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Religion Equity in Schools – Protecting Students and Their Civil Rights

by Paula N. Johnson, Ph.D.

Many youths face bullying and harassment in school because of their race, ethnicity, language, gender, sexual orientation or disability. One area that tends to get less attention is religion equity, except perhaps when a dramatic incident catches the public’s eye. Reports indicate a rise in the number of Muslim and Sikh students expressing concern for their well-being and that of their families stemming from a perceived association between their religious heritage and terrorism (Guo, 2011; Rogers et al., 2017). Students from other religious groups across the country also experience bullying, which affects both their social and emotional well-being.

This article focuses on religious diversity as a protected civil right, how schools can foster more inclusive learning environments, and recommendations for educators.

Religious Diversity as a Civil Rights Issue

Very little research has investigated bullying based on religious differences. In these types of bullying situations, the act may have more to do with negative attitudes and stereotypes about how someone expresses their beliefs and have less to do beliefs themselves. Nevertheless, when bullying based on religion occurs in a severe, pervasive or persistent manner, it can be considered harassment under Title IV of the Civil Rights Act (AERA, 2013). When schools do not adequately address harassment, they may be in violation of civil rights laws, sometimes requiring intervention by the U.S. Department of Justice’s Civil

Rights Division.

Many times, students report being targeted because of visible symbols they wear in accordance with their religious beliefs. For example, Jewish boys wearing yarmulkes and Sikh males who wear patka or dastaar (head covering), experience bullying based on their attire. There also have been several incidents involving young Muslim girls wearing traditional hijab (head scarves). These items are sometimes forcefully removed by other students as a means of bullying and intimidation.

In fact, Muslim children are much more likely than those of other faiths to have experienced bullying at school because of their religion (see graphs on Page 2). And surprisingly, while most Muslim bullying is by students, one in four incidents involves a teacher (Mogahed & Chouhoud, 2017).

Schools must be vigilant about these bullying behaviors. It is important that educators be aware of the legal context and be clear about their policies and procedures for investigating and responding to bias incidents. Schools and communities that model respect for diversity help protect students against bullying behaviors.

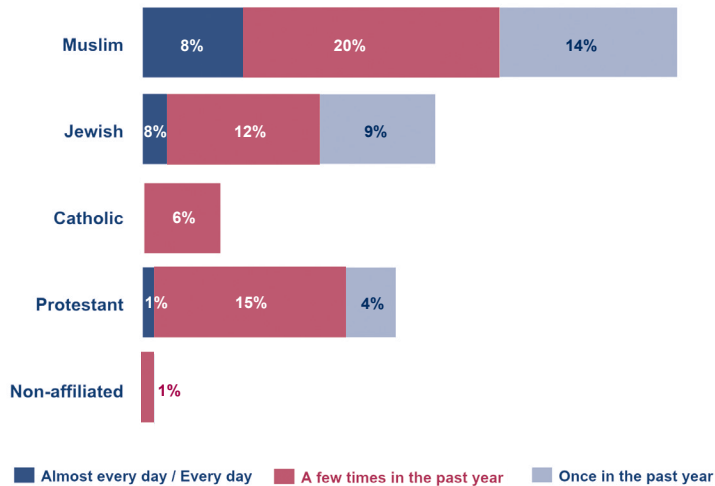
The IDRA EAC-South is the equity assistance center funded by the U.S. Department of Education to provide capacity-building technical assistance to school districts in Washington, D.C., and 11 states in the U.S. South. One of the four (cont. on Page 2)

“We live to some purpose: Helping schools work for all children and valuing children, educators, families and communities. We care deeply about children and believe that the lives and choices of many hang in the balance of what you and I as educators are able to provide today.”

