

**ADMINISTRATOR'S BIOLOGY STATEMENT
IN BIOLOGY CLASS**

1. Good morning/afternoon. I am _____ and standing over there is _____.
2. You will soon begin to study Evolution in the class and the Board of School Directors has directed that the following statement be read. The statement is currently under litigation therefore; the administration is reading the statement not the teacher.
3. A letter went home asking if anyone had a problem with the statement and I would like to make sure at this time that everyone who would prefer not to hear the statement is now out of the classroom, anyone else?
4. Ok, the statement:

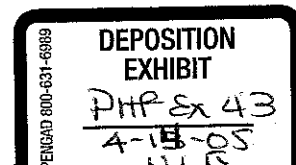
The Pennsylvania Academic Standards require students to learn about Darwin's Theory of Evolution and eventually to take a standardized test of which evolution is a part.

Because Darwin's Theory is a theory, it continues to be tested as new evidence is discovered. The Theory is not a fact. Gaps in the Theory exist for which there is no evidence. A theory is defined as a well-tested explanation that unifies a broad range of observations.

Intelligent Design is an explanation of the origin of life that differs from Darwin's view. The reference book, Of Pandas and People, is available for students who might be interested in gaining an understanding of what Intelligent Design actually involves.

With respect to any theory, students are encouraged to keep an open mind. The school leaves the discussion of the Origins of Life to individual students and their families. As a Standards-driven district, class instruction focuses upon preparing students to achieve proficiency on Standards-based assessments.

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5. As noted in the last paragraph of the statement there will be no other discussion of the issue and your teachers will not answer any questions on this issue. If you or your parents have any questions, they can contact Dr. Nilsen, Mr. Baksa or Mr. Riedel.
6. Thank you and have a nice day.

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Dr. Richard D. Nilsen

**Dover Area School District
Superintendent's Weekly Update
November 5, 2004**

B. Curriculum/Miscellaneous:

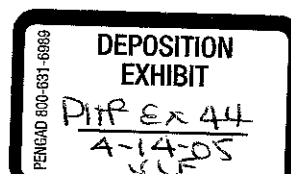
1. Two Pittsburgh law firms representing district students are talking with Mr. Russell about the Biology Curriculum. No formal action has been taken as of this date. Also note – enclosed is a letter from the Anti-Defamation League.
2. I have had two phone calls from parents and one e-mail requesting that their student be excluded from the I.D. discussion. Mr. Baksa and I have restated the state law that on any issue a parent can request for religious reasons that their child be excluded from a unit of instruction.
3. At the November 1, 2004 school board meeting former school board member Mr. Snook requested that the individual who donated the “Panda” books be listed in the board minutes. I have asked the solicitor about this issue and he says that it is up to the board to decide. Unless directed differently I will continue to ask the gift, (The Panda Book and future gifts), donator if they want to be listed or remain anonymous. I am not sure why we would require notification/identification. If the community disagrees with a gift they should take the issue with the superintendent or the board, not the donator. I believe we should recognize someone if they want recognition or a tax credit, but allow them to remain anonymous if they so choose.
 - At this time I have not received any “Panda” books so I could not tell you who is “officially” donating the books anyway.Until directed differently by the board president or the majority of the board I will ask gift givers if they want to be noted as the donator or remain anonymous.
4. The school board did not “officially” act on the release of the October 18th tape, but with inaction on the motion I will take that “inaction” as a “no” to allow the tape released. Since the tape may be the center of a law suit I, (under recommendation of the solicitor), will keep the tape under lock and key for an extended time.

Dr. Richard D. Nilsen

**Dover Area School District
Superintendent's Weekly Update
November 12, 2004**

A. Meeting and Activities:

1. Last Sunday a story on Dover Area School District and our Biology Curriculum ran on Fox News, Washington, D.C. We are attempting to get a tape of the show. On Thursday, ABC “Nightline” left a message requesting Mr. Buckingham and I to contact them. The A.P.,



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Fox News and now ABC Nightline has attempted to get comments and information. We have chosen not to return calls (I have seen enough 60 Minutes to know the true story will not get out) for fear of bias reporting and not wishing to say anything that would enhance or encourage a law suit. Mr. Russell has written/answered questions for a law firm from Philadelphia. A copy of the letter will be in your board file on December 1, 1004.

Dr. Richard D. Nilsen

**Dover Area School District
Superintendent's Weekly Update
November 19, 2004**

A. Meeting and Activities:

1. Mr. Bonsell and Mr. Baksa and I have been busy developing a Dover Area School District Biology Curriculum press release that will be used in the near future. I have been getting calls and "stop ins" from all major media (local and national – Paul Harvey, NightLine, PBS – Jim Leherer Report, Fox News, etc.) this past week. Almost everyday someone from the media is in the Administration Office lobby.

