

# MINUTES OF THE BOARD OF EDUCATION OF HOWARD COUNTY

May 23, 2006

The Board of Education of Howard County held a public hearing on Policy 3441 – Student Responsibilities and Rights and a public hearing and work session on Policy 2911 – Religion and Religious Materials, and Policy 13111 – Religious Observances on Tuesday, May 23, 2006, at 7:30 p.m., in the Board Room of the Department of Education, located at 10910 Route 108, Ellicott City, Maryland. The following were present:

Joshua Kaufman, Chairman  
Diane Mikulis, Vice Chairman (arrived at 8:05 p.m.)  
Patricia S. Gordon  
Mary Kay Sigaty  
Courtney Watson  
Jeff Lasser, Student Member

Sydney L. Cousin, Superintendent, Secretary/Treasurer  
Sandra Erickson, Deputy Superintendent (arrived at 8:35 p.m.)  
Raymond Brown, Chief Operating Officer  
Patti Caplan, Director, Public Relations  
Arlene Conway, Recording Secretary

Chairman Joshua Kaufman called the meeting to order at 7:36 p.m., and Mr. Lasser led the group in the Pledge of Allegiance.

## Approval of Agenda

*Action:* Mrs. Watson moved approval of the agenda. The motion was seconded by Ms. Sigaty and approved by the members of the Board (4/0). Mr. Lasser supported the motion.

## Public Hearing – Policy 3441 – Student Responsibilities and Rights

### Ms. Linda Turner, Parent

- Expressed her opinion that the policy needs to include a process for identifying the lack of a safe and nurturing environment, including safety issues related to chemical exposure, students with disabilities, etc.
- Indicated the need for protocol regarding follow up of a complaint that is not provided in a timely fashion.
- Stated that the policy is not cognizant of children with disabilities, does not specify their rights, and does not provide information on how to obtain assistance when policy is not followed.

Approved – June 8, 2006

**Public Hearing – Policies 2911 – Religion and Religious Materials and 13111 – Religious Observances**Mr. Alan Mick

- Expressed appreciation to the Board, staff, and citizens for their work in recommending a policy that upholds the American values of freedom, liberty, and trust.
- Expressed full support for the proposed policies and urged the Board to adopt the policies as recommended.

Mr. Shafqat Abbasi

- Recognized members of the Muslim community in attendance.
- Asked that the Board consider the following prior to voting on the policies:
  - Existing law and court decisions.
  - What other school boards are doing in the U.S.
  - Current research.
  - Current HCPSS guidelines for religious observances.
- Indicated that academic performance is not jeopardized by providing release time to students to participate in religious practices.
- Asked that the Board delay their decision for 12 months to allow for careful deliberation on the proposed policies.

Ms. Sarah Abbasi, River Hill HS Student

- Spoke about the Quran and Friday prayer for Muslims.
- Stated that students can find a balance between school and religious responsibilities, and students with poor grades should not be afforded the privilege of leaving school for religious observances.
- Indicated the need to provide adequate time for students to attend Friday prayers.

Ms. Erum Malik, Equity Council Member

- Noted the importance of developing fair and just policies.
- Stated that adoption and practice of the policies will allow for better determination of how to make further improvements.
- Indicated that HCPSS should lead other school systems by adopting this policy and upholding diversity and equity amongst the student population by allowing them the freedom to partake in their own religious practices.

Mr. Irfan Malik, Howard County Muslim Council President

- Acknowledged the positive working experience between the Muslim Council and the school system.
- Stated that the policy meets the needs of the Muslim population as well as the needs of most faiths.
- Indicated the need for additional work on the proposed policies in the sense of implementation, in particular with regards to prior approval for absences.

- Stated that approval should be based on student performance, teacher acceptance, and consideration of the disruption level of the class.
- Stated that an absence of 30 minutes on Fridays when school is in session will equal 1.25 percent of the total instructional time in an academic year.
- Asked that the Board remove the requirement of “within the school building” and allow students to leave school for certain religious observances.

Mr. Zain Hassan, Recent River Hill HS Graduate

- Stated that he was able to attend Friday prayers on a regular basis without an impact on his academic success.
- Indicated that students who are responsible should be allowed to miss class for religious purposes.
- Noted the positive aspects of participating in religious practices.

Mr. Kashif Hira, River Hill HS Student

- Spoke about how he has managed Friday prayers for the past four years without jeopardizing his academic success.
- Stated that attending Friday prayers has taught him how to manage his social and religious affairs and fulfill religious obligations.
- Indicated that taking away Friday prayers will make young Muslims feel isolated.

Mr. Hasan Askari

- Spoke in favor of continuing the current practice of allowing students to attend Friday prayers.
- Stated that his daughter was given the opportunity to attend Friday prayers and was also able to maintain her grades.
- Asked that equal opportunity be provided to all religions to practice their religious beliefs.
- Stated that any impact on a student’s grades should be considered separately.

