

FREEDOM *of* CONSCIENCE DEFENSE FUND

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DANIEL J. PIEDRA
Executive Director

May 6, 2019

Via Email

Ms. Judy Martinson, Superintendent
Dieringer School District
1320 178th Ave E.
Lake Tapps, WA 98391

**Re: CAIR's "Informative Letter on Upcoming
Islamic Holidays and Religious Accommodations"**

Dear Ms. Martinson:

The Freedom of Conscience Defense Fund is a pro bono legal team that focuses on First Amendment advocacy. As part of our mission, we educate school administrators, families and the local community about the emerging threat of sectarian activists in public schools. We write to express our concern about the letter you received from the Council on American-Islamic Relations (CAIR) regarding Ramadan accommodations for Muslim students. Several of CAIR's recommendations implicate serious constitutional questions. We are relatedly concerned you are unaware about CAIR's anti-Semitic background and the grave threat the syndicate poses to the safety and wellbeing of Dieringer School District's students.¹ In this letter, we set forth the constitutional principles relating to religious accommodations and government endorsement of religion. We then evaluate CAIR's recommendations and point out their pitfalls. Finally, we recommend the District, to avoid litigation, take immediate action to address the issues outlined in this letter.

1. CAIR'S "INFORMATIVE LETTER" AND THE DISTRICT'S "RAMADAN POLICY"

1.1. Overview of CAIR's Letter

Earlier this year, CAIR's Washington chapter emailed you an "Informative Letter on Upcoming Islamic Holidays and Religious Accommodations" (the "CAIR Letter").² As you may recall, the CAIR Letter proposed a list of detailed actions the District should take to accommodate Muslim students during the upcoming Islamic holidays. According to records obtained through a public data request, you circulated the letter to District principals, who in turn distributed it to school staff.

To be clear, nothing in the Constitution prohibits public schools from accommodating students' religious exercise to the extent it would not interfere with educational interests. "But the religious liberty protected by the Constitution is abridged when the State affirmatively sponsors" religious practice.³ Here, by issuing the CAIR

¹ A copy of a "fact sheet" about CAIR is appended as Attachment A.

² A copy of CAIR's letter is appended as Attachment C.

³ *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 313 (2000).

Letter to District employees, you acted under color of state law to create an official policy (the “Ramadan Policy”) that has a primary effect of advancing religion.⁴ The Ramadan Policy, in both adoption and implementation, plainly imposes liability on the District under the United States and Washington Constitutions.⁵

2. RELIGION IN EDUCATION: STRIKING A CONSTITUTIONAL BALANCE

2.1. First Amendment Prohibitions in the Public Schools

“The public school is at once the symbol of our democracy and the most pervasive means for promoting our common destiny.”⁶ Under the First Amendment, a public school “shall make no law respecting an *establishment* of religion, or prohibiting the *free exercise* thereof. . . .”⁷ The Establishment Clause prohibits schools from singling out one religious sect for preferential treatment; the Free Exercise Clause forbids schools from burdening a student’s sincerely held religious beliefs. The tension between these two prohibitions, as well as the sensitive First Amendment concerns in public schools, has created significant confusion about what educators may and may not do.

2.2. Religious Accommodations

The Supreme Court has long recognized “the government may (and sometimes must) accommodate religious practices and that it may do so without violating the Establishment Clause.”⁸ Nevertheless, “the principle that government may accommodate the free exercise of religion does not supersede the fundamental limitations imposed by the Establishment Clause”⁹ and “[a]t some point, accommodation may devolve into an unlawful fostering of religion.”¹⁰ The Court generally has applied three criteria to determine whether a religious accommodation is constitutional under the Establishment Clause. First, the accommodation must respond to a distinct burden on religion.¹¹ Second, it must be available on a religion-neutral basis.¹² And third, it must not impose “undue hardship.”¹³ An accommodation poses an “undue hardship” if it would be costly to implement, substantially disrupt school operations, or materially interfere with the rights of others in the school community.¹⁴ Taken together, school officials must ensure that an “accommodation [is] measured so that it does not override other significant interests” and does not “differentiate among bona fide faiths.”¹⁵

2.3. Government Neutrality under the Establishment Clause

The Supreme Court has been “particularly vigilant in monitoring compliance with the Establishment Clause in elementary and secondary schools.”¹⁶ The Court has repeatedly emphasized that children are impressionable, and their “beliefs consequently are the function of environment as much as of free and voluntary choice.”¹⁷

⁴ See, e.g., *Reitman v. Mulkey*, 387 U.S. 369, 378 (1967).