Dr. Richard D. Nilsen

**Dover Area School District
Superintendent's Weekly Update
December 3, 2004**

C. Items Of Information:

1. Mrs. Callahan's sticker read: Caution
This book claims that "intelligent design" is an alternative theory of evolution. Not only is the book not intelligent, it is not science.
READ AT YOUR OWN RISK

Dr. Richard D. Nilsen

**Dover Area School District
Superintendent's Weekly Update
December 10, 2004**

A. Meeting and Activities:

1. Mr. Riedel and I had a very productive and positive meeting on Tuesday with the High School class presidents, board representatives and Student Council president. We discussed the High School construction promise the board and I made three years ago after the "student walk out" and that now the High School construction has been completed. They conveyed their appreciation for the building improvements. We also talked about the Biology curriculum and reinforced the work the administration had been doing with the Science department teachers. Beyond the questions from Katie Callahan (Mrs. Callahan's daughter – Sophomore Class President) the students were supportive of the Board and Administration. One student even said "So what is the problem?" Miss Callahan's questions were also answered in a way that should have addressed her concerns,

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(ie "Would you allow another book in the library?" – Superintendent: "If it is a good book, why not – yes") We talked about other issues, (lunch, football games), and I can honestly say it was the most fun I have had in a long time – we do have some great students at Dover!

2. On Tuesday, Mr. Baksa and I also met with DAEA (teacher union) (past and future) presidents and the Superintendent made it very clear he was very upset and frustrated that the union did not give the administration the courtesy, (as the administration did with the union), of a copy of their press release and the incorrect/false comments their "spokesperson" Mr. Miller was making concerning the lack of direction the administration was giving the Science teachers. Mr. Baksa listed all of the times he met with the science department and noted the November 24th meeting from 12:30 to 2:30 PM when Mr. Miller sat with Mr. Baksa and the Superintendent with the Science department where Mr. Baksa ended the meeting with, "Any other questions?" At that time they had "none."

5. I had a long conversation on Tuesday with the Superintendent of Grantsburg, Wisconsin about their "Biology curriculum "issues." It is amazing the similarities with our situation and theirs. They have a fired I.A. teacher who joined the ACLU to help fight the board over the Biology curriculum. (We have a fired coach leading). They have had help from many of the Science organizations that have contacted us. They took a little bit of a different slant on the evolution issue though. Their emphasis is criticism of the theory and no mention of I.D. They have sent me a lot of their work and I have sent a lot of our work to them. The Wisconsin Superintendent also positively commented on our press release (looks a lot like theirs), and said she also did not know why either of us are experiencing so much trouble. They do have a strong ACLU in their district. The ACLU has filed 3 cases against them, including one against Christmas songs. If any board member wishes to see all of the Grantsburg information please contact my office. I will give you some on January 3, 2005.

Dr. Richard D. Nilsen

**Dover Area School District
Superintendent's Weekly Update
December 17, 2004**

A. Meeting and Activities:

1. On Tuesday, December 14, 2004 at 1:30 PM I was officially served "Tammy Kitzmiller, et. al. vs Dover Area School District and Dover Area School District School Board." The Board President, Mrs. Harkins, Board Vice President, Mrs. Geesey, Board past President, Mr. Bonsell, Mr. Baksa and I have had numerous phone calls and meetings to discuss the status of the ninth grade Biology law suit.

Mr. Bonsell has been negotiating with legal firms and Mrs. Geesey has been working on a compromise with the Discovery Institute. At the December 20, 2004, 6:00 PM executive session prior to the board meeting we will review all discussions and options. If you would like information prior to the meeting on the 20th, please contact Mr. Bonsell concerning legal concerns, Mrs. Geesey on curriculum changes, Mrs. Harkins about the board meeting and Mr. Baksa and I about all of the above.