Ms. Farah Askari, Atholton HS Student

- Expressed her belief that allowing students to miss 30 minutes of class time for Friday prayers will not dramatically affect grades.
- Stated that the current practice should continue and that students who are dedicated to school work should be allowed to take off for prayer.

Mr. Mohammed Hayat

- Stated that his children were given the opportunity to attend Friday prayers and are very successful.
- Noted the importance of participating in Friday prayers at the mandatory time.
- Asked that the Board consider the record of success shown by students in the Muslim community.

Mr. Ehab Hassan, Glenelg HS Graduate

- Requested that students continue to be allowed to attend Friday prayers.
- Described his experience as a youth worker in the Muslim community and noted the need for students to be in a society where they can learn and develop themselves.
- Stated that he was allowed to attend Friday prayers without interference in his studies.
- Noted that his college professor provided alternative arrangements for classwork in order to allow him to attend Friday prayers.
- Stated that Friday prayers help students advance, develop spiritually, mature, and become disciplined.
- Emphasized that Friday prayers are obligatory and can only be performed at a specific time and under specific circumstances.

Ms. Judy Gartner, Jewish Faith

- Expressed concern that sometimes it is necessary to compromise family and religious values due to the pressure of school tests and papers immediately following the Jewish high holy days.
- Expressed understanding for the Muslim community's desire to be given time off to practice their beliefs.
- Noted that Howard County is a multiethnic society, and educators need a better understanding of the need to practice individual religious beliefs.
- Indicated a need for individual schools to provide information to make people aware of individual practices and how families practice various religions.

Mr. Tariq Nayfeh, Johns Hopkins Physician

- Spoke about the intolerance he has experienced in other areas with regard to his religion.
- Stated that he moved to this area because of the progressive, accommodating, and excellent nature of Howard County schools.
- Stated that changing the current practice in HCPSS will inhibit students from practicing their faith and developing an understanding and tolerance for other faiths.

Rabbi Susan Grossman, Policy Committee Member

- Recommended approval of the policy.
- Expressed the need to include the following in the policy:
  - Administrative directives that are sensitive to scheduling tests, field trips, and special events that do not coincide with religious observances.
  - Include details of reference to Policies 2060 and 2122 that allows students the same number of days to make up work as the absence.
  - Allowance of a 30 minute to 1 hour absence from school for religious observances off school property.

Ms. Iisha Hasan, River Hill HS

- Noted the importance of academics as well as religion.
- Stated that students who are able to keep up their grades should be allowed to leave early to attend Friday prayers and those who do not keep their grades up should not be allowed to miss class.
- Indicated that students can make up missed work after school or at another suitable time and that it is the student's responsibility to be determined and dedicated enough to make both academics and religious observances work.

Mr. Dilawar Lakhani, Howard Community College Instructor

- Emphasized that learning also takes place outside the classroom and that attending prayers is a form of education and a learning process that involves interaction with the community and society.
- Noted that one of the basic Islamic principles is that learning starts from the day a person is born and continues from the cradle to the grave.

Ms. Anilla Jahangiri

- Stated that when she recently relocated, she was impressed that the school brochures listed some Muslim holidays.
- Questioned the need to change the current practice, which has worked so well.
- Indicated that the Board policy should be to use measures to keep students away from negative influences.
- Urged the Board to continue to allow students a 30-minute absence on Fridays to attend prayers.

Mr. Hashmi, Critical Care Pharmacist

- Provided examples of the accommodating nature of this country and how provisions have been made to allow him to worship at his workplace.
- Asked the Board to keep the current practice of allowing students to attend Friday prayers in effect.

Mr. Sayed Hassan

- Noted the importance of observing religious practices and its positive effect on students.
- Asked that the Board allows students to attend religious observances.

Lifetime Howard County Resident and Graduate of HCPSS (no name given)

- Emphasized the importance of allowing freedom of expression in school systems to a point where it will not affect others.
- Stated that he has benefited from attending Friday prayers, beginning in sixth grade and continuing through high school.
- Indicated that attending Friday prayers allows Muslims to maintain their identities and feel close to their community.
- Stated that Muslim students can benefit the school community and strengthen the bonds between classmates and teachers.

Mr. Kaufman commented on the dedication and commitment of the Muslim community both individually and culturally to the education success of their children and of all children in Howard County. He noted the complexity of the issue regarding religious observances throughout the nation and noted the importance of continuing the positive relationship with the Muslim community independent of the policy outcome.

**Recess** – The meeting was recessed by the Chairman at 8:35 p.m. and reconvened at 8:53 p.m.

### **Public Work Session – Religion Policies**

*Presenters:* Ms. Sue Mascaro, Director of Staff Relations, and Ms. Min Kim, Equity Assurance Coordinator.

