

**Segraves v. State, No. 278978**  
**Findings of Fact and Conclusions of Law**

The above-entitled cause came on regularly for trial on March 2, 1981, before the Court sitting without a jury. Richard K. Turner, Esq., appeared as counsel for plaintiffs and Robert F. Tyler, Esq., Deputy Attorney General, appeared as counsel for defendants. The Court having heard the testimony and having examined the proofs offered by the respective parties, and the cause having been submitted for decision, and the Court being fully advised in the premises makes its findings of fact as follows:

**Findings of Fact**

It is true that :

1. Plaintiffs are sincere in their religious beliefs and in their conviction that plaintiff Kasey Segraves has been denied his right to free exercise of his religion guaranteed to them and to him by the First and Fourteenth Amendments to the Constitution of the United States and Article I, Section 4 of the California Constitution
2. Defendant State Board of Education has acted in good faith and has taken no action which would deny plaintiffs herein and particularly plaintiff Kasey Segraves their or his rights to free exercise of their religion guaranteed to them and him by the First and Fourteenth Amendments to the Constitution of the United States and Article 1, Section 4 of the California Constitution.
3. To the contrary, defendant State Board of Education has had for a number of years and currently has a policy exemplified by defendant's Exhibit N which provides that in a discussion of origins in science texts and classes (a) dogmatism be changed to conditional statements where speculation is offered as explanation for origins and (b) that science emphasizes "how" and not "ultimate cause" for origins.
4. The policy of defendant State Board of Education, as set forth in paragraph 3 herein, however, may not have been communicated to all who should know of it, and who must be guided by that policy. From the foregoing facts, the Court concludes:

**Conclusions of Law**

1. The policy of defendant State Board of Education, as set forth in paragraph 3 herein, is an appropriate accommodation which permits plaintiffs to freely exercise their religion as guaranteed by the First and Fourteenth Amendments to the Constitution of the United States and Article 1, Section 4 of the California Constitution.
2. If such policy were not disseminated to all publishers, school districts, schools (and science teachers in the schools) and all other persons regularly receiving the Science Framework (plaintiffs' Exhibit 3), an appropriate accommodation would not be made as

guaranteed by the First and Fourteenth Amendments to the Constitution of the United States and Article 1, Section 4 of the California Constitution.

3. To assure plaintiffs and ail others concerned that their rights to free exercise of their religion will not be infringed, the Court will require defendant State Board of Education to disseminate to all publishers, school districts, schools (and science teachers in the schools) and all other persons regularly receiving the Science Framework (plaintiffs' Exhibit 3) a copy of the policy of the State Board of Education (defendant's Exhibit N), including all those who have received the Science Framework in the past, and such policy statement shall be included in future Science Framework.

4. Each side shall bear their own costs of suit and attorneys' fees.

Let judgment be entered accordingly.

Dated: Jun 12 1981

Irving H. Perluss  
Judge of the Superior Court