



## California Three Rs Advisory Committee

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Church and State

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Anti-Defamation League

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# California Three Rs

## Rights, Responsibility, and Respect

A Project of the California County Superintendents Educational  
Services Association and The First Amendment Center

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*Working to accommodate the religious needs of students and parents whenever possible is a value and policy advocated by the California Three Rs Project. However, this policy needs to be thought through carefully by public school administrators and teachers so that the First Amendment rights of everyone are respected. The following article by Charles Haynes offers valuable insights into issues of accommodation as they affect many schools in California.*

### Religious Accommodation for Muslim Students

Charles Haynes, Senior Scholar  
First Amendment Center

How far can public schools go in accommodating the religious needs of Muslim students? This question is presenting itself with increasing urgency, and it's a delicate balance to avoid doing too little or too much.

It isn't easy being a Muslim in America these days. The statistics are chilling. Last year anti-Muslim violence, discrimination and harassment in the United States increased by nearly 70%, according to a report released last week by the Council on American-Islamic Relations. (That's 1,019 incidents, CAIR said.)

That's why Muslim students in public schools are often reluctant to ask school officials for accommodation for required prayers or other religious needs. But some things can't wait. When required daily prayers fall within the school day, for example, Muslim students need a place to pray. And when Muslim girls wearing head scarves arrive at a school with a "no head coverings" policy, they need an exemption on grounds of conscience.

Some school officials take a hard line — as when the Muskogee, Oklahoma, school district suspended a Muslim girl last year for refusing to remove her scarf. Fortunately, most educators instinctively do the right thing and accommodate these requests. Even when they may not have to do so, they want to find some way to allow students to follow the requirements of their faith.

But there are limits to accommodation. Until recently, well-meaning administrators in two school districts (California and Texas) allowed Muslim students to use an empty classroom every Friday for congregational prayer, called Jum'ah. Given the complexities of student schedules, this arrangement meant that many students were released from class to join the hour-long gathering.

School officials have now put a stop to the practice in both places — not out of animus toward Islam, but because they realized they had crossed a First Amendment line.

It's true that students in a public school are free to pray — alone or in groups as long as they aren't disruptive and don't interfere with others' rights. If students want to

pray between classes or at lunch in informal settings such as hallways or the cafeteria, they are free to do so. And there's no problem with allowing students to use a section of the library or a free classroom for brief prayers, as long as safety and discipline are maintained — and students don't miss much class.

But if schools get involved in releasing students from classes to attend a prayer service in the school building, that looks like a First Amendment violation to me. Under the establishment clause, administrators may not organize, sponsor, or otherwise entangle themselves in religious activities during the school day.

This is a painful line to draw. For Muslims, Jum'ah prayer isn't just another prayer service that can be performed at any time — it's an obligation of faith that must be fulfilled each Friday. Christians and Jews don't face this dilemma since the school calendar accommodates people with worship services on Saturday and Sunday (although some Jews and Seventh-day Adventists are frozen out of the many school activities planned for Friday night and Saturday).

Rather than just saying "no," school districts have two other alternatives. If the secondary school allows extracurricular clubs, then Muslim students may form a student-led club under the Equal Access Act. They could meet for Jum'ah prayers every Friday if, and only if, all other extracurricular clubs are allowed to meet during that time. Given the academic program, rolling lunch periods and other scheduling problems, setting aside a "club period" on Friday may not be practical or possible for many schools. But it's one option.

Or schools could set up a released-time program on Fridays, allowing students to go off-campus for religious activities. Although school districts don't have to allow released-time, the Supreme Court has made clear that they may do so to meet needs of religious students and parents. School officials may not encourage or discourage participation, and they must allow all religious groups to participate.

As some school districts have discovered, releasing kids for an hour on Friday afternoon can be a problem. It's hard to get them back to finish the school day. But the burden of ensuring that students get to the worship service and back safely and on time is squarely on the religious community. If the local mosque (or church or synagogue) isn't willing to make this happen, then the program won't work.

