

UPDATE ON COMPLAINT AGAINST THE KANSAS STATE BOARD OF EDUCATION *et al.*

On September 26, 2013 COPE *et al.* and fifteen parents, twenty-one children enrolled or to be enrolled in Kansas public schools, and two resident taxpayers filed a [Complaint](#) against the Kansas State Board of Education *et al.* The Complaint alleges that the Board's June 11, 2013 adoption and implementation of a *Framework for K-12 Science Education* and related *Next Generation Science Standards* (the "Policy") seek to establish a non-theistic religious worldview in the Children in violation of Plaintiffs' First and Fourteenth Amendment rights. The Complaint seeks to enjoin the Policy or to have it modified so that those provisions that address religious issues are taught objectively and in a manner that will yield a religiously neutral effect.

On December 5, 2013 attorneys for the Defendants filed a [Motion to Dismiss](#) the case and supporting Memorandum on the grounds that Plaintiffs (a) lack "standing" to complain and (b) fail to state a claim upon which relief might be granted.

On April 3, 2014 Plaintiffs filed a [Response](#) to Defendants' Motion to Dismiss.

On April 17, 2014 Defendants filed a [Reply](#) to Plaintiffs' [Response](#).

On May 6, 2014 Plaintiffs moved the Court for leave to file a [Surreply](#) to Defendants' Reply in support of their Motion to Dismiss. The Surreply alleges that the Defendants (a) have mischaracterized the Complaint and the Plaintiffs' Response and (b) have not shown the allegations of fact in the Complaint to be implausible.

On May 13, 2014 the case was reassigned to District Judge Daniel D. Crabtree, who had just been appointed (effective May 1, 2014) to the U.S. District Court for the District of Kansas.

On December 2, 2014 the [Court dismissed](#) the Complaint on the jurisdictional ground that the injuries to the Plaintiffs are only abstract stigmatic injuries and not particularized and concrete. As it dismissed on the grounds of standing, the Court did not rule on whether or not the Complaint states a claim upon which relief may be granted.

On December 30, 2014, COPE and the other Plaintiffs filed a notice of appeal with the U.S. Court of Appeals for the Tenth Circuit.

On March 20, 2015 the Plaintiffs filed the [Opening Brief](#) in their Appeal to the Tenth Circuit. The Brief argues, among other things, that the District Court erred in its decision to dismiss

the case by (a) failing to consider the injuries to the Parents and Students alleged in the Complaint, (b) mischaracterizing Plaintiffs' injuries as abstract when they are actually particularized and concrete due to the fact that the Parents and Children are the objects of the Policy and have a very distinct personal stake in it, (c) incorrectly concluding that the Policy is not required to be implemented by Kansas public schools, and (d) not following existing Supreme Court and Tenth Circuit precedents that necessitate a different result.

On June 8, 2015 the Defendants filed their [Response Brief](#).

On June 25, 2015 the Plaintiffs filed their [Reply Brief](#).