Ms. Mascaro provided highlights and an overview of the policy process. She noted that Section V. of the Implementation Procedures represents the only section of the policy where consensus was not reached by the policy committee. In this section, the intent of the policy committee and the Superintendent's cabinet was to identify a reasonable accommodation for religious obligations that cannot be fulfilled outside of the school day. The resulting provision allows students with a documented religious obligation that cannot be fulfilled at any other time to miss up to 30 minutes of class per week to fulfill that obligation in the school building. This accommodation was supported by an 18-3 vote of the policy committee. A minority report outlines the wishes of the dissenting committee members.

It was noted that Ms. Mascaro and Ms. Kim spoke to current high school principals to determine past and current practices on Friday prayer. Administrators from 10 of the 12 high schools have either in the past or currently are accommodating Friday prayer for Muslim students by providing time and space in the school building, which often occurs during noninstructional time. When asked to identify what they felt was a reasonable accommodation for religious observances, administrators unanimously voiced their support for in-school prayer time. Administrators felt that allowing students to leave school would have a negative impact on both attendance and academic performance, and they expressed concerns about the impact on high school assessments. In addition, committee members voiced concerns regarding the added burden for teachers who would have to provide makeup work and other accommodations for missed time in class.

Mr. Anwer Hasan, Board Member of the Howard County Muslim Council and Maryland Muslim Council President, provided information related to Friday prayers and precedents that have been set for Muslims and other faiths. He acknowledged that academic performance is a top priority and stated that parental consent is critical to allowing absences. He provided data indicating that students would miss approximately 13.5 hours of instructional time if allowed a 30-minute absence on Fridays, based on last year's school year calendar.

Mr. Hasan explained that Friday prayer is mandatory for adult Muslims and must be offered in a congregation, by a religious leader, and at a specific time on Fridays. He pointed out that the ritual consists of a sermon on how to become a better person, followed by a prayer, so students are always learning something positive. He emphasized that there has been no indication of negative impacts on student performance and that the performance of the entire HCPSS has been continually increasing. Mr. Hasan also noted that the No Child Left Behind Act contains a reference to allowing release time for students who desire to attend religious activities.

Mr. Hasan provided information on accommodations that are being provided by various school districts throughout the nation to allow for religious observances. In addition, he stated that a study to examine the relationship between release time and academic outcomes yielded no conclusive results on any relationship to student performance in the school system. Mr. Hasan stated that he would provide the Board with documents containing statistics he presented.

In conclusion, Mr. Hasan noted that allowing students to attend Friday prayers has been a practice in Howard County for many years without compromising student performance or disrupting the academic mission of the school system. He recommended that the current practice be allowed to continue and that more research be conducted on this issue. He asked that the Board postpone adoption of the proposed policy for one year in order to obtain additional information. He also recommended that the phrase “within the school building” be removed from the policy to provide flexibility and minimal disruption if the Board decides to adopt the policy at this time.

*Presentation by Mark Blom, General Counsel*

Religion and the First Amendment – “Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof.”

Mr. Blom explained that the First Amendment contains two separate religious clauses for different purposes. One is the Establishment of Religion Clause, which regulates governmental policy and actions. The second is the Free Exercise Clause, which protects individual exercise of religion.

Establishment of Religion Clause – States that governmental action must:

1. Have a nonreligious purpose;
2. Not promote or favor a religious belief; and
3. Not overly involve the government with religion.

The Establishment of Religion Clause is one that dictates actions that can be taken that do not unnecessarily involve religion. A legal test (Lemon Test) has been approved by the Supreme Court for this purpose which checks for neutrality in practices and policies with regard to religion. Mr. Blom pointed out that it would be unlawful for the Board to adopt a policy that only accommodates a specific religion.

Student Prayer*Student Rights:*

- Students may engage in purely private prayer during noninstructional time.
- Students may read scriptures and say grace before meals, etc.
- Students may engage in nondisruptive group prayer or discussion during noninstructional time.

Mr. Blom pointed out that a school board could not close or dismiss classes for a half day for particular observances such as Ash Wednesday for example. The courts have upheld closures for Christmas and Good Friday because closing is essentially due to the disruption that would be caused because so many people would be absent to observe those holidays that it would be ineffective to hold classes. School boards are allowed to close schools for certain holidays due to curriculum issues, student absenteeism, staff issues, etc.

Release Time

- Schools have discretion to release students for periods of time during the day to engage in prayer or religious observances.
- Schools should attempt to reasonably accommodate these requests. “Reasonable” relates to the educational and administrative impact.
- Schools are obligated to ensure that their fundamental responsibility – teaching – is not significantly impacted.
- What is “reasonable” will depend on the circumstances such as scheduling, courses, usage, etc.

