

FREEDOM FROM RELIGION *foundation*

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March 5, 2026

SENT VIA U.S. MAIL & FAX: (719) 301-5628

Rob Daugherty
CEO
James Irwin Charter Schools
5525 Astrozon Blvd.
Colorado Springs, CO 80916

Re: Unconstitutional creationism curriculum

Dear Mr. Daugherty:

I am writing on behalf of the Freedom From Religion Foundation (FFRF) regarding a constitutional violation occurring in the James Irwin Charter School. FFRF is a national nonprofit organization with more than 41,000 members across the country, including over 1,400 members in Colorado and a chapter in Colorado Springs. Our purposes are to protect the constitutional principle of separation between state and church, and to educate the public on matters relating to nontheism.

A concerned parent reports that James Irwin Charter Middle School is introducing creationism in its 8th grade science curriculum. Per an email sent to parents by Donna Wagner, the “Science Lead” at James Irwin Charter Middle School (JICMS):

During eighth grade year in our Evolution Unit, per the guidelines in the charter of our school, we teach Intelligent Design and evolution. We present a creationist theory and an evolutionist theory regarding natural selection, adaptation, and evolution.

Please see the enclosed screenshot of the email. It’s our understanding the school will begin the eighth grade Evolution Unit on or around March 10th.

The parent who contacted us further explained that: “I feel like the public charter school is not trustworthy and I am now questioning the quality of my [child’s] education . . . I feel angry that religion is being forced on children and presented as science.”

We write to request that James Irwin Charter Schools immediately investigate this situation and ensure that JICMS does not teach or promote creationism, intelligent design, or any other religious ideology to students in its eighth grade science course.

Public schools may not show favoritism toward or coerce belief or participation in religion. *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000); *Lee v. Weisman*, 505 U.S. 577 (1992); *Wallace v. Jaffree*, 472 U.S. 38 (1985); *Epperson v. Arkansas*, 393 U.S. 97 (1967); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963); *Engel v. Vitale*, 370 U.S. 421 (1962); *McCullum v. Bd. of Ed.*, 333 U.S. 203 (1948). All students have a constitutional right to be free from religious indoctrination in their public schools. Here, JICMS is planning to violate students' First Amendment rights by teaching them creationism and intelligent design as if creationism is a factual scientific theory when in reality it is a religious belief based in Christianity.

The Supreme Court has recognized that “[f]amilies entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family.” *Edwards v. Aguillard*, 482 U.S. 578, 584 (1987). Parents, not public schools, have the constitutional right to guide their children’s religious or nonreligious upbringing. A public charter school telling students that creationism is an accepted scientific theory on the same footing as evolution undoubtedly interferes with parents’ rights to determine their children’s religious or nonreligious education.

Moreover, promoting creationism, intelligent design, or any of its offshoots in public schools is unlawful, because creationism is based solely on religion, not scientific fact. Courts have routinely found that such teachings are religious, despite many new and imaginative labels given to the alternatives. For instance, the Supreme Court struck down teaching of “scientific creationism” in public schools. *Edwards*, 482 U.S. 578. Federal courts consistently reject such attempts in public schools:

- *Epperson v. Arkansas*, 393 U.S. 97 (1968) (holding that school officials may not prohibit the teaching of evolution);
- *Freiler v. Tangipahoa Parish Bd. of Educ.*, 201 F.3d 602 (5th Cir. 2000) (holding that reading a disclaimer before teaching evolution violates the Establishment Clause);
- *Pelozo v. Capistrano Unified Sch. Dist.*, 37 F.3d 517 (9th Cir. 1994) (holding school’s prohibition on teaching creationism valid);
- *Webster v. New Lenox Sch. Dist. No. 122*, 917 F.2d 1004 (7th Cir. 1990) (holding school board’s prohibition on teaching “creation science” valid because the board had a responsibility to ensure that the teacher was not “injecting religious advocacy into the classroom.”);
- *Kitzmilller v. Dover Area Sch. Dist.*, 400 F. Supp. 2d 707 (M.D. Pa 2005) (holding that a policy requiring students to hear a statement that intelligent design is alternative to Darwin’s theory of evolution violates the Establishment Clause);
- *McLean v. Arkansas Bd. of Ed.*, 529 F. Supp. 1255 (D.C. Ark., 1982) (striking down a state statute mandating “balanced treatment for creation science and evolution science” because it violated the Establishment Clause).

By teaching students creationism and intelligent design and presenting it as co-equal to evolution, JICMS will indoctrinate its students. Teaching creationism will impermissibly coerce students to endure religious indoctrination in their public school, even if the science curriculum

attempts to present creationism as equally acceptable to evolution. Additionally, JICMS incorporating creationism into its curriculum signals clear favoritism toward religion over nonreligion, and Christianity over all other faiths. The school's actions needlessly marginalize and exclude those students, such as our complainant's child, who are a part of the 49 percent of Generation Z who are religiously unaffiliated.¹

To protect students' and parents' constitutional rights, the District must immediately investigate and ensure James Irwin Charter Middle School does not teach its eighth grade students creationism, intelligent design, or any other religious ideology in the guise of "science." We expect a response in writing with the steps the District is taking to prevent this constitutional violation so that we may inform the parent who contacted us.

Sincerely,

A handwritten signature in black ink that reads "Samantha F. Lawrence". The signature is written in a cursive, flowing style.

Samantha F. Lawrence
Staff Attorney
Freedom From Religion Foundation

Enclosure

¹ Pew Research Center (2024), <http://bit.ly/48Drzce>.

Campus Messenger by Infinite Campus

Dear Parents,

During eighth grade year in our Evolution Unit, per the guidelines in the charter of our school, we teach Intelligent Design and evolution. We present a creationist theory and an evolutionist theory regarding natural selection, adaptation and evolution. All theories are taught through the eyes of science with an emphasis on the facts and reasons that support each theory. It is a great opportunity to work on critical thinking and fits in with teaching students how to think like a scientist. The material for each side is presented in a respectful, factual manner. For each claim, we look at any evidence and reasoning to support the claim and students are given the opportunity to think critically based on their world view. The goal is not to convince students to support one side or the other, but the data is presented so students are aware that there is more than one viewpoint on many areas of science, and, for any claim, evidence and reasoning must be present for the data to be accepted by the scientific community. This will help each student build a storehouse of knowledge so they can support their individual belief scientifically.

If you have any questions or concerns, please contact Mrs. Varela, Mrs. Johnson, or me so we can address them with you.

Sincerely,

Donna Wagner
Donna Wagner, Science Lead
donna.wagner@jamesirwin.org
(719) 302-9108 x 3644
