

GROWING IN FAITH

CALIFORNIA MUSLIM YOUTH EXPERIENCES WITH BULLYING,
HARASSMENT & RELIGIOUS ACCOMMODATION IN SCHOOLS



CAIR
CALIFORNIA

The Council on American-Islamic Relations is the largest American Muslim civil rights and advocacy organization in the United States. CAIR-California is the organization's largest and oldest chapter, with offices in the Greater Los Angeles Area, the Sacramento Valley, San Diego and the San Francisco Bay Area.

OUR VISION | To be a leading advocate for justice and mutual understanding.

OUR MISSION | To enhance understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims and build coalitions that promote justice and mutual understanding.

For questions about this report, or to obtain copies, contact:

**Council on American-Islamic Relations
San Francisco Bay Area (CAIR-SFBA)**

3000 Scott Blvd., Suite 101
Santa Clara, CA 95054
Tel: 408.986.9874
Fax: 408.986.9875
Email: info@sfba.cair.com

**Council on American-Islamic Relations
Sacramento Valley (CAIR-SV)**

717 K St., Suite 217
Sacramento, CA 95814
Tel: 916.441.6269
Fax: 916.441.6271
Email: info@sacval.cair.com

**Council on American-Islamic Relations
Greater Los Angeles Area (CAIR-LA)**

2180 W. Crescent Ave., Suite F
Anaheim, CA 92801
Tel: 714.776.1847
Fax: 714.776.8340
Email: info@losangeles.cair.com

**Council on American-Islamic Relations
San Diego (CAIR-SD)**

8316 Clairemont Mesa Blvd., Suite 203
San Diego, CA 92111
Tel/Fax: 858.278.4547
Email: info@sandiego.cair.com

FAIR USE NOTICE: This report may contain copyrighted material the use of which has not always been specifically authorized by the copyright owner. It is being made available in an effort to advance the understanding of political, human rights, democracy and social justice issues. It is believed that this constitutes a 'fair use' of any such copyrighted material as provided for in section 107 of the US Copyright Law. In accordance with Title 17 U.S.C. Section 107, the material in this report is distributed without profit to those who have expressed a prior interest in receiving the included information for research and educational purposes. If you wish to use copyrighted material from this report for purposes of your own that go beyond 'fair use', you must obtain permission from the copyright owner.

The material in this report is provided for educational and informational purposes only, and is not intended to be a substitute for an attorney's consultation. Please consult your own attorney in order to get counsel on your situation. The information in this report does not constitute legal advice.

No part of this publication may be stored in a retrieval system, transmitted or reproduced in any way, including but not limited to, photocopy, photograph and magnetic or other record, without the prior agreement and written approval of the publisher.



TABLE OF CONTENTS

- EXECUTIVE SUMMARY 2
- INTRODUCTION 4
- PART 1 MUSLIM YOUTH AT SCHOOL SURVEY FINDINGS** 6
 - Respondent Demographics..... 6
 - Survey Construction and Results 8
- PART 2 AMERICAN MUSLIM STUDENT CONCERNS** 13
 - A. Bullying Recognized as a National Priority..... 13
 - Defining Bullying..... 14
 - American Muslims and Bias Based Bullying 16
 - State and Federal Laws Related to Bullying..... 16
 - Bullying Prevention 18
 - B. Harassment and Discrimination by Teachers and Administrators 22
 - C. Religious Accommodation at Public Schools 23
 - Eid Holiday..... 23
 - Excused Absences and Make Up Assignments 23
 - Hijab and Other Religious Head Coverings..... 24
 - Clothing with Religious Messages..... 24
 - Daily Prayer..... 25
 - Jumu’ah: The Friday Congregational Observance..... 25
 - Sex and Health Education..... 26
 - Holiday Celebrations at School..... 26
 - Participating In or Forming a Muslim Student Association 27
- CONCLUSION 28
- ACKNOWLEDGMENTS 28
- APPENDIX: RESOURCES..... 29

EXECUTIVE SUMMARY

The California chapter of the Council on American-Islamic Relations (CAIR-CA) 2012 *Muslim Youth at School Survey* was the first statewide survey to examine the experiences of American Muslim youth at school. It targeted youth from across California and received responses from 21 counties. In total, 471 Muslim American students attending public school between the ages of 11 and 18 responded to the survey, which consisted of 10 multiple choice questions and space for comments.