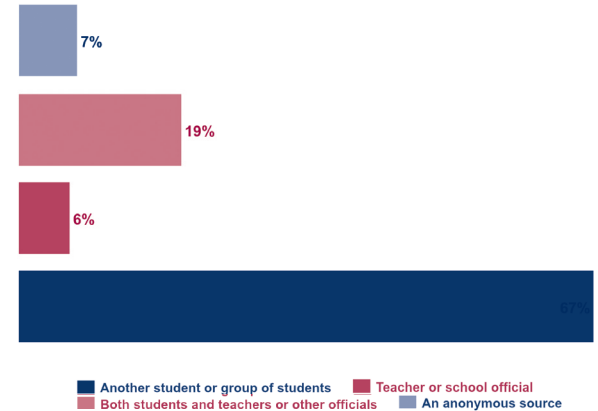
– Dr. María “Cuca” Robledo Montecel, IDRA President and CEO

(Religion Equity in Schools – Protecting Students and Their Civil Rights, continued from Page 1)

Muslim Children Were Much More Likely to Have Experienced Bullying at School Because of Their Religion



While Most Muslim Bullying is by Students, One in Four Incidents Involves a Teacher



Data Source: American Muslim Poll 2017: Muslims at the Crossroads

areas of students’ civil rights that we focus on is religion equity to help schools build inclusive school environments, reduce biases, and increase positive relationships among all members of the school and community

Fostering Safe and Inclusive School Environments

Current research shows that teachers are more likely to intervene in bias incidents related to race, religion and disability than other forms of bias (sexual orientation, gender presentation, and body size) (AERA, 2013). Safe and supportive school climates are critical to preventing bullying.

Student safety begins in the classroom but extends to every space on campus. Students should feel protected on the bus, in the rest room, on the

playground and in the library. It is everyone’s responsibility to work together to create a learning environment where bullying is not an acceptable behavior.

The Welcoming School website (www.welcomingschools.org), a project of the Human Rights Campaign Foundation, offers parents and educators resources for creating safe and welcoming schools for all children and families. Materials include professional development recommendations and strategies that can be used immediately with staff to foster inclusive learning environments.

Strategies for Embracing Diversity

Dr. Mark Chancey, professor of religious studies at Southern Methodist University states, “If we (cont. on Page 7)

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Additional resources are available online at <http://www.idra.org/eac-south/>

funded by the U.S. Department of Education

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Religion Equity and School Dress Codes

by Sulema Carreón-Sánchez, Ph.D., and Phoebe Schlanger

Historically, schools have exercised much discretion over setting dress codes for students. However, that discretion is balanced against several competing interests, including students' right to free speech and right to freely exercise their religious beliefs under the U.S. Constitution. Protections against religious discrimination may also be enforced under Titles IV and IX of the Civil Rights Act of 1964 and under state laws.

The legal history of school dress codes and students' religious freedoms is rooted primarily under First Amendment cases where students exercised their right to free speech. In the landmark case, *Tinker v. Des Moines Independent Community School District* (1969), several public-school students wanted to wear black armbands to express their dissatisfaction of the United States' handling of the Vietnam War. School principals learned of the plan and adopted a policy that any student who arrived at school wearing an armband would be asked to remove it. If students refused, the school would suspend them until they agreed to come to school without an armband. As anticipated, two students, Mary Beth and Christopher Tinker, wore armbands to their schools. They refused to remove them and were suspended. The students sued.

The U.S. Supreme Court eventually heard the case and ruled that prohibiting the wearing of armbands in public school, as a form of symbolic protest, violates the students' freedom of speech protections guaranteed by the First Amendment.

In delivering the opinion for the Supreme Court, Justice Fortas explained the need to balance Constitutional freedoms against the authority and responsibility of school officials to control conduct in their schools for the safety of the students, stating, "State-operated schools may not be enclaves of totalitarianism."

The court quoted an earlier Supreme Court opinion in *West Virginia v. Barnette* (1943): "That

they are educating the young for citizenship is reason for scrupulous protection of Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes."

In 1993, Congress passed the Religious Freedom Restoration Act (RFRA). It intended to provide stronger protections for individual rights to the free exercise of religion and to have these protections apply at the federal, state and local levels. The Supreme Court, however, ruled that Congress exceeded its authority in trying to apply RFRA to states (*City of Boerne v. Flores*, 1997).