⁵ See, e.g., *Ulrich v. City & Cty. of San Francisco*, 308 F.3d 968, 985 (9th Cir. 2002).

⁶ *McCollum v. Bd. of Educ.*, 333 U.S. 203, 231 (1948).

⁷ U.S. Const. amend. I (emphasis added).

⁸ *Hobbie v. Unemployment Appeals Comm’n of Fla.*, 480 U.S. 136, 144–45 (1987).

⁹ *Lee v. Weisman*, 505 U.S. 577, 587 (1992).

¹⁰ *Corp. of Presiding Bishop of Church of Jesus Christ of Latter-day Saints v. Amos*, 483 U.S. 327, 334–35 (1987) (cleaned up).

¹¹ See, e.g., *Tex. Monthly v. Bullock*, 489 U.S. 1 (1989) (rejecting the state’s claim that a tax exemption for religious publications was a reasonable accommodation because equal liability for taxes does not distinctively burden religion, and therefore the benefit was an unconstitutional subsidy).

¹² See, e.g., *Bd. of Educ. v. Grumet*, 512 U.S. 687, 702–05 (1994) (holding unconstitutional a specially created school district for an Orthodox Jewish community because the accommodation was not generally available to all faith groups).

¹³ *Estate of Thornton v. Caldor*, 472 U.S. 703 (1985) (holding that a categorical duty of employers to accommodate employees’ Sabbath observance violated the Establishment Clause because of the burden imposed on employers and fellow employees).

¹⁴ In the same vein, schools may adopt policies that incidentally interfere with religious practice if the policies are both “neutral” toward religion and “generally applicable” to all students. *Emp’t Div. v. Smith*, 494 U.S. 872, 877 (1990).

¹⁵ *Cutter v. Wilkinson*, 544 U.S. 709, 722–23 (2005).

¹⁶ *Edwards v. Aguillard*, 482 U.S. 578, 585 (1987).

¹⁷ *Sch. Dist. of City of Grand Rapids v. Ball*, 473 U.S. 373, 390 (1985).

Therefore, school officials must ensure that no policy or practice “conveys a message that a particular religion, or a particular religious belief, is ‘favored’, ‘preferred’, or ‘promoted’ over other beliefs.”¹⁸ Moreover, families condition their trust on public schools to educate their children “on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family.”¹⁹ As discussed below, the District’s Ramadan Policy raises the specter of impermissible government endorsement of religion.

3. ANALYSIS OF CAIR’S LETTER

3.1. Summary

Keeping in mind the “the myriad, subtle ways in which Establishment Clause values can be eroded,” the District’s Ramadan Policy likely violates the clause’s demand that the government remains neutral toward religion.²⁰ The policy also likely violates the Free Exercise Clause, because it commands that Ramadan religious concerns automatically control over all other interests at school without taking into account the convenience or interests of non-Muslim students.²¹ To be sure, schools navigate a narrow passage between honoring diverse cultures and religious beliefs without offending the fundamental rights of others. Here, the District’s accommodation of Muslim students during Ramadan exceeds the critical limitations imposed by the Establishment Clause.²²

3.2. CAIR’s recommendations

a. School officials should add Eid Al-Fitr and Eid Al-Adha to school calendars and not schedule tests on those days.

By recommending adding Islamic holidays to school calendars, CAIR is endorsing the common misconception that it is permissible to promote a particular religious holiday in schools just because other religious holidays are recognized. Specifically, CAIR is trying to justify celebrating Eid Al-Fitr and Eid Al-Adha by falsely contending these holidays should receive similar treatment to Christmas. This approach is wrong for two reasons. First, adding Islamic holidays does not further the District’s educational mission and academic goals. Recognizing holidays is constitutional only if the purpose is to provide secular instruction about religious traditions, rather than to promote the particular religion involved.