*Discussion:*

Mr. Kaufman and Mrs. Watson pointed out that the practice of allowing students to leave school for Friday prayers has never been written in policy. It is a practice that has been followed by some schools, but the Board of Education has never made a ruling on this issue.

Mr. Dave Bruzga, Administrative Director for Secondary Schools, stated that the practice has probably existed since the mid 1980’s, and principals have been allowed some discretion by the state attendance policy to grant legal absences for activities that are designed to have value. The granting of excused absences for religious practices has been inconsistent to some extent among schools and has also been based on the needs expressed in individual schools. Mr. Bruzga indicated that any denial of requests for release time would be based on the academic status of a particular student.

Ms. Sigaty noted that there are provisions for absences for religious practices in both the school system’s Attendance and Religious Observances policies. In addition, the HCPSS publication entitled A Parents’ Guide to Accommodations for Religious Observance by Students addresses absences related to religious observances.

Mr. Lasser expressed concern with regard to the 30-minute provision and the possible appearance that it accommodates one particular group. Committee members noted that the language was written to not specify a particular day of the week or particular time during the day in order to accommodate other religions.

Mr. Kaufman noted that careful consideration must be given to the definition of religion and legalities related to restricting certain types of practices under questionable circumstances.

Muslim community members explained the specific circumstances related to Friday prayers and stated that the obligation is met as long as the student is present for the prayer at the end of the sermon. Concerns were expressed with requiring students to conduct prayers in school because specific conditions could not be met. It was noted that there are five prayers every day in the Muslim faith that take place at specific times of the day.

Mr. Kaufman expressed concern that absences may result in a student failing a high school assessment and not being able to graduate. Mr. Blom indicated the need to include language in the policy noting that accommodating absences should be consistent with and not run counter to the educational mission of the school system.

Mrs. Watson indicated the need for a better understanding of the term “reasonable accommodation.” Mr. Blom explained the difficulty associated with defining reasonable in a policy that applies to 40,000 students and stated that “reasonable accommodation” must be decided on case-by-case basis. He also noted that academic performance levels could be stipulated in the policy with regard to allowing or denying requests for absences.

Board members pointed out discrepancies in the information related to how many schools were allowing students to leave school for religious observances. They indicated a need for more information in order to define “reasonable accommodation” and questioned how the policy is accommodating a particular group by allowing them an absence on campus when the obligation is in a Mosque.

Ms. Pamela Blackwell, Student Services Coordinator, stated that most of the concerns expressed by principals related to the effect of absences on attendance and a school’s ability to make AYP (Adequate Yearly Progress). Board members asked for additional information regarding this issue.

Staff pointed out that principals also expressed concern regarding students missing class time, which cannot be recaptured in the forms of class discussion, science labs, etc. Concerns were also expressed regarding extra work on the part of teachers in terms of students having to make up work.

Board members presented the following questions/issues and asked staff to obtain information and/or answers for discussion at a subsequent work session:

- Need to identify and place in policy a common practice for approval of absences for consistency.
- Concern regarding the neutrality of designating 30 minutes for religious observance absences and whether that pertains to a particular religion.
- Need for discussion on sensitivity and tolerance on the part of teachers to understand and accommodate various religious practices with regard to scheduling tests, etc.
- Need for criteria that would be used to determine whether a system of belief or worship is recognized as a religion.
- Need to establish procedures for providing a staff member to attend student-initiated religious club meetings.
- Policy 13111 - Regarding “observance of a period of silence”
  - Is this specifically related to religious observance?
  - If not, why is it in this particular policy?
  - Does the Board have authority to limit individual staff’s discretion to provide this period of silence?
- Policy 2911 – Religious themes in curriculum – Need for discussion on whether or not it is advisable to have open-ended language related to the use of religious themes in curriculum, if it serves an educational goal.
- Definition of “reasonable accommodation” and its impact on the school, instruction, teachers, and students.
- Need to obtain information from HCEA (Howard County Educators Association) regarding the amount of time required by teachers to provide makeup work and its impact on the instruction of other students.
- Need for staff to discuss opinions on the impact of absences with guidance counselors, teachers, and administrators.
- Need for additional information on the impact on instructional practices and mission if the school system had to avoid religious holidays in terms of administering tests, holding food festivals, etc., and the feasibility of making those accommodations.
- Need for clarification of the “period of silence” and whether it is limited to the classroom or can be done at a schoolwide assembly.

Board members expressed appreciation to staff for their work on the policy and for providing information to the Board. Mr. Kaufman stated that he would meet with the Superintendent to determine how best to proceed with work on the policy. A timeline will be made public once it is established.

Board members informed the public that they could provide additional testimony at the Board’s Public Forums on May 25 and June 8, 2006.

**Adjournment:** The meeting was adjourned by the Chairman at 10:35 p.m.