In response, 31 states passed similar protections, whether through enacted laws or court decisions. They are: Alabama, Alaska, Arizona, Arkansas, Connecticut, Florida, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Washington and Wisconsin (1st Amendment Partnership, 2018). Inherent within many of these laws is the right to freely wear religious attire.

Through the IDRA EAC-South, IDRA works with schools and state agencies to protect students' civil rights in the areas of race, gender, national origin and religion. Religion equity includes the rights of religious minority students and free exercise of religion of all.

The U.S. Department of Justice, Civil Rights Division, enforces federal statutes that prohibit discrimination based on religion in public schools, among other factors. The Civil Rights Division intervened in a case brought by a Muslim girl who was told she could not wear her hijab (*Hearn and United States v. Muskogee* (cont. on Page 4)

The school environment should celebrate students' culture and language while protecting their religious freedom and, furthermore, their ability to reach their educational dreams.

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(Religion Equity and School Dress Codes, continued from Page 3)

PSD, 2004). The parties eventually reached an agreement that modified the district's policy and allowed the student to wear the hijab.

Lower courts have upheld dress codes, including mandatory uniforms, so long as these dress codes are neutral. These policies must meet three conditions:

- be intended to further an important or compelling government interest (e.g., school safety, student achievement);
- be unrelated to suppression of expression; and
- be the least restrictive means to further the government's interest.

Generally speaking, a school dress code cannot prevent a student from expressing religious beliefs. Thus, schools should permit students to wear such items as yarmulkes, turbans and head scarves (Anti-Defamation League, 2018).

School dress codes sometimes define how long male students may wear their hair under grooming provisions. Some Native American male students have successfully sued in lower courts, asserting that they wear their hair long as part of their religious expression. Courts also have struck down schools banning rosary beads and other religious articles where the schools failed to present a compelling reason.

The role of religious activities observed and practiced in districts and public schools has been one of the most unclear, misinterpreted and misunderstood civil rights issues. All educational settings should provide a welcome, nurturing and educational setting for all students, families and communities regardless of faith or belief.

These educational surroundings should afford a sense of being welcome, valued and safe in all public schools. Public school settings should focus on offering and obtaining an equal quality education, in a religiously-neutral environment.

Existing practices vary among districts depending on the diversity of surrounding communities. The fundamental right to religious beliefs, worship and expression practices is guaranteed by the First Amendment, which should equate to school policies providing guidance on the practices and rights of students expressing and exercising their religion. Schools can take these steps to ensure they do not exceed their authority and discretion in mandating dress codes:

Online Resources Related to Religion and Bullying

Know Your Rights about Religious Expression at School

- **Combating Religious Discrimination and Protecting Religious Freedom**, U.S. Department of Justice <https://www2.ed.gov/about/offices/list/ocr/religion.html>
- **Religious Discrimination**, Office for Civil Rights <https://www.justice.gov/crt/combating-religious-discrimination-and-protecting-religious-freedom-20>
- **Expelling Islamophobia** – Anti-hate and anti-bullying policies aren't enough in the fight against Islamophobia, by Sean McCollum, Teaching Tolerance <https://www.tolerance.org/magazine/spring-2017/expelling-islamophobia>

Addressing Bullying Based on Diversity, Race and Religion

- **Bullying Awareness & Prevention** – Understanding the Bullying Trend and Discovering New Ways to Combat It, Learn Psychology <https://www.learnpsychology.org/now/bullying>
- **Diversity, Race & Religion**, StopBullying.gov <https://www.stopbullying.gov/at-risk/groups/index.html>