Through the survey, CAIR-CA sought to better understand how comfortable American Muslim students felt attending their schools and participating in the classroom. CAIR-CA also made it a goal to enhance its awareness of the extent to which students were being bullied and their responses.

California's Muslim students, for the most part, reported a healthy school environment in which they were comfortable participating in discussions about their religious identity, believed that their teachers respected their religion, and felt safe at school.

Most of the respondents came from areas of California with large and robust Muslim populations, such as Orange County and Santa Clara County. This may account for the many responses we received from students who stated that they felt confident and supported in asserting their Muslim identity at school. While many respondents indicated that they simply internalized anti-Muslim name-calling from peers, such as "Osama Bin Laden" and "terrorist," many indicated that this did not have a long-lasting effect on them.

As evidenced by the findings in this report, there are still significant issues facing American Muslim youth at school. The majority of school-related cases reported to CAIR involve teacher discrimination. Therefore, it is significant that 18% of the surveyed students answered: 'Strongly Disagree,' 'Disagree,' or 'Undecided' when asked about feeling comfortable participating in classroom discussions and 19% of students answered: 'Strongly Disagree,' 'Disagree,' or 'Undecided' when asked if their teachers respected their religion.

More than 10% of American Muslim students reported physical bullying such as slapping, kicking, or punching. Seventeen percent of the female respondents who wear a *hijab*, the Islamic headscarf, reported being bullied at least once because of this. Most importantly, 50% of American Muslim students reported being subjected to mean

comments and rumors about them because of their religion. Additionally, more than 21% of students reported experiencing some form of cyberbullying.

Students had mixed reactions to reporting incidents to adults. About 63% said that they reported incidents of bullying to a teacher or principal, while only 53% said they reported to their parents. As to whether they thought reporting helped, 35% answered that it 'Never,' 'Rarely,' or 'Sometimes' helped, and only 17% answered that it 'Often,' or 'Very Often' helped.

With respect to how students reacted to their aggressors when they were bullied, 8% said that they fought back, 21% said that they insulted them back, and 11% said that they reacted by making fun of the aggressor's religion or race. Sixty-one percent reported that they never fought back, 51% said that they never insulted their aggressor, and 60% reported that they never made fun of the bully's religion or race.

School bullying is a phenomenon that affects students from diverse backgrounds and experiences, and American Muslim students are not exempt from being subjected to harassment and discrimination at school. As Islam and Muslims continue to be in the public spotlight, negative representations and assumptions in the public sphere serve as obstacles to cultivating a tolerant, nurturing, and healthy school environment for all students.



INTRODUCTION

CAIR-California is the oldest chapter of the Council on American-Islamic Relations, the nation's largest American Muslim civil rights and advocacy organization. Its mission is to empower American Muslims, enhance understanding of Islam, encourage dialogue, protect civil liberties, and build coalitions that promote justice and mutual understanding. CAIR-CA has nearly two decades of experience responding to issues American Muslim adults face, such as national security watch-listing and employment discrimination. CAIR is committed to serving the entire community and because of the recent focus on bullying as a national issue, our offices embarked on a statewide endeavor in 2012 to examine the experiences of American Muslim youth, which was informed by the following questions:

- What unique circumstances might American Muslim youth encounter at schools that do not affect other groups?
- To what extent are these issues affecting American Muslim youth?
- What can we do to better protect the rights of American Muslim youth at school?

