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On November 14, 2016, the Supreme Court [declined](#) [4] (PDF, p. 2) to review [COPE et al. v. Kansas State Board of Education et al.](#) [5], thus bringing the case to a decisive end. At issue was Kansas's adoption of the Next Generation Science Standards, which, according to the plaintiffs-appellants, "establish[ed] and endorse[d] a non-theistic religious worldview" in violation of the Constitution.

"This is a case that was frivolous from the get-go," commented NCSE's executive director Ann Reid, noting that the federal courts have consistently recognized (in the words of *McLean v. Arkansas*) "that evolution is not a religion and that teaching evolution does not violate the Establishment Clause." She added, "It's a shame that Kansas was forced to devote resources to fighting this case instead of educating its schoolchildren."

The lead plaintiff COPE, Citizens for Objective Public Education, is a relatively new creationist group, founded in 2012, although a number of members of its board of directors and attorneys representing it in the case — including John H. Calvert, the founder of the Intelligent Design Network — have a history of creationist activity. The remaining plaintiffs were a handful of children in Kansas's public schools and their parents.

Originally filed in 2013, the case was dismissed by the United States District Court for the District of Kansas in 2014 on the grounds that the plaintiffs lacked standing to assert any of their claims. After the court's ruling was appealed to the United States Court of Appeals for the Tenth Circuit, the decision was

upheld in April 2016, whereupon the plaintiffs appealed to the Supreme Court in August 2016.

By now, nineteen states — Arkansas (so far for primary and middle school only), California, Connecticut, Delaware, Hawaii, Illinois, Iowa, Kansas, Kentucky, Maryland, Michigan, Nevada, New Hampshire, New Jersey, Oregon, Rhode Island, Vermont, Washington, and West Virginia — plus the District of Columbia have adopted the NGSS, with New Hampshire the latest to do so, in November 2016.

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