

June 6, 2013

Larry W. Sparks, Superintendent
Leslie County Schools
P.O. Box 949
Hyden, KY 41749
Fax: (606) 672-4224

Via first class mail and facsimile transmission

RE: Stinnett Elementary Field Trip to the Creation Museum

Dear Superintendent Sparks:

Thank you for providing the materials in response to our May 14 Open Records Act request. Now, after having thoroughly reviewed those materials, we write to express our concerns. Specifically, it is clear that Stinnett Elementary officials conducted a second grade field trip to the Creation Museum as part of its science curriculum. This daylong field trip, though apparently paid for through private contributions, occurred during the school day utilizing district-owned transportation and personnel.

As you know, the Creation Museum is a privately owned facility that is explicit in its promotion of a specific religious theology which includes a literal interpretation of the Bible to explain human creation. The Museum also uses this literal interpretation approach to advocate that the Earth is approximately 6,000 years old despite well-settled and generally recognized scientific evidence to the contrary. Moreover, its avowed intent to promote religious belief is also furthered by the many exhibits depicting various Old Testament stories.

While the ACLU of Kentucky fully supports the rights of individuals to exercise their chosen religion, including the right to believe in a literal interpretation of the Bible, public school officials are prohibited from teaching, as part of a science curriculum, religion-based Creation stories because doing so amounts to an impermissible endorsement of religion in violation of the United States and Kentucky constitutions. Creation Science is not a scientific theory, and every court that has considered whether Creationism or Intelligent Design may be incorporated into a public school's science curriculum has found that they cannot. *See Kitzmiller v. Dover Area Sch. Dist.*, 400 F.Supp.2d 707 (M.D. Pa. 2005); *McLean v. Arkansas Bd. Of Ed., et al.*, 529 F.Supp. 1255 (E.D. Ar. 1982); *Daniel v. Waters*, 515 F.2d 485 (6th Cir. 1975); *Selman v. Cobb County Sch. Dist.*, 390 F. Supp. 2d 1286 (N.D. Ga. 2005), *vacated and remanded*, 449 F.3d 1320 (11th Cir. 2006); *Freiler v. Tangipahoa Parish Bd. of Ed.*; 185 G.3d 337 (5th Cir. 1999), *cert. denied*,

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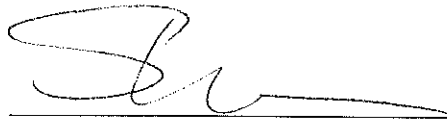
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530 U.S. 1251 (2000). Moreover, the U.S. Supreme Court has also concluded that even the "balanced" approach of teaching Creationism alongside evolution as part of a public school's science curriculum violates the Establishment Clause. *Edwards v. Aguillard*, 482 U.S. 578 (1987).

Because the ACLU of Kentucky is committed to ensuring that public school officials do not impermissibly promote religious belief as scientific theory in violation of the Establishment Clause, we think it clear that Stinnett Elementary School must immediately cease conducting field trips to the Creation Museum as part of its science curriculum. We further request written confirmation that your school district will comply with this request prior to the commencement of the 2013-2014 school year.

If, however, you believe that our understanding of the facts is in error, or that Stinnett Elementary officials are able to continue conducting field trips to the Creation Museum as part of that school's science curriculum, please notify me within ten (10) days of the date of this letter. Failure to respond within the requested timeframe will be construed as a tacit acknowledgement of the essential facts, and as a rejection of our request. We will then evaluate alternative avenues to ensure that Stinnett Elementary School and the Leslie County School District comply with federal law. Thank you in advance for your attention to this matter and we look forward to your reply.

Sincerely,



William E. Sharp
Staff Attorney, ACLU of Kentucky