This report seeks to raise awareness, both among American Muslims and the public at large, of the complex and often difficult issues that American Muslim students face at school. Many American Muslim parents remain unaware that there are legal protections for their children, who often face problems such as bullying from peers or teacher harassment on account of religion or national origin; additionally, parents and children alike do not know that they can seek accommodation for religious practices. CAIR-CA often receives anecdotal complaints of bullying from American Muslim students, but many never formally report problems to school authorities, let alone to state and federal agencies tasked with solving these problems. This report attempts to bring these issues out of the shadows by encouraging American Muslim families to report and address bullying and harassment incidents. CAIR-CA wants American Muslim parents to know that they do not have to handle situations on their own, that schools are accountable for failure to take action, and that a decision to dismiss mistreatment and abuse as a natural consequence of being Muslim in America, or simply part of growing up, is unacceptable.

Likewise, members of the public require greater understanding of the challenges American Muslim youth face, given the intense public scrutiny on Islam and Muslim-majority societies in the years following the attacks of September 11, 2001. This report is an attempt to begin the process of reaching out to those professionals, teachers and administrators, parents, elected officials, and others who might play a role in improving the educational

climate for American Muslim youth and, in turn, creating school environments that are inclusive of all students regardless of ancestry or beliefs.

Part One of this report discusses the data collected from CAIR-CA's *Muslim Youth at School Survey* that was distributed to students between September and November 2012. This section draws preliminary conclusions from the data collected, and also highlights some of the comments provided to us by our young respondents.

Part Two discusses general concerns for American Muslim students and features highlights from complaints that our offices have taken action upon. While bullying constitutes a clear area of concern, this section also addresses issues of harassment by teachers and religious accommodation. Additionally, it provides information on relevant state and federal legal protections, along with measures parents can take to identify bullying and prevent it.

Further resources related to bullying and its prevention can be found in the appendix.