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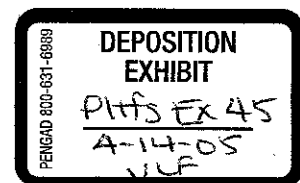
From: Richard Nilsen
To: Bertha Spahr, Eshbach, Robert; Jennifer Miller; Prall, Leslie
Date: 10/19/04 8:00AM
Subject: Board action

Bert,
Please schedule some time for Mike and I to stop by and discuss with you and your department what happened last night.
Thanks,

Dr. Richard D. Nilsen
Superintendent
Dover Area School District
2 School Lane
Dover Pa., 17315
rnilse@dover.k12.pa.us
717.292.3671. ex222
Fax:717.292.9659

CC: Joel Riedel; Michael Baksa

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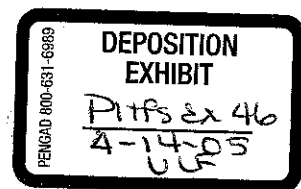
From: Richard Nilsen
To: Jere Wynegar, Sandi Bowser
Date: 10/19/04 9:15AM
Subject: Board meeting

Jere, and Sandi,
I must congratulate you on your board comments. Nicely done Jere. Must be the History teacher in you. I also believe your teachers did an excellent and professional job in their comments and discussion. Can Mike and I see both of you in the near future to discuss last night?

Dr. Richard D. Nilsen
Superintendent
Dover Area School District
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Fax:717.292.9659

CC: Bertha Spahr, Joel Riedel, Michael Baksa

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From: Richard Nilsen
 To: Joel Riedel
 Date: 10/20/04 12:29PM
 Subject: Department chair meeting

Mr. Riedel,

After talking with you today I am requesting to meet with your department chairpersons to discuss their concern about "lack of administrative support".

I would be happy to meet at the next department meeting, Nov. 17th, or at a time period acceptable to all parties.

I would request they communicate their concerns to Mike and I at that time and then allow Mr. Baksa and I an opportunity to answer their concerns and to high light our past and continued support! Until then, I would like to suggest that we have supported the faculty to the level allowed by the board, and note that the action taken by the board on Monday night WAS NOT THE ADMINISTRATIVE RECOMMENDATION. And in fact the administration, (Mr. Baksa and I), on a number of occasions on Monday night made it clear we were not recommending what was acted on, but were in support of what the teachers had kindly agreed to accept. I was even on record that our staff was NOT TO TEACH INTELLIGENT DESIGN.

I would also like to give a history of all the battles that have been taken on in support of the staff such as the HS block schedule, HS project, (now that the project is coming to a close I will ask them what they do not like about this project and what needs have not been addressed), board members visiting/walking alone in the HS, reduction of HS/IS staff, significant budget cuts, pay for play, salary, etc.

I did not elect this board, nor develop their personal agendas and I have no vote. On a given time period some do not even talk to me, and I have been accused by some of them of " Back Room Actions " in support of "teacher issues". Proof of that was seen when I was told we had the original Science book and then to a total surprise to me and the board president went into a 4-4 board vote. Speaking of support, I did not let that issue/discussion end until we got the vote changed and we got the new bio. book!

We are all upset, tired and some are frustrated with the publicity, but to say the administration has/did not support the staff is unfair and wrong.

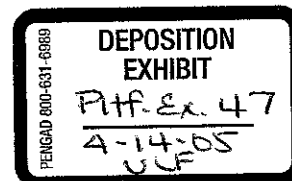
Mr. Baksa and I will continue to work for the betterment of the students and staff and fell, with the help of many, we have accomplished a lot.

I look toward to the opportunity to discuss this matter with your department chairs and anyone else!

Dr. Richard D. Nilsen
 Superintendent
 Dover Area School District
 2 School Lane
 Dover Pa., 17315
 milse@dover.k12.pa.us
 717.292.3671. ex222
 Fax:717.292.9659

CC: Barb Fair, Barb Grady, Bertha Spahr, Building Principals; Carol Wagman; Curt Laco; George Bradshaw; Jere Wynegar; Joe Wilt; Lori Stollar; Michael Baksa; Sandi Bowser

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Memo: November 30, 2004

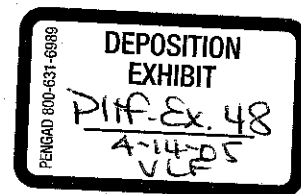
To: Dr. Richard Nilsen

From: Sandi Bowser, DAEA President

CC: Bertha Spahr, Science Department Chair
Science Department Members – Jennifer Miller
Robert Eshbach
Leslie Prall
David Taylor
Brian Bahn

Re: as per your request:

Any future communication pertaining to creationism/intelligent design intended for the Science Department shall be in written form and forwarded to the DAEA President.



