



# AMERICAN ATHEISTS

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June 30, 2017

*Via Certified Mail & Email*

Dr. Stephen L. Pruitt  
Office of the Commissioner of Education  
300 Sower Blvd., 5th Floor  
Frankfort, KY 40601

Dear Commissioner Pruitt,

On April 11, Kentucky Governor Matt Bevin signed into law a bill which directed the Kentucky Department of Education to create a high school elective course designed to "teach students knowledge of biblical content, characters, poetry, and narratives that are prerequisites to understanding contemporary society and culture, including literature, art, music, mores, oratory, and public policy." 17 RS HB 128/GA (the "Religious Literacy Law"). The American Atheists Legal Center (AALC) encourages you to lead the department in crafting a course curriculum that complies with the terms of the statute while still meeting Kentucky's constitutional obligations by creating a robust comparative religion course teaching students about numerous faiths, as well as the philosophical foundations of atheism. This may be the only way the department can design the course required by the law, since the law requires that the course "shall follow applicable law and all federal and state guidelines in maintaining religious neutrality and accommodating the diverse religious views, traditions, and perspectives of students in the school."

The Establishment Clause of the First Amendment of the U.S. Constitution prohibits the government from favoring one or more religious positions over others, or singling out certain religious position for disfavor. U.S. Const. Amend I.; *Lemon v. Kurtzman*, 403 U.S. 602, 612 (1971). Moreover, when it comes to the education of our children, the government should be "particularly vigilant" in ensuring schools do not promote religious views that may conflict with the religious beliefs of students and their families. *Edwards v. Aguillard*, 482 U.S. 578, 583 (1987); see also *Widmar v. Vincent*, 454 U.S. 263, 274, n.14 (1981). In order for a public school course—even an elective one—to be constitutionally sound, it must not tend to advance one particular religious view over others.

A class designed to teach students about the tenants, concepts, and traditions of religions practiced around the world, as well as atheism, can be implemented in a constitutional manner. *Stone v. Graham*, 449 U.S. 39, 42 (1980); *Hall v. Board of School Comm'rs*, 656 F.2d 999, 1002 (5th Cir. 1981); see also *Edwards v. Aguillard*, 482 U.S. 578, 606-08 (1987) (Powell, J., concurring); *Sch. Dist. of Abington Twp. v.*

*Schempp*, 374 U.S. 203, 225 (1963); *Illinois ex rel. McCollum v. Br. of Educ.*, 333 U.S. 203, 235-36 (1948) (Jackson, J., concurring). However, in order to meet the requirements imposed by the First Amendment, the course cannot promote particular religious views above others. *Edwards v. Aguillard*, 482 U.S. 578, 583 (1987); see also *Widmar v. Vincent*, 454 U.S. 263, 274, n.14 (1981). A broad, objective comparative religion class as part of a high school curriculum could very well be constitutionally sound. *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203, 225 (1963).

The Kentucky Department of Education can implement the Religious Literacy Law by creating a comparative religion course that instructs students on the beliefs of their fellow Kentucky residents and others around the world. More than one out of every five Kentucky residents have no religious beliefs whatsoever. In addition, Kentucky counts among its residents Jews, Buddhists, Muslims, Hindus, and members of numerous other religions. *Id.* Consequently, Kentucky's children would be well served by a course which includes material from not only the Jewish and Christian texts, but also the sacred documents of the faiths practiced by their neighbors, including texts that have been influential in the development of atheism.

American Atheists and its members residing in Kentucky respectfully request that the Kentucky Department of Education develop a religious literacy course which complies with the state's constitutional obligations by objectively educating students about the tenants, literature, and influence of faiths from around the world.

Sincerely,



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