



LEGAL DEPARTMENT

ACLU of Kansas & Western Missouri

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By E-mail Only: mcrawford@usd210.org

April 20, 2013

Mr. Mark Crawford, Superintendent
Hugoton Public Schools USD 210
Central Office
205 E 6th Street
Hugoton, KS 67951

**Re: Public Records Request Regarding the Creation Truth Foundation
and the Foundation for the Advancement of Childhood Education**

Dear Superintendent Crawford:

The District's public statement that Tuesday's assemblies will be conducted by Matt Miles from the Foundation for the Advancement of Childhood Education ("FACE") and thus appropriate for students is insufficient to allay our concerns that the program will violate students' constitutional rights. Based on our investigation, FACE appears to be nothing more than a front for the Creation Truth Foundation. The organizations have the same mailing address; they appear to have the same founder, an ardent creationism advocate; and Matt Miles is an employee of the Creation Truth Foundation. Moreover, the planned assemblies are listed and identified as Creation Truth Foundation events on the Foundation's calendar posted on its own website. In sum, it appears that FACE is operated and completely controlled by the Creation Truth Foundation. The planned assemblies are, therefore, clearly Creation Truth Foundation events.

As explained in our initial letter, the District's decision to allow the Creation Truth Foundation to present assemblies about dinosaurs is troubling because the organization's sole mission is to promote creationism and undermine evolution education. Even a cursory review of the Foundation's website makes clear that its Biblical worldview regarding the origin of life permeates every aspect of the Foundation's operations, as well as activities sponsored by the organization.

Moreover, hoping to discredit evolutionary theory and bolster creationist beliefs, the Foundation endorses and promulgates junk science relating to a variety of topics, including fossils and dinosaurs. Even if Miles never overtly mentions the Bible or creationism, public schools are not permitted to present students with false information, which the legitimate scientific community has universally rejected, as part of an anti-evolution, pro-creationist effort.

Given that FACE is an arm of the Creation Truth Foundation and that the Foundation has a purely creationist agenda, it is extremely unlikely that Tuesday's assemblies will avoid transgressing constitutional boundaries. Indeed, it appears that Miles has no recognized teaching credentials and does not even have a scientific background. According to the Foundation's website:

Matt & Theresa are missionaries to the Church's Youth. They have been with CTF since January 2006. The Miles' graduated from Manhattan Christian College, and since then Matt has effectively served the Lord in three different Kansas churches as Youth Pastor. Matt's burden for today's church youth has led him to serve the CTF ministry as Student Worldview Director through our in-house program called SWAT (Student Worldview Advanced Training). Matt is a well-studied preacher and teacher of Biblical origins, and has through much study developed an excellent program in Biblical Astronomy. He is a very talented communicator with young people of all ages, and is becoming a much sought after speaker in Christian youth camps and youth training programs.

Creation Truth Foundation, CTF Speakers, <http://www.creationtruth.com/index.php?option=comcontent&view=article&id=175&Itemid=145> (last visited April 19, 2013). It is thus not apparent that Miles has the credentials or qualifications necessary to present to students an assembly that is both constitutionally appropriate and scientifically sound.

Finally, even if Miles were qualified to present a science-based assembly that covers legitimate, accepted science and avoids junk science and improper religious content, the District's decision to schedule these assemblies on or near the days that the Foundation has scheduled evening events at school facilities raises additional constitutional concerns: It suggests an intent to give Foundation officials special access to students during the school day so that they can encourage or invite students to attend the evening programs, which will be even more explicitly religious. (If the Foundation has been given any special treatment in the use of school facilities after hours, or if the District has organized or promoted those after-hour events in any way, those events would, of course, also run afoul of the Establishment Clause).

We believe that the only constitutionally proper course of action is for the District to cancel all school-day assemblies to be conducted by FACE/Creation Truth Foundation. If District officials have not had any involvement in organizing the evening events, and if the evening use of facilities complies fully with District policies, those events need not be cancelled; school officials may not promote them, however.

To further our investigation of this matter and to better assess the need for litigation in the event the District fails to take the steps outlined above, pursuant to the Kansas Open Records Act (KORA), K.S.A. 45-215, *et seq.*, we request that the District produce the following materials:

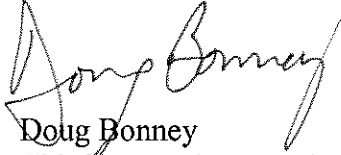
- (1) All communications (including emails) and related documents between any District employee and either the Creation Truth Foundation or FACE or any employee of either organization.
- (2) All communications (including emails) and related documents sent to or from any District official referring or relating to any planned assembly or event involving the Creation Truth Foundation or FACE, including but not limited to all complaints or objections regarding the assembly or event.
- (3) All documents referring or relating to any planned assembly or event involving the Creation Truth Foundation or FACE, including any agreements (whether formal or informal) pertaining to the content of the assembly or event and any materials promoting or announcing the event, such as fliers, posters, newsletters, written announcements, etc.
- (4) All documents, videos, or other materials proposed to be used or approved for use during any assembly or event involving the Creation Truth Foundation or FACE.
- (5) All documents referring or relating to the use of District facilities by the Creation Truth Foundation or FACE, including but not limited to facility use applications, facility use agreements, and payments for use of facilities.
- (6) All policies relating to the use of District facilities by outside individuals, groups, or organizations.
- (7) All policies relating to the promotion of religion by District officials or invited guests of District officials.
- (8) All policies relating to school assemblies.
- (9) All video or audio recordings of any assembly or event involving the Creation Truth Foundation or FACE.

In the above request, the term "District" means the Hugoton Public Schools USD 210 and/or its board of education, their agents, officers, employees, representatives, servants, attorneys or anyone acting on their behalf. The term "documents" includes all email correspondence, which should be produced in electronic form where possible. In accordance

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with KORA, we look forward to receiving a response to this request within three business days. In the meantime, please do not hesitate to contact us if you have questions or believe that this matter can be resolved.

Sincerely,



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cc: Wayne R. Tate, Esq.