PART ONE

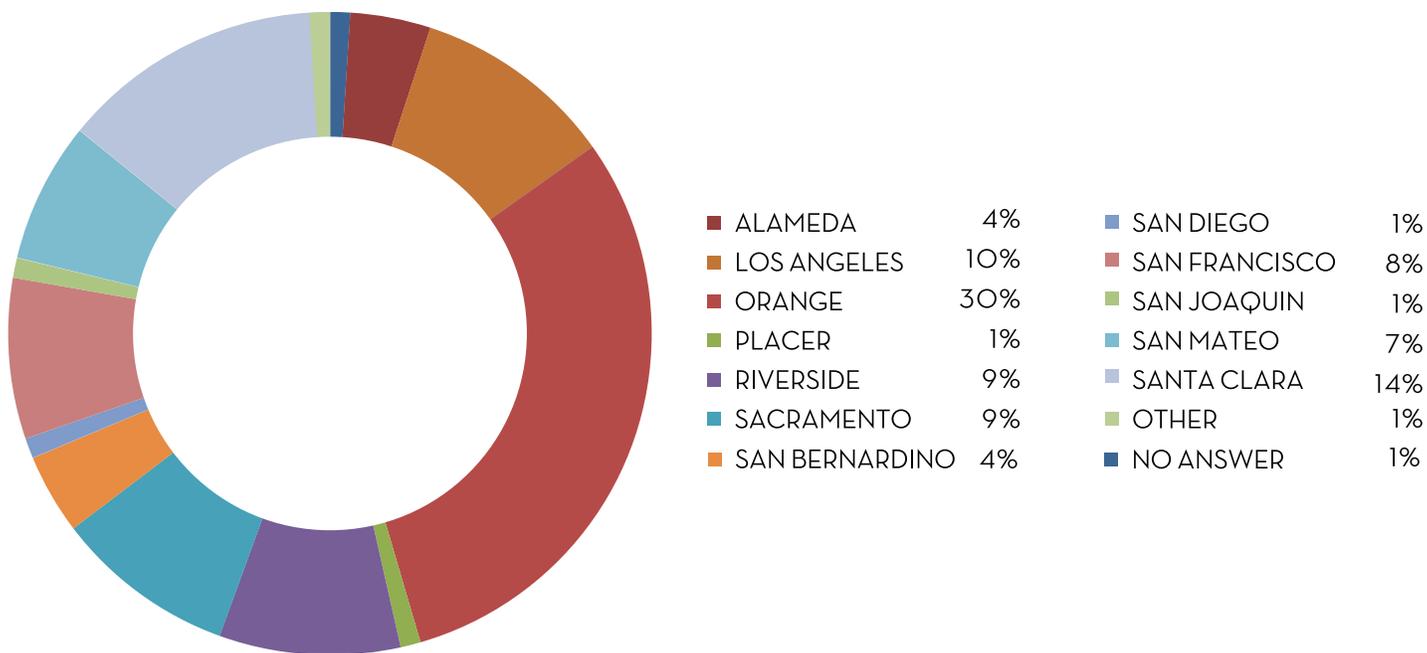
MUSLIM YOUTH AT SCHOOL SURVEY FINDINGS

RESPONDENT DEMOGRAPHICS

The demographic information collected by our survey examined their county of residence, ethnic background, gender, age and grade level.

COUNTY DEMOGRAPHICS

Four hundred seventy-one Muslim youth in 21 counties statewide participated in CAIR-CA’s survey of American Muslim students. The chart below details the percentage of respondents from each county. The largest percentage of responses, 30%, came from Orange County; with a population of 170,000 Muslims, it constitutes the largest Muslim community in California.¹ Fourteen percent of responses came from Santa Clara County, located in the heart of Silicon Valley and home to almost one-third of the Bay Area’s 250,000 Muslims.²

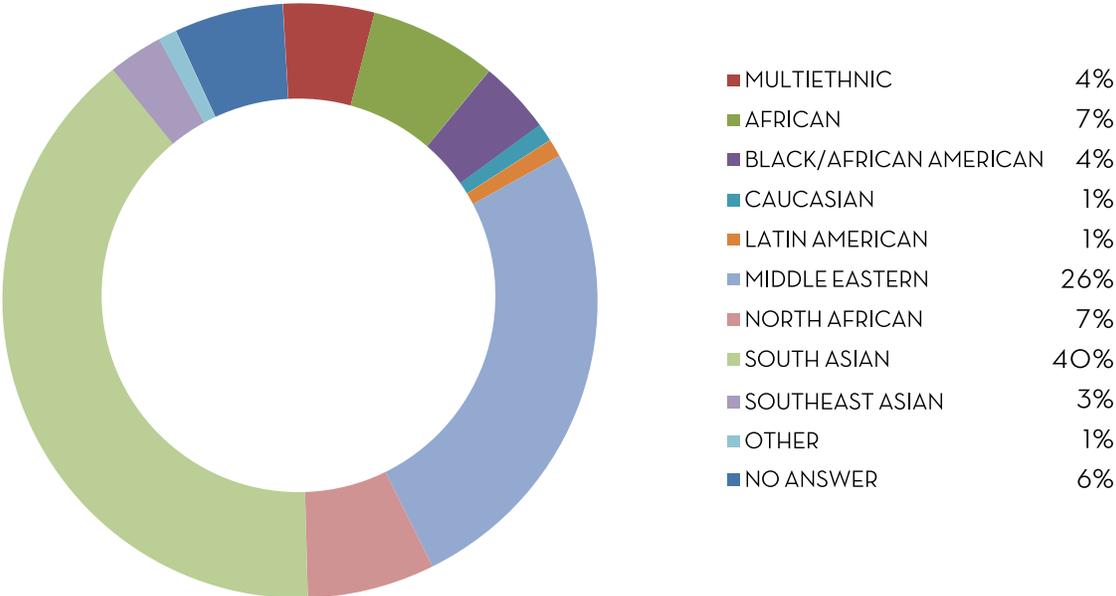


1 Deborah A. Ramirez, Sasha Cohen O’Connell and Rabia Zafar, *A Promising Practices Guide*. (Boston, The Partnering for Prevention and Community Safety Initiative, Northeastern University School of Law, 2004). Available online at <http://www.northeastern.edu/law/pdfs/academics/pfp-fullguide.pdf>.

2 Farid Senzai and Hatem Bazian, *The Bay Area Muslim Study: Establishing Community and Identity* (Institute for Social Policy and Understanding, 2013). Available online at <http://www.ispu.org/portal/82/ourpage.aspx>.

