



OFFICE OF THE GENERAL COUNSEL

Richardson Independent School District

December 16, 2005

Via Facsimile and Post

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Dear Derek and Eric:

Thank you for your latest letter. I and other District staff, too, appreciated the opportunity to meet with you and Dr. Kavakci to discuss the important issues about which we have corresponded in recent weeks. I thought our conversation was productive and helped the parties better understand the other's needs and expectations. Although I do not agree completely with the manner in which you have set out some of the particulars that we discussed, I am confident that we can agree on the pertinent points to resolve this matter.

First, the District's policy at all times has recognized a student's right to pray at school. That policy is reiterated in the Religious Practices Handbook, which I am sure you have seen. RISD's policies are established by the Board of Trustees and only the Board of Trustees has the authority to alter its policies. Although I see little benefit in belaboring this point, the statements in Mr. Yartym's email communications that you reference do not (nor could they) create or alter board policy. While his comments, viewed in retrospect, perhaps led to some confusion at the campus, he never intended to prohibit students from praying on campus.

The District's goal is to clear up the confusion that some Muslim students at Berkner High School apparently have had concerning the times and places in which they may pray at school. The currently existing policy thus is the place from which we must start to reach that end. Board Policy FNA (Local) provides in pertinent part:

The District shall permit private, voluntary prayer by individuals. Such activities shall not be disruptive or interfere with the rights of others.

As we discussed when we met, students certainly may pray at school and the District has worked to provide individual accommodations to students who requested them. While I agree, particularly in the light of recent confusion, that it makes sense to provide some general guidance for Berkner students concerning the *zuhr* prayer to reduce any confusion, those guidelines are to assist individual students.

It is the District's expectation that at all times possible, students will satisfy their prayer obligations at times that will not require release from class, such as during their lunch period or a passing period. During lunch, all students have a choice of going to the lunchroom to eat lunch or to report to the library. Students may not travel between the library and lunchroom during this time. Students who are in the library may pray there in a manner that does not disrupt the library operations. The librarian can answer individual questions a student may have about particular areas that are available. Students in the lunchroom may pray in the cafeteria if space is available, but we agree that the area probably is too noisy. Alternatively, a student may go to the empty hallway adjacent to the cafeteria. It is the District's expectation that only a few students at a time would go to that area. If, in the discretion of the cafeteria monitor there is too large a number of students in the area at a time, which could be disruptive, he or she will instruct the students to wait until some of the students have completed their prayer before going to the area.

Based on the prayer schedule that you shared with us, the District recognizes that it probably will not be possible for all students to perform the *zuhr* prayer during non-class times during the months of October through March. During those months, a student who wishes to complete this prayer at school may make arrangements with his or her classroom teacher (probably the fifth period teacher) to step outside the classroom just after the tardy bell to the hall alcove closest to the classroom to complete the prayer. There should be no need for students to move beyond the immediately adjacent alcove or travel to other areas of the campus. Restroom facilities are located near these areas for students who must complete preparatory ablutions before the prayer. If these general arrangements do not work for an individual student, he or she may seek assistance from the principal to make other individual arrangements. Indeed, the school encourages any student who has questions about prayer or any other issue or concern to discuss the matter with the principal.

As we also discussed, students must take responsibility to complete their prayers in as brief a time as reasonably possible to reduce class time missed and minimize disruption to the classroom. For example, when possible, the student should complete the ablution during the passing period so he or she is ready to pray immediately after the tardy bell. While the District prefers not to establish a maximum time students may be released from class for such prayers, if the school determines that students are missing too much class or otherwise are taking improper advantage of the accommodation (*e.g.*, leaving class to pray yet engaging in other unauthorized activities, leaving the authorized area, missing an unreasonable amount of class time, etc.), the accommodation will be reconsidered. Similarly, if these accommodations become disruptive to the school's operations, they must be reconsidered. I am optimistic though that our students will conduct themselves in a responsible manner and no problems will occur.

It is our understanding that some students may need to use a floor covering during their prayers. It is permissible for a student to use a small towel, rug, etc. for his or her individual use during prayer. The student must pick up his or her mat immediately upon completing the prayer and put it away in a purse, backpack, locker, etc. In your letter, you also reference the need for a student to place a temporary barrier behind him or her during the prayer. We have not discussed this point before and I am unsure to what you refer. I also am not aware that this request has ever come up before. While I need additional specific information about what you refer to, in the abstract, the District would allow an individual student to place a small item behind him or her during prayer provided it did not create a safety or other hazard or cause undue disruption. Of course, the student must pick up and remove the item upon completing the prayer.

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Bob DeVoll and I are working with the campus to determine the most appropriate way to immediately communicate the guidance to students. Our preliminary determination is that the school will provide a written advisory to students this year. In the future, the information will be incorporated into the campus handbook. I had hoped to respond to you earlier than this date, but I have been out of the office for several days over the last two weeks. Our offices will be closed for the holiday break through January 2. I look forward to talking to you when we return.

Very truly yours,



Mia M. Martin
General Counsel

c: Jim Nelson
Bob DeVoll
Dave Casey
Ed Yartym