Whatever the approach, school districts have a civic duty to look for a solution. In the current climate of anti-Muslim rhetoric, how schools — and all sectors of American society — respond to the growth of Islam in this country is a real test of our national character.

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### **Announcing the new California Three Rs Project Website**

*Find resources for your classroom and school related to teaching about religion and First Amendment issues. Download copies of past CA Three Rs Bulletins.*



## **California Three Rs Project: Rights, Responsibility and Respect**



[http://score.rims.k12.ca.us/score\\_lessons/3rs/index.html](http://score.rims.k12.ca.us/score_lessons/3rs/index.html)



The California Three Rs Project  
of the  
California County Superintendents Educational Services Association and  
Freedom Forum First Amendment Center



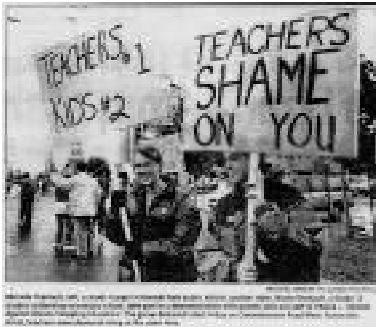
invite  
administrators, teachers, college of education faculty, and school board members  
to

## Moving Schools from Battleground to Common Ground

The recent election showed us that the blue states and red states are really made of deeply divided communities served by our public schools. The election, of course, didn't create the religious divide in America, it only served to highlight how deep and abiding our religious and moral differences have become. The culture-war battles of 2004 are a harbinger of even wider conflicts in 2005 and beyond. The fight over evolution entered a new phase in 2004 around the issue of "intelligent design." New court rulings related to student T-shirt messages and distribution of religious literature on elementary school campuses have left many educational leaders confused. The Pledge of Allegiance is back in the spotlight as is the gay rights issue. Learn how educators can use the First Amendment to find common ground and develop systems to deal with these very real differences without turning the schools into battlegrounds.

### Presenters:

**Charles Haynes, First Amendment Center Senior Scholar**  
**Wayne Jacobsen, Founder, BridgeBuilders**



**April 15, 2005**

**8:30 a.m. – 3:00 p.m.**

**Sacramento County Office of Education**

**10474 Mather Boulevard**

**Sacramento, CA 95826**

Map: <http://www.scoe.net/about/maps/index.html>

**\$50 per person**

**(includes materials, Finding Common Ground book, and lunch)**

For information contact: Margaret Hill, CA Three Rs Lead (909) 386-2611

Facility is handicapped accessible

----- Battle Ground to Common Ground Workshop -----

Name: \_\_\_\_\_

School/Institution \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip \_\_\_\_\_ PO# \_\_\_\_\_

Phone:( ) \_\_\_\_\_ Fax:( ) \_\_\_\_\_ Email \_\_\_\_\_

**Make check or P.O. payable to SBCSS.** Mail completed registration coupon and \$50 per person to: San Bernardino County Superintendent of Schools, Attention Margaret Hill, CA 3Rs Lead, 601 North E Street, San Bernardino, CA 92410-3093 Fax (909) 386=2667

**Online registration:** <http://ci.sbcss.k12.ca.us/oms>

**REGISTRATION DEADLINE: April 4, 2005 (no refunds after deadline)**

**Common Ground Resources:**

*Finding Common Ground: A Guide to Religious Liberty in Public Schools* by Charles C. Haynes and Oliver Thomas. First Amendment Center, 2001.

This book has guidelines on how to handle a wide range of issues related to religious liberty and public schools.

**First Amendment Center: Religious Liberty** [http://www.firstamendmentcenter.org/rel\\_liberty/index.aspx](http://www.firstamendmentcenter.org/rel_liberty/index.aspx)

This is an up-to-the-minute resource with current issues and court cases. A PDF version of *Finding Common Ground* is available here.

**For California Three Rs program information, contact...**

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**For First Amendment religious liberty information, contact...**

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**For information on teaching about world religions, contact...**

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