Second, CAIR’s recommendation that teachers schedule tests around Eid Al-Fitr and Eid would alleviate no burden on Muslim students. Under existing state law, “[s]chool officials must excuse students for any “[r]eligious or cultural purpose including observance of a religious or cultural holiday or participation in religious or cultural instruction.”²³ And students may complete makeup assignments or tests in conjunction with such absences. Even if no state statutory exemption existed, the First Amendment’s Free Exercise Clause protects a reasonable number of excused absences for religious observances.²⁴ Moreover, according to the Pew Research Center, Washington State has the second lowest Muslim population in the United States, only after Vermont. The convenience and interests of a tiny fraction of the school population do not rise to the level of a free exercise right to accommodation.

¹⁸ *Cty. of Allegheny v. ACLU*, 492 U.S. 573 (1989).

¹⁹ *Edwards*, 482 U.S. at 584.

²⁰ *Wallace v. Jaffree*, 472 U.S. 38, 59–61 (1985).

²¹ *See, e.g., Thornton*, 472 U.S. 703 at 709.

²² *Lee*, 505 U.S. at 577.

²³ WAC 392-401-020.

²⁴ *Lynch v. Donnelly*, 465 U.S. 668, 673 (1984) (Free Exercise Clause “affirmatively mandates accommodation, not merely tolerance, of all religions”).

b. School officials should inform unaware Muslim students and parents that excused absences are allowed under federal law for religious holidays.

CAIR's request is unconstitutional. The "preservation and transmission of religious beliefs and worship is a responsibility and a choice committed to the private sphere."²⁵ Religious adherence, such as observances, is the parents' responsibility, not the public school's. To that end, school officials may neither encourage nor discourage students from availing themselves of an excused absence for religious reasons. Any greater notice requirement would encourage school officials to delve into a student's religious practices to determine whether his or her religion mandates an absence. If courts may not make such an inquiry,²⁶ then neither may schools.

c. Muslim students should be given the option to visit the library during lunch because, "depending on their faith-involvement," they may choose to fast.

CAIR's recommendation is permissible—to an extent. Schools uphold the principles of religious liberty when they reasonably accommodate religious requests. Sensitive and thoughtful school officials may easily grant many of these requests without raising constitutional questions. Thus, Muslim students may *request* permission to pray in a designated area during noninstructional time, and if space is available, school administrators should try to grant this request. In short, as long as it is feasible, school officials should honor these requests in the spirit of the First Amendment. Nevertheless, schools may not set up "prayer rooms" for Muslim students. Nor may schools excuse students from class where doing so would impose material burdens on other students.

d. Teachers should inform parents if they notice changes in a Muslim student's "quality of work or behavior during Ramadan" and "discuss options with them."

CAIR's request is problematic. "A school district and its employees have a special relationship with the district's pupils, a relationship arising from the mandatory character of school attendance and the comprehensive control over students exercised by school personnel."²⁷ Administrators and teachers should not, however, be placed in the position of monitoring a child's compliance with a particular religious requirement. Enforcing religious obligations such as prayer, dietary restrictions, or wearing a head covering is the responsibility of parents, not teachers. Similarly, the Establishment Clause "prohibits government from appearing to take a position on questions of religious belief or from "making adherence to a religion relevant in any way to a person's standing in the political community."²⁸ Thus, school officials should not expend time and resources monitoring Muslim students' religious observances. The sensible approach is for parents to ask *teachers* about their children's behavior.

e. Teachers should "[w]elcome Muslim students during Ramadan with 'Ramadan Mubarak!' (Moo-baa-rak) or 'Ramadan Kareem.'"

This recommendation exposes the District to serious government liability under the First Amendment. "By reason of the First Amendment government is commanded to have no interest in theology or ritual, for on those matters government must be neutral."²⁹ Exchanging Islamic greetings with Muslim students impermissibly advances and promotes a religious message. According to Jordan's Iftaa' Department, which is responsible for religious decrees, "Ramadan Kareem" derives from "the fact that God gives his worshippers blessings during the month [of Ramadan]."³⁰ In cases involving state participation in religious activity, a relevant question is whether an objective observer—here, a non-Muslim student—would perceive the Ramadan Policy's encouragement of

²⁵ See 505 U.S. at 587.