Instructional Resources for Teaching about Religion

- **Understanding Other Religious Beliefs** – This lesson helps students learn more about different religions and discuss the importance of religion freedom, Teaching Tolerance <https://www.tolerance.org/classroom-resources/tolerance-lessons/understanding-other-religious-beliefs>
- **Teacher Resources – Instructional and Learning Resources**, Religion and Ethics Newsweekly <http://www.pbs.org/wnet/religionandethics/for-educators/teacher-resources-instructional-and-learning-resources>

- Review your school dress code policy – Make sure your policy is neutral. Consider whether it is mandatory. Consider providing an opt-out provision and consult with your attorney.
- Make sure your policy is accessible and easily understood – Policies must be easily accessible (e.g. website, documents in different languages) to parents and students, and in a language that they understand.
- Involve other stakeholders – Ask your diverse parents, students, teachers and community members to help develop and/or review your policy.

The school environment should celebrate students' culture and language while protecting their religious freedom and, furthermore, their ability to reach their educational dreams. Should your school or district need technical assistance, please contact the IDRA EAC-South or your regional equity assistance center.

Resources

- 1st Amendment Partnership. (2018). State Religious Freedom Restoration Acts (RFRA), map Washington, D.C.: 1st Amendment Partnership).
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Immigrant Students' Rights to Attend Public Schools

As schools are registering students for the next school year, IDRA is releasing this new infographic as a reminder that public schools, by law, must serve all children.

Not only should undocumented students not be discouraged from attending, they are required to attend school under the state's compulsory education laws.

And parents should be assured that the *Family Educational Rights and Privacy Act* restricts schools from sharing information with the U.S. Immigration and Customs Enforcement agency (ICE).

At IDRA, we are working to strengthen schools to work for all children, families and communities. Help us make this goal a reality for every child; we simply cannot afford the alternatives.


Denying children of undocumented workers access to an education is unconstitutional and against the law.

This infographic in full color and bilingual is available on IDRA's website along with many other resources for schools and advocates. We encourage you to share them across your networks.

<https://budurl.me/2-IDRAimmiged>

Other Tools...

 eBook in English and Spanish

 One-page bilingual flier to copy and share

Welcoming Immigrant Students in School

Immigrant students are guaranteed access to free public education by the U.S. Supreme Court.

Certain procedures must be followed when registering undocumented immigrant children (and those whose parents are undocumented) in school to avoid violation of their civil rights as outlined in the *Plyler vs. Doe* decision.



Public schools cannot deny admission to a student on the basis of undocumented status.



Public schools cannot require students or parents to disclose their immigration status.



Public schools cannot ask students or parents questions intended to expose their undocumented status.



Public schools cannot require social security numbers from students or parents.



Public schools cannot demand that parents produce driver's licenses or other identification documents that are not required.



Public schools cannot engage in any practices that "chill" or hinder the right of access to school.

All children are required under state laws to attend school until they reach a mandated age.



School personnel have no legal obligation to enforce U.S. immigration laws.



U.S. Immigration and Customs Enforcement (ICE) agents are to refrain from enforcement actions at certain sensitive locations, which include schools, as detailed in ICE's own policies.



The Family Education Rights and Privacy Act prohibits schools from providing any outside agency (including ICE) with any information from a child's school file that would expose the student's undocumented status.



The only exception is if an agency gets a court order (subpoena) that parents can then challenge.

What schools can do...



Focus on teaching all students.



Pro-actively show parents that their children are welcome.



Ensure teachers and staff are properly trained about protecting the rights of children and on culturally competency.



Communicate with parents in their language.



Share information about resources for students, families and educators (in English and other languages at the school).



Review all of your enrollment and registration documents (including forms, websites, and communications with parents) to be clear that the provision of the child's social security number, birth certificate, etc., is voluntary, and that not providing such information will not bar a child's enrollment.



Adults without social security numbers who are applying for a free lunch and/or breakfast program for a student need only state on the application that they do not have a social security number.



