

# Your Right to be Free from Discrimination & Harassment Based on Religion

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## Your Right To Express Your Religion

- All students have a constitutional right to express their religions.<sup>1</sup>
- This includes the right to wear religious clothing or jewelry. For example, students must be permitted to wear a hijab, a yarmulke or jewelry with religious symbols. Schools can impose reasonable requirements such as requiring that a hijab be a specific color.
- Schools must also provide reasonable accommodations for students' religious practices – such as permitting students to observe a religious holiday or supporting Muslims to make their 5 daily prayers during recess or free periods while in school.
- School may not mandate prayer, endorse (or appear to be endorsing) religious activities in school sponsored activities. However, a school district is required to give equal access to religious student clubs as other student clubs.

## Your Right To Be Free from Discrimination and Your Right to Equal Educational Opportunities

- You cannot be discriminated against or denied access to educational opportunities based on your religion.<sup>2</sup>
- Your right to be free from discrimination based on religion applies to many issues including:
  - Admission to charter schools and local neighborhood schools;
  - School transfers;
  - Classroom assignments;
  - The opportunity to take upper level, AP, honors or elective classes;
  - Athletic teams and extracurricular activities;
  - Grades; and
  - School discipline! This means your school cannot consider your religion when deciding whether (or how harshly) to discipline you!

## Your Right to Opt Out of Immunizations

- Pennsylvania law permits children to refuse to be immunized based on a religious exemption.<sup>3</sup>
  - To exercise this right, the parent, guardian or emancipated child must object in writing to the immunization on religious grounds or on the basis of a strong moral or ethical conviction similar to a religious belief.

## Your Right to Opt Out of Testing

- State law also permits you to “opt out” of standardized testing based on a religious exemption.<sup>4</sup>
  - To opt out, a parent, guardian or emancipated minor<sup>1</sup> must write a letter to the school principal or superintendent, stating the exemption. They don't need to list their religion, and schools are not allowed to ask.
  - The right to opt out cannot be denied upon written request that states the objection to the applicable school district superintendent, charter school chief executive officer or vocational school director.
- Parents, guardians or emancipated minors will also be invited to review the test, during school hours, two weeks before the testing period to whether a State assessment conflicts with their religious belief.
- While other students are in testing, those who have opted out can still attend school. Public schools cannot refuse their presence.

## Your Right to Opt Out of Instruction

- State law permits also parents, guardians to have their children excused from specific instruction that conflicts with their religious beliefs.<sup>5</sup>
  - Parent must provide the school entity with a written request explaining the scope of the objection based on religious grounds.

## Your Right To Be Free from Bullying and Harassment

- You have the right to be free from bullying and harassment based on your religion. See our factsheet entitled Your Right to Be Safe in Schools.<sup>6</sup>

### What is bullying or harassment?

Bullying and harassment can come in many forms and range from name-calling or making fun of you because of your religious beliefs to physical assault. The conduct can be verbal but may also come in the form of texts or messages sent through social media.

### What should a parent do first?

First, talk to your child. Then raise your concerns with a teacher or someone you trust in the school. If this doesn't address the problem, take further action.

### How can I tell if someone is a bully?

Bullies can be younger or older than you. Boys and girls can be bullies and so can teachers.

## BULLYING CHECKLIST

### Keep Detailed Records

- Describe the bullying (who, what, where, and when).
- Write down how the bullying has impacted you.
- Write down the names of school employees that you or your child have talked to about the bullying. Don't forget to also write down the date and time you spoke to them!

### Ask the School to Take Action

- Get your school district's bullying and/or harassment policy.
- Write a letter to the school principal describing the bullying and how it is impacting you or your child. You can send it by email or deliver it in person.
- Call your school district's bullying hotline.
- Write a letter to your school board and/or speak at a board meeting.

## What Should You Do If Your Rights Are Violated

- Talk to your teacher, administrator or school principal about your concerns.
- Look up your school policy. How is it supposed to be applied? Is it being applied differently in your case?
- Keep detailed records of any problems, complete with dates of incidents, people involved, and when and to whom you reported the problems. Share a written list of problems with your principal.
- If the issue concerns curriculum, services or lack of equal access to educational opportunities, contact your Intermediate Unit or
  - Pennsylvania Department of Education Bureau of Curriculum, Assessment and Instruction, Division of Instructional Quality 333 Market Street 3rd Floor, Harrisburg, PA 17126 (717)787-5482
- If harassment persists, you can file a formal complaint with one of the following agencies
  - Pennsylvania Human Relations Commission (717-787-4410)
  - Philadelphia Human Relations Commission (215-686-4670)
  - Pittsburgh Commission on Human Relations (412-255-2600)
  - Pennsylvania Department of Education Office of Safe Schools
    - Bullying Prevention Consultation Line (1-866-716-0424)
  - U.S. Department of Education's Office for Civil Rights (215-656-8541)
  - U.S. Department of Justice's Civil Rights Division (1-877-292-3804)
- Contact one of the agencies listed below for further assistance:
  - ACLU of Pennsylvania, 1-877-745-2258, [www.aclupa.org](http://www.aclupa.org)
  - Education Law Center-PA, 215-238-6970, 412 258-2120, [www.elc-pa.org](http://www.elc-pa.org)

*The information presented is not legal advice and should not be relied on as such. Every situation is different. To learn about how these laws may apply in your particular situation, please contact an attorney of your choice or contact the Education Law Center for a referral.*

## ENDNOTES

- 1 U.S. Constitution, Amend 1. The First Amendment to the U.S. Constitution states that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; Religious freedom includes the right to religious belief and expression and a guarantee that the government shall not prefer religion over non-religion nor favor particular faiths over others.
- 2 See Title IV of the Civil Rights Act of 1964. Title IV prohibits discrimination on the basis of religion in public schools and colleges and guarantees equal educational opportunities regardless of religion. This includes protecting against discrimination and harassment on the basis of religion, and spans all religious affiliation.
- 3 See 22 Pa. Code § 11.20 (relating to nonimmunized children); 22 Pa. Code § 51.13 (relating to immunization) and 28 Pa. Code § 23.84 (exemption from immunization).
- 4 See 22 Pa. Code § 4.4(d)(4)
- 5 See 22 Pa Code § 4.4(d)(3).
- 6 Under the Pennsylvania School Code, an emancipated minor is defined as a person under 21 years of age who has chosen to establish a domicile apart from the continued control and support of parents or guardians or a minor living with a spouse. See 22 Pa Code §11.11(a).