

December 14, 2007

Florida Board of Education
325 Gaines Street, Suite 1514
Tallahassee, FL 32399

RE: Proposed Florida Science Standards

Dear Board Members :

We applaud the efforts of those who have worked hard to develop the widely-praised standards currently proposed for the teaching of science in the public schools of Florida. As head of the American Civil Liberties Union of Florida's Religious Freedom Project, I write to urge the state to adopt sound teaching standards that avoid the unconstitutional endorsement of religion. The desire to inject particular religious beliefs into the science classroom is divisive, unconstitutional, and weakens the state's credibility as educators.

Persons of faith differ widely in their beliefs about the origins of the universe and life on earth. When one group seeks to have its religious beliefs taught in public schools, the result is discord and, frequently, costly legal liability. As the Supreme Court has explained, the "preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere," for "religious beliefs and religious expression are too precious to be either proscribed or prescribed by the State."¹ Parents — not schools — have the right to direct the religious upbringing of their children.

Our nation is becoming more and more religiously diverse, and Florida's students and their families are no exception. One specific religion's view of the origins of life should not be taught to the exclusion of others. Doing so sends the message to those who disagree "that they are outsiders, not full members of the [school] community, and an accompanying message to adherents that they are insiders, favored members of the [school] community."² Florida should avoid going down the path that has tripped up so many jurisdictions in the past.

¹*Lee v. Weisman*, 505 U.S. 577, 589 (1992).

²*Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309-10 (2000) (quotes omitted).

The federal courts, including the U.S. Supreme Court, have consistently and repeatedly held that creationism in all its variations (“creation science,” “young-earth creationism,” “intelligent design,” and other anti-evolution doctrines) cannot be taught in the public schools. In *Epperson v. Arkansas*,³ the Supreme Court struck down a state statute barring the teaching of evolution in public schools, explaining that “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].”⁴ Subsequently, in *Edwards v. Aguillard*, 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.”⁵

In a very thorough opinion, a federal court recently rejected a school board’s attempt to impose creationism’s most recent guise, “Intelligent Design,” into the science classroom. The opinion in *Kitzmiller v. Dover Area Sch. Dist.*⁶ is well worth reading in its entirety for its thorough discussion of (1) why Intelligent Design is religion, not science; (2) why the Constitution forbids the teaching of religion in the public school science curriculum; and (3) why many people of faith are troubled by having their children forced to learn religious doctrines in public school that conflict with the religious teachings they receive at home and in their churches and temples. The judge excoriated the school board for dragging the district into a “legal maelstrom, with its utter waste of

³393 U.S. 97 (1968).

⁴*Id.* at 106.

⁵482 U.S. 578, 591 (1987).

⁶400 F. Supp. 2d 707 (M.D. Pa. 2005). 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); *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 for further factual findings* by 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).

monetary and personal resources.”⁷ Ultimately, the citizens of Dover voted out the school board members who sought to impose their religious beliefs upon others.

Further, injecting religious doctrine into the science classroom will weaken Florida’s reputation for science education. Science is a systematic method of explaining natural phenomena through observation, collection of evidence or data, and experimental investigations. Evolution is a well-supported theory drawn from a variety of sources of data, including observations about the fossil record, genetic information, the distribution of plants and animals, and the similarities across species of anatomy and development. By contrast, “[c]reationism, intelligent design, and other claims of supernatural intervention in the origin of life or of species are not science because they are not testable by the methods of science.”⁸ Teaching creationism “threaten[s] . . . students’ understanding of the biological, physical, and geological sciences” and “deprive[s] students of the education they need to be informed and productive citizens in an increasingly technological, global community.”⁹

Not only would introducing religious beliefs into the Florida science standards be unconstitutional, but also it would be bad policy that infringes on students’ religious freedom and further undermines Florida’s reputation for science education. For all these reasons, we urge those who wish children to learn about a universe created by a supernatural being to teach them in their homes and places of worship – but not in the science classes of Florida’s public schools.

Sincerely,

Rebecca Steele

⁷*Kitzmiller*, 400 F. Supp. 2d at 765. Ultimately, the district agreed to pay over \$1 million in attorney fees to lawyers for the Pennsylvania ACLU, the Americans United for the Separation of Church and State, and the Pepper Hamilton law firm. The plaintiffs’ lawyers actually incurred more than \$2 million, but agreed to cut their fees and costs.

⁸*Science and Creationism*, <http://books.nap.edu/html/creationism/conclusion.html>.

⁹American Assoc. For Advancement of Sci., *Statement on the Teaching of Evolution* (Feb. 16, 2006), http://archives.aaas.org/docs/resolutions.php?doc_id=443.