Get more info and resources, including IDRA's School Opening Alert Flier & eBook. <https://budurl.me/2-IDRAimmiged>

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Six Teens Win 2018 National Essay Contest Awards

IDRA Coca-Cola Valued Youth Program Tutors Share Stories of the Program's Impact on their Lives

"The Coca-Cola Valued Youth Program made me open my eyes and has given me reasons that I should come to school every day, and that's exactly what I'm doing for my Pre-K tutees." – ninth-grader Melanie Esparza

Six students received prizes in a national competition among participants in the Coca-Cola Valued Youth Program, a nationally-recognized cross-age tutoring program of the Intercultural Development Research Association. Coca-Cola Valued Youth Program tutors wrote about how the program helped them do better in school and how they had helped their tutees to do better.

There were competitions at both the middle school and high school levels in the United States. Winners from each competition are being awarded \$200 for first place, \$150 for second place and \$100 for third place along with commemorative certificates and trophies.

First Place High School Winner

Santiago Sosa

11th Grade, Ector County ISD, Texas



In his essay, Santiago Sosa wrote: "There are many reasons as to why I joined this the Coca-Cola Valued Youth Program, and I could go on and on as to why I stayed. I wouldn't even be writing this if it wasn't for my tutee who reminded me how hard it can be to learn differently from others... I know the struggles of being pulled out of class and the embarrassment of being pulled out in front of your classmates... Our experiences make us who we are. While my experience in third grade was hard, I learned that teachers are the ones who can help you see your true value. It also prepared me to work with my tutee, to show him that there are people who care, and that's what is important in life."

Second Place High School Winner

Daniela Urquidi

12th Grade, Ector County ISD, Texas



"I've realized that the Coca-Cola Valued Youth Program is more than just tutoring little kids," wrote Daniela Urquidi. "It's also you becoming part of an innocent child's life and them becoming part of yours... The tutees who I was assigned to this year have taught me so much over the time I've spent with them. They reminded me how essential education is and that you'll need it throughout a lifetime. They taught me patience and kindness – something that I lacked and needed. They taught me about life, things I never knew I needed, all while I was teaching them things they would need in life as well."

Third Place High School Winner

Melanie Esparza

9th Grade, South San Antonio ISD, Texas



Melanie Esparza wrote in her essay: "The Coca-Cola Valued Youth Program made me open my eyes and has given me reasons that I should come to school every day, and that's exactly what I'm doing for my Pre-K tutees... I was losing interest in school because of my grades being low. I now feel good about seeing my progress reports and report cards!... All those good grades have made my attendance much better... I know [my tutees] enjoy me being there, and I wouldn't want to miss a day of seeing their smiling faces. That makes my day go on a lot better... Being in the Coca-Cola Valued Youth Program really made me think a lot

about my future... I have learned that responsibility and dedication are important to be a good role model. The Coca-Cola Valued Youth Program has changed me, and I am determined to follow my dreams."

First Place Middle School Winner

Marely García

8th Grade, La Joya ISD, Texas



"After I started tutoring, everything changed," wrote Marely García. "I learned to work and be patient with younger students. I also became more understanding and helpful toward my peers and siblings. Being a tutor has showed me that not only do we teach our tutees, but they also teach us and help us mature... I'm glad I was chosen to be in this program because it has made me a better person. I hope that these students I'm tutoring remember this opportunity that was given to them so that they will be the best they can be in the future."

Second Place Middle School Winner

Isaias Zavala

7th Grade, La Joya ISD, Texas



In his essay, Isaias Zavala wrote: "The Coca-Cola Valued Youth Program has helped me become a more responsible student and person. In school, I would often misbehave, and now that I have been in the program I'm afraid to get a [disciplinary] referral, because I don't want to get exited out of the Coca-Cola Valued Youth Program... When I teach, I want the tutees

(cont. on Page 7)

(Six Teens Win 2018 National Essay Contest Awards, continued from Page 6)

to believe that I am very smart and that they can become smarter than me. It has been a pleasure tutoring at the elementary school, because when they see me walk into their class, the tutees get very happy. The spark in their faces helps me forget all the problems that are happening at home and school.”