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To: Dr. Richard Nilsen

From: Bertha Spahr
Jennifer Miller
Robert Linker
Robert Eshbach
Leslie Prall
Brian Bahn
David Taylor
Vickie Davis

Date: January 6, 2005

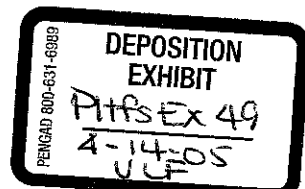
Re: Reading Statement on Intelligent Design

We have individually reviewed the statement you presented yesterday for presentation to our students at the beginning of the Biology unit dealing with evolution. You have indicated that students may "opt-out" of this portion of the class and that they will be excused and monitored by an administrator. We respectfully exercise our right to "opt-out" of the statement portion of the class. We will relinquish the classroom to an administrator and we will monitor our own students. This request is based upon our considered opinion that reading the statement violates our responsibilities as professional educators as set forth in the Code of Professional Practice and Conduct for Educators promulgated by the Professional Standards and Practices Commission and found at 22 Pa. Code section 235.1 et seq. As noted in the introductory paragraph of the Code, section 235.2 (a): "Generally, the responsibility for professional conduct rests with the individual professional educator." Further, the Code provides in section 235.2 (b): "This chapter makes explicit the values of the education profession. When individuals become educators in this Commonwealth, they make a moral commitment to uphold these values."

Central to the teaching act and our ethical obligation is the solemn responsibility to teach the truth. Section 235.10 (2) guides our relationships with students and provides that "The professional educator may not knowingly and intentionally misrepresent subject matter or curriculum."

INTELLIGENT DESIGN IS NOT SCIENCE. INTELLIGENT DESIGN IS NOT BIOLOGY. INTELLIGENT DESIGN IS NOT AN ACCEPTED SCIENTIFIC THEORY.

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I believe that if I as the classroom teacher read the required statement, my students will inevitably (*and understandably*) believe that Intelligent Design is a valid scientific theory, perhaps on par with the theory of evolution. That is not true. To refer the students to "Of Pandas and People" as if it is a scientific resource breaches my ethical obligation to provide them with scientific knowledge that is supported by recognized scientific proof or theory.

Reading the statement places us in violation of the following ethical obligations: Section 235.3 of the Code requires Professional educators to develop "sound educational policy" and obligates us "to implement that policy." Section 235.3 (b) makes it explicit that "Professional educators recognize their primary responsibility to the student and the development of the student's potential. Central to that development is the professional educator's valuing the pursuit of truth; devotion to excellence; acquisition of knowledge; and democratic principles." The same section goes on to provide: "Educators encourage and support the use of resources that best serve the interests and needs of students. Within the context of professional excellence, the educator and student together explore the challenge and the dignity of the human experience." Section 235.4 (b) (2) provides: "Professional educators shall be prepared, and legally certified, in their areas of assignment. Educators may not be assigned or willingly accept assignments they are not certified to fulfill." Section 235.4(b) (8) provides: "Professional educators shall be open-minded, knowledgeable and use appropriate judgment and communication skills when responding to an issue within the educational environment." Section 235.4 (b) (10) provides: "Professional educators shall exert reasonable effort to protect the student from conditions which interfere with learning or are harmful to the student's health and safety."

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Dr. Richard D. Nilsen

**Dover Area School District
Superintendent's Weekly Update
January 7, 2005**

A. Meeting and Activities:

1. As you are by now aware, the time and effort put in over the holidays has produced a positive impact – the plaintiffs/ACLU could not find anything to file an injunction on our Biology curriculum. In conjunction with the Thomas More lawyers, Mr. Baksa, Mr. Buckingham, Mr. Bonsell, and Mrs. Harkins did a great job. The ACLU is doing a great job of putting a “positive spin” on the situation, but I cannot help but feel gratified that they could not stop the implementation – and you know if they could, they would have.

The ACLU letter will be in your “board file” on Monday.

2. Mr. Baksa met with the whole science department, Union President, Mrs. Bowser, Mr. Riedel, Principal, and Mr. Miller, Assistant Principal, on Wednesday to review the plan of action and once again discuss any teacher fears or concerns. Mr. Riedel is setting up an action plan for all possibilities when the unit on Darwin/ID is taught next week. Mrs. Bertha Spahr took notes of the meeting and I asked Mr. Baksa to get a signed copy so there is no “We had questions that no one is answering” from the teachers.
3. We received additional free books on the Evolution debate, What Darwin Did Not Know, and Mr. Baksa is currently reviewing them to see if they are appropriate for the library.

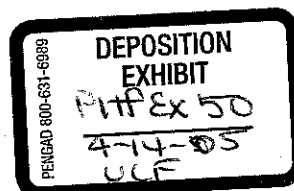
I just received an e-mail (Thursday, 8:30 AM) from one of the plaintiffs, Bryan Rehm (former Dover Area High School physics teacher and now a teacher at New Oxford– also a failed applicant for a board seat – the one who is taping all of the board meetings) to be put on the board agenda (as per Policy 006, Section 7) to discuss “A curriculum compromise.” I find it highly unusual a “plaintiff” would discuss a “compromise” in open session. I ran the request by the Thomas More Center and the local/PA attorneys. His request is not on the agenda, it was finished too early, but on Monday, on advice of council, we will allow him to address the board – the public. I would once again recommend a big smile and no comment. If he truly does have a “compromise” Mrs. Harkins will say “On advice of council we will say nothing but we will share your information with our legal team.”

