</u> Office: <u>Student and School Performance</u>
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Student /School Performance and Support COMMITTEE AGENDA

Item # IV.A.1 Title: Consideration of approval of procedural rules for implementing the Science Education Act.

RECOMMENDATION: Approve

Summary of recommendation or proposed changes:

Policies for the implementation of Act 473 of the 2008 Louisiana Legislative Session have already been approved by BESE. The attached procedures were developed to ensure a fair and thorough review of any challenge brought by a citizen of Louisiana regarding materials being used in a district. Legal counsel for the department has determined that the procedures should also be part of the policy and should have BESE approval.

Implications of proposed recommendation -- benefits and problematic areas:

No problematic areas noted.

<input checked="" type="checkbox"/> Notice of Intent <input type="checkbox"/> Emergency Adoption -- Reason: <input checked="" type="checkbox"/> Bulletin Item: Bulletin 741	<input type="checkbox"/> Administrative Code <input type="checkbox"/> Code Reference: <input type="checkbox"/> Authority Note:
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Nancy Beben *NB*
 Division Director

Scott M. Antin
 Assistant Superintendent

Debbie S. Taylor
 Deputy Superintendent

[Signature]
 State Superintendent

2304. Science Education

A. – D. ...

E. The following procedure shall be followed for complaints filed about supplemental materials used in a science classroom.

1. Any Louisiana citizen may challenge materials used by an LEA by submitting a complaint to the Division of Curriculum Standards of the DOE for consideration by BESE. The complaint should contain the reasons for the challenge and cite evidence to substantiate the challenge. The complaint should be sent to the Director of Curriculum Standards.

2. The DOE will notify the LEA using the supplementary material that the complaint has been filed and will provide the LEA with a copy of the complaint. The DOE will request from the LEA a copy of the supplementary materials in question.

3. The DOE will select three reviewers and will provide the reviewers with copies of the supplementary materials and the complaint. The reviewers should be experts who are capable of determining if the materials are grade-level appropriate, if the materials are scientifically sound and supported by empirical evidence, and if the materials do not promote any religious doctrine.

4. The DOE will determine a time and location for a meeting. The DOE will notify the LEA, the complainant, and the reviewers of the date, time, and location. The LEA and the complainant may bring others with them to the meeting.

5. At the meeting, the LEA and the complainant and/or the representatives of each side will explain their positions. The reviewers may ask questions. All reviewers will complete a form indicating that the materials do or do not violate each of the following provisions and include explanations for their recommendations:

a. The supplementary materials are grade-level appropriate.

b. The information contained in the supplementary materials are scientifically sound and supported by empirical evidence.

c. The materials shall not promote any religious doctrine, promote discrimination for or against a particular set of religious beliefs, or promote discrimination for or against religion or nonreligion.

6. The DOE will consider the report of the reviewers and make recommendations to BESE. The DOE may elect to support, reject or modify the recommendations of the reviewers or may substitute its own recommendation. The DOE will notify the LEA and the complainant of the date and time when the recommendations will be presented to BESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:285.1.

BESE Draft Complaint Procedure*
Approved by the Student/School Standards and Performance Committee
Baton Rouge, LA
September 16, 2009

On motion of Mr. Bayard, seconded by Ms. Dastugue, Board approved as Notice of Intent the following revisions to Bulletin 741, *Louisiana Handbook for School Administrators*: §2304. Science Education, as amended:

2304. Science Education

A – D. . . .

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6. **The DOE will forward the reports of the reviewers to BESE. The DOE may elect to make its own recommendation. The DOE will notify** the challenger, the LEA, and **the publisher** of the date and time when the recommendations will be presented to BESE for consideration.

* Statements in red bold are the SPS Committee's changes to the DOE proposal.