**Third Place Middle School Winner
Sipriano Badillo**

7th Grade, La Joya ISD, Texas



“With the paychecks that this very awesome program has given me, I get to put some food on the table for my family and me,” wrote Sipriano Badillo. “This makes me really very proud of how I can contribute

to my family!... I honestly thought I was going to change my tutees, but I guess I was wrong, because they changed me... I am looking forward to giving more and more of me, to become a way better tutor than what I already am... The Coca-Cola Valued Youth Program is magic! It has transformed me into a stronger person... Thank You Coca-Cola Valued Youth Program for changing my life! Keep changing lives because that is what this program does best.”

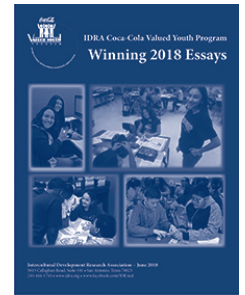
Learn More about the IDRA Coca-Cola Valued Youth Program

Website: Coca-Cola Valued Youth Program – Learn more about the program and how to bring it to your school

Video: Dropout Prevention that Works – Overview of how the Coca-Cola Valued Youth Program impacts students and schools. [12 min.]

Winning Essays: Full text of the six winning essays

<http://budurl.com/IDRAVYP>



Honorable mentions were awarded to students in schools that submitted multiple student essays; these students had the highest score at their campus.

Also, students at Charles C. Ball Academy in the San Antonio ISD, Texas, submitted essays. Amber Ortiz received first place. And while not yet in middle school, our younger tutors in the Coca-Cola Valued Youth Program at PS94 Kings College School in New York City wrote their own essays. Barbara Rosario received first place among those.

The Coca-Cola Valued Youth Program, created by IDRA, is an internationally-recognized cross-age tutoring program. Since its inception in 1984, the program has kept more than 34,100 students in school, young people who were previously at risk of dropping out. According to the Valued Youth creed, all students are valuable, none is expendable. The lives of more than 671,000 children, families and educators have been positively impacted by the program.

(Religion Equity in Schools, continued from Page 2)

as a nation want to understand how to relate to the rest of the globe, then we need to have a richer and deeper understanding of different cultures – including various religions.” In general, schools can:

- Establish a school culture of inclusion and respect for diversity that welcomes all students. The Positive Behavioral Interventions and Supports Technical Assistance Center (www.pbis.org) can help.
- Monitor locations in and around the building that may be bullying “hot spots.” Areas that have little or no adult monitoring or supervision (such as bathrooms, playgrounds and the cafeteria) may place students at higher risk of bias incidents.
- Make it the business of the entire school staff to be on the lookout for bullying. The climate of the school is set by the adults. This includes teachers, paraprofessional staff, parent volunteers, bus drivers, school librarians and nurses, cafeteria staff, and others. The school can send a strong message of inclusion and respect for diversity when students are hearing it from the

many different adults they see and speak to every day.

We must work to prepare teachers to help students appreciate, respect, understand and learn from students of other cultures. The next generation of citizens will be equipped to promote greater tolerance in schools at all levels, in the workplace, and in the global community (Gardner, Soules, & Valk, 2017).

Contact the IDRA EAC-South or your regional equity assistance center if your school or district need technical assistance.

Resources

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**Get our handout:
“Resources on Preventing
and Responding to
Cyberbullying in
Schools”**

<https://budurl.me/z-IDRAcyberB>

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IDRA has a new logo!

We've got exciting news to share! As IDRA celebrates our 45th anniversary this year, we've looked back over the years at our work and the people who've partnered with us to fulfill our promise to children. We have also looked ahead at what it's going to take to make that promise a reality. Our new logo reflects that challenge.

We must be bold.

We must be dynamic.

And we must stay focused on transforming education by putting children first.

See the full color logo and find out more about the new logo and our design process www.idra.org/who-we-are/idra-logo



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*achieving equal educational opportunity for every child
through strong public schools that prepare all students to access and succeed in college*