

**COURT DISMISSES COMPLAINT BECAUSE IT FOUND THAT PARENTS AND STUDENTS ARE NOT SUFFICIENTLY "INJURED" BY ADOPTION OF MATERIALISTIC/ATHEISTIC SCIENCE STANDARDS THAT SEEK TO ESTABLISH A NON-THEISTIC RELIGIOUS WORLDVIEW IN THE CHILDREN**

**PLAINTIFFS PLAN TO APPEAL**

Fifteen months ago, on September 26, 2013, Citizens for Objective Public Education (COPE), 15 parents, 21 children and two taxpayers filed a Complaint in the Federal District Court of Kansas. The suit seeks to enjoin the implementation of all or certain aspects of an 850 page Next Generation Science Standards Policy adopted by the Kansas State Board of Education on June 11, 2013.

The Complaint alleges that the Policy seeks to establish in all children in the state of Kansas a non-theistic religious worldview in the guise of science education in violation of the First and Fourteenth Amendments of the U.S. Constitution. The Complaint alleges that the worldview is to be established by teaching it in a comprehensive and progressive manner, through a program of indoctrination that begins at age 5 in Kindergarten and then continues over the entire 13 years of the child's public education.

It further alleges that the Policy seeks to establish the worldview using a variety of deceptive devices and methods. One method is to cause children to ask ultimate religious questions about the cause and nature of life and to then lead them to answer the questions with only materialistic/atheistic explanations through the use of a concealed Orthodoxy called Methodological Naturalism.

The theistic parents claim, among other things, that adoption and implementation of the policy injures them by violating their rights to direct the religious education of their children and by causing their children to accept a religious worldview contrary to their own and to one which the parents seek to establish in them. The children further claim that the adoption and implementation of the Policy violates their rights to not be indoctrinated by the state to accept a particular religious view, and particularly a non-theistic religious worldview.

On December 2, 2014, the Federal District Court of Kansas dismissed the Complaint on the grounds that although the Complaint alleges a religious injury to the parents and students, the injury does not rise to a level that is legally sufficient to give them "standing" or the right to complain in Federal Courts under the First and Fourteenth Amendments of the U.S. Constitution. The First and Fourteenth Amendments forbid, among other things, any Federal, state or local entity, including a State Board of Education, to adopt a policy respecting an establishment of religion, or abridging the free exercise thereof.

The Court's decision is based primarily on the determination that the injury to Plaintiffs is nothing more than an "abstract stigmatic injury," because the 850 page Policy adopted by the state board is not "binding" on the Kansas Public schools.

Plaintiffs believe the Court's ruling should be reversed due to errors of law and fact. The Policy is in fact binding as the law requires schools to develop curriculum that teaches standards adopted by the State Board.

Furthermore, Plaintiffs' injuries as alleged in the Complaint include injuries other than stigmatic psychological injuries acknowledged by the Court. The additional assaults on the rights of the parents

and children alleged in the Complaint and ignored by the Court amount to serious personal injuries that far exceed the very low injury thresholds established by the Tenth Circuit. A Policy of the state to injure Plaintiffs' children through a plan designed to indoctrinate them for 13 years into accepting an atheistic worldview is frightening to a parent who believes the lives and well-being of their children depend on their having and sustaining a theistic religious faith. The injury is especially acute for those parents who lack the knowledge and resources necessary to provide an educational alternative.

Accordingly, COPE and its attorneys will seek to have the ruling reversed on an appeal to the 10th Circuit Court of Appeals.

A copy of the Court's [Memorandum and Order may be viewed here](#).

#### **NOTE REGARDING SOVEREIGN IMMUNITY OF STATE ENTITIES**

Without opposition from Plaintiffs, the Court also ruled that two named entities established by the State - the Kansas State Board of Education and the Kansas Department of Education, are immune from suit under the 11th Amendment to the U.S. Constitution. The court implicitly recognized that although the entities are immune from suit, the present and future individual members of the State Board and the Commissioner of the Department of Education are not immune. Accordingly, when the decision is reversed on the issue of standing, the suit may effectively continue against the Board and the Department without the entities.