²⁶ See, e.g., *Fowler v. State of R.I.*, 345 U.S. 67, 70 (1953).

²⁷ *C.A. v. William S. Hart Union High Sch. Dist.*, 270 P.3d 699, 704 (2012)

²⁸ *Lynch*, 465 U.S., at 687 (O'Connor, J., concurring).

²⁹ *Engel v. Vitale*, 370 U.S. 421, 443 (1962) (Douglas, J., concurring) (cleaned up).

³⁰ See General Fatwa Department, HASHEMITE KINGDOM OF JORDAN, available at <https://aliftaa.jo/DefaultEn.aspx>.

religious greetings as a state endorsement of prayer in public schools.³¹ As the Supreme Court observed, “[s]chool sponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are nonadherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.”³² Regardless whether a listening student supports or objects to the Ramadan greetings, a reasonable student would unquestionably perceive them to be “stamped with her school’s seal of approval.”³³

Relatedly, a teacher “is clothed with the mantle of one who imparts knowledge and wisdom,” an appearance that his “expressions of opinion are all the more believable because he is a teacher.”³⁴ Because children’s “experience is limited,” their “beliefs consequently are the function of environment as much as of free and voluntary choice.”³⁵ By blessing Muslim students in Arabic, teachers unmistakably endorse religion in a constitutionally impermissible way. The Supreme Court noted: “[T]hat in the hands of government what might begin as a tolerant expression of religious views may end in a policy to indoctrinate and coerce. A state-created orthodoxy puts at grave risk that freedom of belief and conscience which are the sole assurance that religious faith is real, not imposed.”³⁶ The Ramadan Policy is a message of endorsement that cannot possibly be lost on the young, impressionable, easily influenced schoolchildren whom the law entrusts to teachers, *in loco parentis*, for the entire school day.

4. CONCLUSION

The Freedom of Conscience Defense Fund will closely monitor the District’s response to this letter. Note, legal proceedings may be initiated if the District does not take steps to rescind the Ramadan Policy within a reasonable time. To support you in this regard, attached to this letter is a sample email that you could send to District staff to resolve this matter.³⁷ Thank you for the opportunity to present our views. We hope this information is helpful. Please do not hesitate to contact our office if you have any questions about this matter.

Sincerely,



Daniel J. Piedra, J.D.
Executive Director
Freedom of Conscience Defense Fund

Encl.

³¹ See *Wallace*, 472 U.S. at 70 (O’Conner, J., concurring in judgment).

³² *Santa Fe Indep. Sch. Dist. v. Doe*, *supra*, at 309–10 (cleaned up).

³³ *Id.* at 308.

³⁴ *Pelozo v. Capistrano Unified Sch. Dist.*, 37 F.3d 517, 522 (9th Cir. 1994).

³⁵ *Sch. Dist. of City of Grand Rapids v. Ball*, 473 U.S. 373, 390 (1985).

³⁶ *Lee v. Weisman*, *supra*, at 591–92.

³⁷ The sample email should not be interpreted to address the District’s compliance with any other regulatory provision or to address any issues other than those addressed in this letter. Nor should the sample email be relied upon, cited, or construed as legal assistance.

FREEDOM *of* CONSCIENCE

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FACT SHEET

COUNCIL ON AMERICAN-ISLAMIC RELATIONS: A WOLF IN SHEEP'S CLOTHING

1.1. CAIR's indoctrination agenda.

The U.S. Supreme Court holds that “[i]n no activity of the State is it more vital to keep out divisive forces than in its schools.”¹ CAIR is one such force. CAIR identifies itself as America's largest Muslim civil liberties organization. It “believes the active practice of Islam strengthens the social and religious fabric of our nation.”² Behind its social justice façade, however, is a notorious sectarian syndicate with a radical agenda. As CAIR's founder, Omar Ahmad said

Islam isn't in America to be equal to any other faith, but to become dominant. The Koran, the Muslim book of scripture, should be the highest authority in America, and Islam the only accepted religion on Earth.³

CAIR has chosen public schools as ground zero to advance its sectarian agenda. As Ibrahim Hooper, CAIR's Director of Strategic Communications, said:

