

FREEDOM FROM RELIGION *foundation*

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SENT VIA EMAIL & U.S. MAIL: ellisSBOE@gmail.com

Keven Ellis
Chair
Texas State Board of Education
1701 N. Congress Ave.
Austin, TX 78701

Re: Refusal to adopt accurate science textbooks

Dear Chair Ellis and Board of Education members:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) to urge you to adopt textbooks that meet the Texas state science standards and teach the truth about evolution and the human impact on climate change. FFRF is a national nonprofit organization with more than 40,000 members across the country, including more than 1,700 members and a local chapter in Texas. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned Texas resident has reported that the Board voted on November 14 to withhold preliminary approval for science textbooks from more than half of the submissions it received this year.¹ It is our understanding that the reason for withholding approval from these textbooks is that they accurately discuss evolution and climate change in compliance with the Texas state science standards and as they are understood by the scientific community.

The Board reportedly refused to approve a high school biology textbook because it does not teach biblical creationism alongside evolution.² The Board also refused to approve a textbook because a lesson asked students to talk to their parents about “future weather and climate extremes” in the context of climate change. We understand that Board member Evelyn Brooks objected to one book’s presentation of evolution, which she said is one among many theories about life on earth.³ “It’s one thing to teach it as a theory in comparison with other theories in the origin of life.... Children should be able to make up their own opinion, form their own opinion on both theories.”⁴

¹www.kxan.com/news/texas-education-board-rejects-climate-change-lessons-in-textbooks/

²www.statesman.com/story/news/education/2023/11/14/state-education-board-disputes-climate-change-evolution-in-textbooks/71582379007/

³www.statesman.com/story/news/education/2023/11/14/state-education-board-disputes-climate-change-evolution-in-textbooks/71582379007/

⁴ *Id.*

Texas students deserve textbooks that meet Texas' standards and accurately teach the truth about evolution and other science topics. Teaching creationism alongside evolution and letting students "make up their own mind" would be no different than teaching both that the earth is flat and round and letting students decide which is true, or both the heliocentric and geocentric models of the solar system and letting students decide what is real. We urge the Board to do what is best for Texas' students and adopt textbooks that meet the Texas state science standards and teach the truth about evolution and the human impact on climate change.

As the overseers of public schools in Texas, you have a duty to ensure that instructional materials are accurate and do not promote a particular religious viewpoint. "[T]he discretion of the States and local school boards in matters of education must be exercised in a manner that comports with the transcendent imperatives of the First Amendment." *Edwards v. Aguillard*, 482 U.S. 578, 583 (1987) (finding unconstitutional a statute allowing the teaching of creationism, a religious belief, in classrooms). The Supreme Court in *Edwards* recognized that "[f]amilies entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family." *Id.* at 584.

Teaching creationism or any of its offshoots, such as intelligent design, in Texas' public schools is unlawful, because creationism is not based in fact. Courts have routinely found that such teachings are religious, despite many new and imaginative labels given to the alternatives. Federal courts consistently reject creationism and its ilk, as well as attempts to suppress the teaching of evolution, in the public schools:

- *Epperson v. Arkansas*, 393 U.S. 97 (1968) (holding that school officials may not prohibit the teaching of evolution);
- *Freiler v. Tangipahoa Parish Bd. of Educ.*, 201 F.3d 602 (5th Cir. 2000) (holding that reading a disclaimer before teaching evolution violates the Establishment Clause);
- *Pelozo v. Capistrano Unified Sch. Dist.*, 37 F.3d 517 (9th Cir. 1994) (holding school's prohibition on teaching creationism valid because permitting a teacher "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) (holding school board's prohibition on teaching "creation science" valid because the board had a 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) (holding that a policy requiring students to hear a statement that intelligent design is alternative to Darwin's theory of evolution violates the Establishment Clause);
- *McLean v. Arkansas Bd. of Ed.*, 529 F. Supp. 1255 (D.C. Ark., 1982) (striking down a state statute mandating "balanced treatment for creation science and evolution science" because it violated the Establishment Clause).

Every attempt to smuggle religion into science classrooms by means of "alternative theories" has failed. Any theory that "depends upon 'supernatural intervention,' which cannot be explained by

natural causes, or be proven through empirical investigation, and is therefore neither testable nor falsifiable” is “simply not science.” *Dover*, 400 F. Supp. 2d at 717 (quoting *McLean*, 529 F. Supp. at 1267). Creationism, intelligent design, and other claims of supernatural intervention in the origin of life or of species subordinate observed data to statements based on authority, revelation, or religious belief. Documentation offered in support of these claims is typically limited to the special publications of their advocates. These publications do not offer hypotheses subject to change in light of new data, new interpretations, or demonstration of error. This contrasts with science, where any hypothesis or theory always remains subject to the possibility of rejection or modification in the light of new knowledge. *Id.* at 737.

Evolution, like gravity, is a scientific fact. Teaching that there is a scientific controversy about the validity of evolution is akin to teaching astrology with astronomy or alchemy beside chemistry. Representing unconstitutional discarded misconceptions as scientific facts does a great disservice to the scientific literacy of Texas students, and students around the country who may be affected by Texas’ textbook choices. No controversy exists in the scientific community regarding the fact of evolution, and the teaching of alternative theories or a controversy is not only inappropriate and dishonest, it is unconstitutional. Time and again courts exposed these alternative theories as an attempt to foist religious beliefs onto vulnerable schoolchildren, often after a costly legal battle.

There is similarly no longer any reasonable controversy regarding the reality of climate change.⁵ Just this week, a new national report connected human-caused climate change with extreme weather events. It is imperative that Texas schools keep students well informed on this topic to build resilience against the rampant flood of disinformation they will undoubtedly face.

State education exists to cultivate the minds of young students and promote independent thinking—in short, to educate, not to indoctrinate. The Texas State Board of Education is a public entity and must make its decisions based on facts, accuracy, and expertise, not on political or religious ideology. It should not be using religious beliefs to determine the content of its approved textbooks. Putting religious beliefs over reality is particularly alienating towards non-religious students. About a third of U.S. teens (32 percent) say they are religiously unaffiliated, including 6 percent who describe themselves as atheists, 4 percent who are agnostics and 23 percent who say their religion is “nothing in particular.”⁶ Non-religious Americans are the fastest growing segment of the U.S. population by religious identification—35 percent of Americans are non-Christians, and this includes the more than three-in-ten adult Americans (29 percent) who are now religiously unaffiliated.⁷ A recent study found that 49 percent of Generation Z are religiously unaffiliated.⁸

⁵ <https://www.noaa.gov/news-release/climate-change-impacts-are-increasing-for-americans>

⁶ *Religious affiliation among American adolescents* Pew Research Center (Sep. 10, 2020), available at www.pewresearch.org/religion/2020/09/10/religious-affiliation-among-american-adolescents/.

⁷ *About Three-in-Ten U.S. Adults are Now Religiously Unaffiliated* Pew Research Center (Dec. 14, 2021), available at www.pewresearch.org/religion/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/.

⁸ 2022 Cooperative Election Study of 60,000 respondents, analyzed by Ryan P. Burge www.religioninpublic.blog/2023/04/03/gen-z-and-religion-in-2022/.

In order to provide Texas' students with the best possible education, it is necessary that the Board base its textbook approval decisions on Texas' secular science standards, which are based on truth, accuracy, and expertise.

Sincerely,



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