



March 7, 2016

Dear Members of the Senate State Affairs Committee:

We write to let you know that the ACLU of Idaho remains strongly opposed to SB 1342a, and we urge you not to proceed.

As originally drafted, this bill expressly authorized the use of the Bible in science classes, even though the courts have been unequivocally clear that efforts to inject religious beliefs regarding the origin of life into public-school science curricula are constitutionally impermissible no matter what form they may take.¹ That intent cannot be avoided through the amendments to the bill removing specific reference to science classes such as astronomy, biology, and geology. Indeed, tellingly, the amended version, still allows the use of the Bible for “other topics of study where an understanding of religious texts, including the Bible, may be useful or relevant.” In other words, this bill purports to give cover to any teacher who thinks the Bible may “be useful or relevant” in science class even without explicitly mentioning astronomy, biology, and geology.

This law is unnecessary and, unfortunately, will have the unintended effect of exposing public school districts to the risk of costly litigation. As long as teachers receive the appropriate academic training and use appropriate teaching materials developed with the Establishment Clause in mind, it is perfectly legal for them to use religious texts in classes such as comparative religion or comparative literature. This law promotes the opposite; it encourages teachers and school districts to use the Bible in any and every class they personally believe it will be either useful or relevant, regardless of what state educational standards and approved curriculum and teaching materials provide. If approved, this legislation will virtually guarantee that religious texts will be used in a constitutionally impermissible manner.

Finally, despite adding “religious texts” to the bill, this legislation continues to single out and emphasize the Bible, endorsing the religious text of only a few religions, a clear violation of basic constitutional principle – the government may not favor some faiths over others. Allowing public schools to promote particular religions undermines our rich traditions of peaceful pluralism and religious diversity, and we urge you not to move forward with SB 1342a in any form.

Sincerely,

Kathy Griesmyer

¹ As provided in our original testimony, there is significant case law over the past 30 years, including the recent cases of: *Kitzmiller v. Dover*, 400 F. Supp.2d 707, 765-66 (M.D. Pa. 2005) (striking down school board policy promoting the teaching of intelligent design in biology class) and *McLean v. Ark. Bd. of Educ.*, 529 F. Supp. 1255, 1274 (E.D. Ark. 1982) (enjoining statute authorizing teaching of creation-science in public schools and holding that “[n]o group, no matter how large or small, may use the organs of government, of which the public schools are the most conspicuous and influential, to foist its religious beliefs on others”).