I wouldn't want to create the impression that I wouldn't like the government of the United States to be Islamic sometime in the future. But I'm not going to do anything violent to promote that. *I'm going to do it through education.*⁴

In support, Nihad Awad, CAIR's National Executive Director, testified that “informing the American public about the Islamic faith is a religious obligation” and that the purpose of its public school outreach is to “create a religious educational environment.”⁵

1.2. CAIR is an anti-Semitic, designated terrorist organization.

CAIR is notorious in public policy and national security circles for its ties to Islamic supremacism, including its founding by the Muslim Brotherhood and Hamas.⁶ These facts are not anti-Muslim conspiracy theories. Indeed:

- Federal prosecutors have acknowledged that Muslim Brotherhood leaders founded CAIR and that it has conspired with Muslim Brotherhood affiliates to support terrorists.⁷

¹ *Id.* (quoting *McCullum v. Bd. of Educ.*, 333 U.S. 203, 231 (1948) (Frankfurter, J., concurring)).

² *About Us*, Council on American-Islamic Relations, <https://goo.gl/bAKXTR>.

³ “American Muslim leader urges faithful to spread Islam's message” *San Ramon Valley Herald* (July 4, 1998).

⁴ Lou Gelfran, “Reader Says Use of ‘Fundamentalist’ Hurting Muslims,” *Minneapolis Star Tribune* (April 4, 1993).

⁵ *CAIR-Foundation, Inc. d/b/a Council on American-Islamic Relations*, Case 05-RC-186732 (N.L.R.B. Apr. 7, 2017) (decision and direction of election).

⁶ On October 8, 1997, the United States Department of State designated Hamas as a foreign terrorist organization under the Immigration and Nationality Act of 1965 § 219, 8 U.S.C. § 1189 (2013). See *Designation of Foreign Terrorist Organizations*, 62 Fed. Reg. 52650-01 (Oct. 8, 1997).

⁷ See Opp'n to CAIR's Mot. for Leave to File Br., etc., *United States v. Holy Land Found. for Relief and Dev.*, Cr. No. 3:04-CR-240-G, 2007 WL 2011319 (N.D. Tex. September 4, 2007), available at <https://goo.gl/MxXoBA>.

- In 2007, federal prosecutors named CAIR as an unindicted co-conspirator with the Holy Land Foundation for Relief and Development and five of its leaders for materially supporting Hamas.⁸
- In 2008, the FBI ended formal contact with CAIR because of its ties to terrorism.⁹
- In 2014, the United Arab Emirates, as part of a federal law to combat extremism, designated CAIR as a terrorist organization.¹⁰

CAIR is also noted for its anti-Semitic activism. The Anti-Defamation League (ADL) published a “Profile” two years ago about CAIR as part of its “Imagine a World without Hate” campaign.¹¹ According to ADL: “CAIR’s stated commitment to ‘justice and mutual understanding’ . . . is undermined by its anti-Israel agenda.” Further, “CAIR chapters continue to partner with various anti-Israel groups that seek to isolate and demonize the Jewish State.” In all events, if the District maintains any relationship with CAIR, no matter how informal, it would be entangling itself with an Islamic advocacy organization with a history of anti-Semitism and radical Islamic ideology.

1.3. CAIR does not represent the American Muslim community.

Although CAIR asserts that it is the voice of American Muslims, that claim is undercut by its isolated status within the Muslim community. For example:

- In a 2011 Gallup poll, only 12% of American Muslims surveyed said that CAIR represents their interests.¹²
- Dr. Zuhdi Jasser, founder of the progressive American Islamic Forum for Democracy, stated: “CAIR is a primary obstacle in the effort of many honest American Muslims who recognize our need to own up and lead long-overdue reforms against the root causes of radicalization: Islamism and its separatism.”¹³
- Raheel Raza, President of the Council for Muslims Facing Tomorrow, stated: “CAIR’s information is marketed and packaged so it seems that they speak for all of us, but they don’t speak for me and my group. CAIR does not and has never represented the majority Muslim voices which are as diverse as Muslims in America.”¹⁴

⁸ See Trial Br. Attach. A, *United States v. Holy Land Found.*, Cr. No. 3:04-CR-240-G (N.D. Tex. May 29, 2007), available at <https://goo.gl/2Y8pKQ>.

