

FREEDOM FROM RELIGION *foundation*

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August 2, 2011

SENT VIA FAX & US MAIL
(937) 748-3956

Don Miller
President
Springboro Community City Schools Board of Education
1685 S Main St
Springboro OH 45066

Re: Injecting Creationism into Public Schools

Dear Mr. Miller and Members of the Board:

Our national organization, which works to protect the constitutional principle of separation between state and church, was notified recently that the Springboro Community City Schools Board of Education (Board) may consider including creationism as part of the curriculum. The Freedom From Religion Foundation (FFRF) is a national nonprofit organization with over 16,600 members across the country including nearly 450 members in Ohio.

It is our information and understanding that some members of the Board are considering including creationism in the curriculum for Springboro Community City Schools. Board Member Kelly Kohls was recently quoted in the paper stating "Creationism is a significant part of the history of this country ... It is an absolutely valid theory and to omit it means we are omitting part of the history of this country." Christopher Magan and Lawrence Budd, *A Push for Creationism Gains in Springboro*, Dayton Daily News, August 1, 2011.

It is well settled that public schools may not advance or promote religion. *See generally, Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Epperson v. Arkansas*, 393 U.S. 97 (1967); *Sch. Dist. of Abington Twshp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962).

Public schools are prohibited from teaching creationism or "intelligent design." Courts have routinely found that such teachings are religious and unconstitutional. The Supreme Court struck down a requirement that teachers educate students on "scientific creationism." *Edwards v. Aguillard*, 482 U.S. 578, (1987). The Supreme Court and

federal courts have consistently rejected the promotion of creationism in the public schools:

- *Epperson v. Arkansas*, 393 U.S. 97 (1968) (School officials may not prohibit the teaching of evolution.)
- *Freiler v. Tangipahoa Parish Bd. of Educ.*, 201 F.3d 602 (5th Cir. 2000)(disclaimer read before teaching evolution violated Establishment Clause);
- *Peloza v. Capistrano Unified School District*, 37 F.3d 517 (9th Cir. 1994)(School could prohibit teacher from teaching creationism, finding that “to permit him to discuss his religious beliefs with students during school time on school grounds would violate the Establishment Clause.”)
- *Webster v. New Lenox Sch. Dist. No. 122*, 917 F.2d 1004 (7th Cir. 1990)(School board could limit teacher’s comments on creationism because board had the responsibility to ensure that the teacher was not “injecting religious advocacy into the classroom.”)
- *Kitzmiller v. Dover Area Sch. Dist.*, 400 F.Supp. 2d 707 (M.D. Pa 2005)(policy requiring students to hear statement that intelligent design is alternative to Darwin’s theory of evolution violates Establishment Clause).
- *McLean v. Arkansas Bd. of Ed.*, 529 F.Supp. 1255 (D.C.Ark., 1982)(Arkansas Board of Education was permanently enjoined from taking actions that would allow instruction on creationism pursuant to a state statute because to do so violated Establishment Clause)

It is wildly inappropriate for the religious beliefs of a few school board members to be pushed on a captive audience of public school students. Such a practice alienates those teachers and students who practice other religious faiths, those who are nonreligious, and those who believe that science and religion are compatible. Any Board member who feels passionately about the merits of creationism is free to teach that viewpoint to his/her own children or to ask that it be taught in his/her church. The public at large need not be involved.

We ask that the Board reject any irresponsible proposal to inject religious dogma into the science curriculum. Should such an unlawful proposal be enacted, the District inevitably will be embroiled in a costly losing battle. Precious taxpayer monies as well as constitutional principles must be protected. We further request a response in writing at your earliest convenience regarding the steps that the Board has taken to ensure that the religious tenets of creationism are not adopted into Springboro secular public schools.

Sincerely,



Rebecca S. Markert
Staff Attorney