Dr. Richard D. Nilsen

**Dover Area School District
Superintendent's Weekly Update
January 14, 2005**

A. Meeting and Activities:

1. Mr. Richard Thomson recommended that I accept a request from British Television for an interview and on Thursday I was interviewed by Channel 4 of the U.K.
4. On Tuesday, January 18th Mr. Baksa and I will go into the classrooms to implement the Biology curriculum by reading the statement. On Wednesday, January 19th Mr. Baksa and Mr. Riedel will be reading the statement. There is a total of four teachers teaching 9th grade Biology this term.



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5. Mr. Richard Thomson is flying in on Monday and will be here to Tuesday for the first day of implementation.
6. The e-mails have now started getting personal as local parents are now stating how "disappointed" they are by the actions of the administration/the Superintendent. In all those cases I e-mail back that I would love to talk with them and make sure they truly understand what is happening. I will not spend time with outside letters and comments but I feel it is in my responsibility to explain the REAL situation with our parents and taxpayers. Next week I will be meeting with the Ministerium with Pastor Rowand.
7. Mr. Riedel personally handed out the parent "Biology Opt Out" letter on Tuesday. As of Thursday we got only 12 requests to "opt out" back.

I was able to tape the January 13, 2005 ABC "Nightline" segment on "Dover." Anyone interested in borrowing the tape, please contact my secretary, Mrs. Holtzapple.

Dr. Richard D. Nilsen

**Dover Area School District
Superintendent's Weekly Update
January 19, 2005**

BIOLOGY CURRICULUM UPDATE

1. On Tuesday, January 18 and Wednesday, January 19, 2005 the October 18, 2004 board approved 9th grade Biology curriculum change was implemented. Mr. Baksa and Dr. Nilsen read the four-paragraph statement in four teachers classes. A total of eleven classes heard the statement. The implementation went without incident. The classroom teachers reported "no problems."

A lot of planning and meetings went into the implementation and I am happy to report, with the support of the High School administration the implementation went well. It was my strong intent to make sure we had a "normal" day to take away any "See I told you so" statements. I scripted all classroom comments, and talked personally with the teachers before and after each class. All in all it went as well as we could have hoped and planned.

Out of the 175 students, 27 students "opted out." I did not see any problems with the students leaving and felt the students leaving and staying in the classroom did a good job of acting appropriately.

2. On Monday, January 17, three sets of parents (Mr. and Mrs. Cashman, Mr. and Mrs. Hide, and Mr. and Mrs. Mummert), with the help and support of the Rutherford Institute filed a "Friend of the Court"/"Intervention" suit against the Kitzmiller/ACLU suit. They are attempting to say they have a "right" to hear about Intelligent Design. For more information, check this web address: http://www.rutherford.org/articles_db/press_release.asp?article_id=528.
3. Also legally, on Monday, January 17th, the Cobb County School District in Georgia voted to appeal their case about the stamp in the Biology book.
4. Under the "Life flashing before my eyes" or "Art imitating life" part of my present situation: On Sunday, January 17, 2005 at 10:00 PM on ABC the TV show "Boston Legal" had a story line where a superintendent requested legal help in a case where the teachers were suing him because he fired them when they refused to teach board approved Intelligent Design in the Biology curriculum because it was "not science." Sound familiar? Well let us hope life follows art, the superintendent won the case. The show had some great comments. If you want to see the show and/or Thursday's "Nightline" on Dover, please contact my secretary Mrs. Holtzapple. We have both shows on tape.

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5. Over the past week and especially Tuesday and Wednesday we have been hounded (as some of your are) by the media. I have tried to keep them off of the school grounds and away from interrupting our school day. I was very pleased the national and local TV media followed my directive and did not interview any students. The local print media (newspapers) always do what they want.
6. Mr. Baksa and I did attend the Dover Ministerium lunch on Tuesday with Pastor Rowand and attempted to try and explain the situation. Beyond the effect on our students the biggest concern I have is the decisive effect our situation may have on our religious community. Mr. Baksa and I attempted, with Pastor Rowand's leadership, to explain the situation and relieve any fears or concerns anyone may have from a religious viewpoint. I believe it was a productive meeting.

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