⁹ See Letter from James E. Finch, Special Agent, FBI, to Muslim Community Outreach Program (MCOP) Invitee (Oct. 8, 2008), available at <https://goo.gl/SpQMHR>.

¹⁰ See *UAE Cabinet Approves List of Designated Terrorist Organisations, Groups*, Emirates News Agency (Nov. 15, 2014, 10:34 PM), available at <https://goo.gl/dfmSDX>.

¹¹ *Profile: The Council on American Islamic Relations*, Anti-Defamation League (2015), <https://goo.gl/H2fySR>.

¹² Abu Dhabi Gallup Center, *Muslim Americans: Faith, Freedom, and the Future* (2011), <https://goo.gl/Y6Trw6>.

¹³ Malia Zimmerman, ‘*They Don’t Speak for Me*’: *New Muslim Groups Reject CAIR Representation*, Fox News (Dec. 20, 2015), <https://goo.gl/PoHkDw>.

¹⁴ *Id.*

Proposed Memorandum to District Staff

Dear District Staff:

Last month, I distributed an email containing a letter from the Council on American-Islamic Relations (CAIR) about accommodating Muslim students during Ramadan. The purpose of this memorandum is to respond to expressed concerns about CAIR and the contents of its letter. This memorandum also clarifies the District's commitment to protecting religious freedom while avoiding the endorsement of religious activity or sectarian organizations.

I. Religious Awareness

The Dieringer School District recognizes the value of both advancing students' knowledge and appreciation of the role that religious heritage has played in the development of civilization and developing students' understanding and respect for religious differences. To that end, District staff is encouraged to use every opportunity to foster understanding and mutual respect among students and parents regarding culture, creed, and religious belief.

II. Religious Accommodations

District staff must take reasonable steps to accommodate a student's religious beliefs or practices, unless that accommodation would create an undue hardship. School calendars should be prepared to minimize conflicts with religious observances of all faiths to the extent doing so would not place an undue burden on the school. Consistent with state law, the District shall excuse a student from attending school for the purpose of observing religious holy days, including traveling for that purpose. A student whose absence is excused to observe a religious holy day may not be penalized for the absence and must be allowed a reasonable time to make up the schoolwork.

III. Employee Religious Activity

Employees' statements and actions in their official capacity are attributed to the District. Consequently, a school employee may not participate in a religious activity with students while acting in the employee's official capacity. Employees acting in their official capacities shall refrain from discussing religious beliefs with students, including exchanging religious greetings.

IV. Council on American-Islamic Relations (CAIR).

The District was wrong to distribute CAIR's letter. Since we circulated CAIR's letter to District staff, we have taken the time to do more research about CAIR. We have found that CAIR, based on the statements of its leaders, its associations, and its activities, has beliefs and practices that do not reflect the District's values of inclusion and tolerance. The District declares that groups or individuals that vilify others because of their race, religion, ethnicity, sexual orientation or gender identity strike at the heart of our democratic values and fracture society along its most fragile fault lines, especially in our schools.

Therefore, we do not condone CAIR or its organizational activities. In the future, the District shall strive to ensure that outside sectarian organizations do not threaten to undermine District values and jeopardize the schoolchildren entrusted to our care.

V. Conclusion

Based on the foregoing, CAIR's letter advocates legal positions and policy preferences beyond the requirements of state and federal law. The District therefore will no longer rely on the views expressed in the letter. Nor shall District staff adopt or implement any action recommended therein. CAIR's letter has no legally binding effect, and has no force or effect of law. Furthermore, this memorandum does not establish legally enforceable responsibilities beyond what is required by applicable statutes, regulations, or binding judicial precedent.



Council on American-Islamic Relations
Washington State Chapter
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info@cairwa.org | 206.624.0506 | www.cairwa.org

March 12, 2019

SENT VIA EMAIL

RE: Informative Letter on Upcoming Islamic Holidays and Religious Accommodations

Dear Educators,

The Council on American-Islamic Relations, Washington (CAIR-WA) is a branch of the nation’s largest Muslim civil liberties organization. We would like to kindly remind you that three major Islamic holidays are approaching for the 2018-2019 school year, some of which extend into the summer. We therefore encourage you to note the following religious observances and holidays in your planning process:

Ramadan	May 5 - June 4, 2019 +/- one day
Eid Al-Fitr	June 4, 2019 +/- one day
Eid Al-Adha	August 11, 2019 +/- one day

*Note: the date may vary by one day depending on the individual’s religious school of thought

In 2019, Ramadan will begin on May 5 (+/- one day) and lasts 29 to 30 days, during which Muslims abstain from food and drink from pre-dawn until sunset. Fasting during Ramadan is obligatory for Muslims. Muslims also increase their worship and study of the Qur’an during Ramadan, and often attending late night prayers that begin an hour and a half after sunset and last for two hours. These late nights cause many Muslims to rise later than usual, and some people may appear fatigued due to hunger, thirst and disrupted sleep. For more information about Ramadan, please see “Why Muslims Fast” by www.whyislam.org.

Eid Al-Fitr signifies the end of the month of Ramadan, a period of religious observance essential to the Islamic faith, and Eid Al-Adha signifies the end of Hajj, Islam’s annual holy pilgrimage to Mecca. Both days are commemorated by Muslims worldwide through prayer and celebration per their unique faith traditions.

After consulting with local Muslim parents and reviewing federal and state rulings concerning religious accommodation such as Title VII of the Civil Rights Act of 1964, Revised Code of Washington 49.60, and 1981 Supreme Court case *Church of God v. Amarillo Independent Schools*, we urge you to take the following into consideration while planning for next year:

1. Teachers can accommodate Eid Al-Fitr and Eid Al-Adha by not scheduling tests or important assignments on those days. If tests or assignments are scheduled on these days, we ask that teachers allow students to complete them before or after the student’s excused holiday absence.
2. Many Muslim employees, students and parents are unaware that excused absences are allowed under federal law for religious holidays. We ask schools to inform their Muslim students & parents of this option.
3. Consider adding Eid Al-Fitr and Eid Al-Adha to your school’s calendars.
4. Note that some Muslim students might fast while others might not, depending on their faith-involvement. If a student chooses to fast, we ask that the student be given the option to visit the library during lunch.



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5. If a teacher notices changes in a student's quality of work or behavior during Ramadan, we ask the school to notify the parent(s) and discuss options with them.
6. Welcome Muslim students during Ramadan with "Ramadan Mubarak!" (Moo-baa-rak) or "Ramadan Kareem."

In addition to supporting Muslim students during Ramadan, you can also support Muslim students in your school by accommodating their need for prayer year-round. One or two of which will typically occur during school hours, depending on the time of year. A brief description of prayer in Islam is provided below, please let us know if we can provide additional support.

Islam urges consciousness in an individual's life. To that end, Islam mandates that believers perform five daily prayers. There are specific windows of time where these prayers can be offered. These times shift per the movement of the sun and a person's geographic location. Before prayer, Muslims are required to wash their faces, hands and feet with clean water. This washing is normally performed in a restroom sink. During the act of worship, Muslims stand, bow and touch the forehead to the ground. Worship may be performed in any quiet, dry, clean place. During the prayers, the worshiper will face toward Mecca (generally northeast in the US). Daily prayer is a mandatory religious observance among practicing Muslims. Each prayer lasts approximately five minutes.

Another important aspect of prayer in Islam to keep in mind is Friday Prayers. Friday is the day for congregational worship, called Jumm'ah. The prayer generally takes place at a mosque during the noontime prayer, usually includes an address or sermon, and lasts a total of 45 to 90 minutes. A Muslim employee should be able to complete Friday prayers during an extended lunch break. A Muslim student should be provided with a clean, quiet, and appropriate place to pray on campus during this time.

In the same way that efforts are made to acknowledge Christmas and Hanukkah in schools, we encourage you to acknowledge Islamic holidays to the same extent. Thank you for your service, and your efforts to accommodate your Muslim students. Please do not hesitate to contact our office via e-mail at info@cairwa.org or via phone at 206.624.0506 with any questions.

Sincerely,

A handwritten signature in black ink that reads "Amanda Misasi".

Amanda Misasi, Esq.
Civil Rights Attorney
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