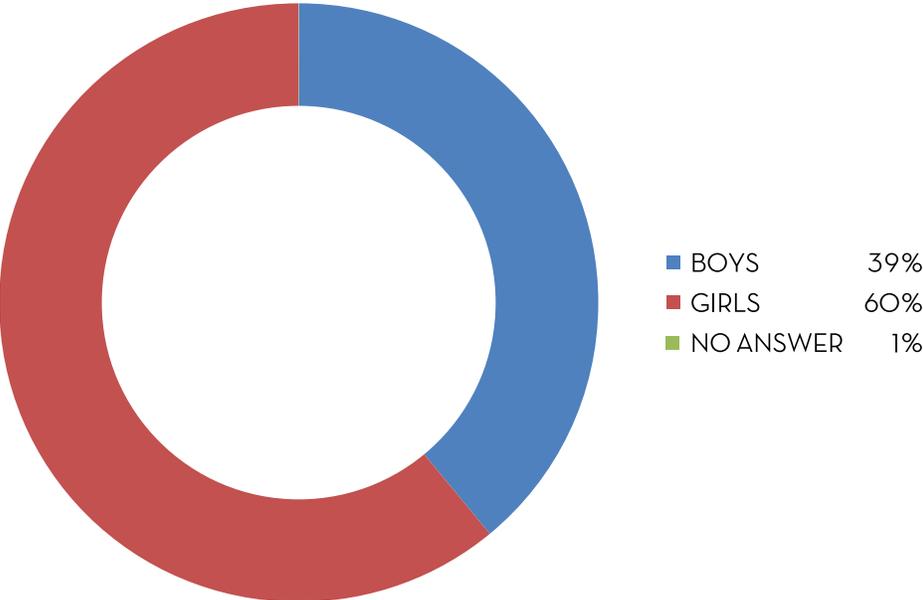
ETHNIC BACKGROUND

The demographics of survey respondents reflect the diversity of the American Muslim community in California. The majority of respondents were of South Asian, Middle Eastern, and African descent, but other communities were also represented.



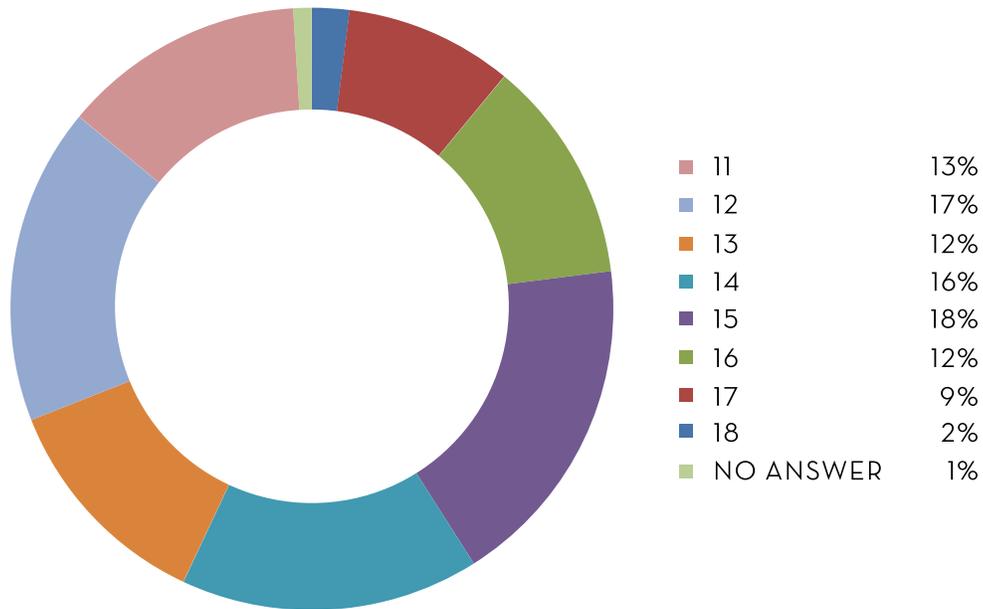
GENDER

More young women than young men responded to the survey, as the numbers reflect 286 girl respondents and 184 boys.

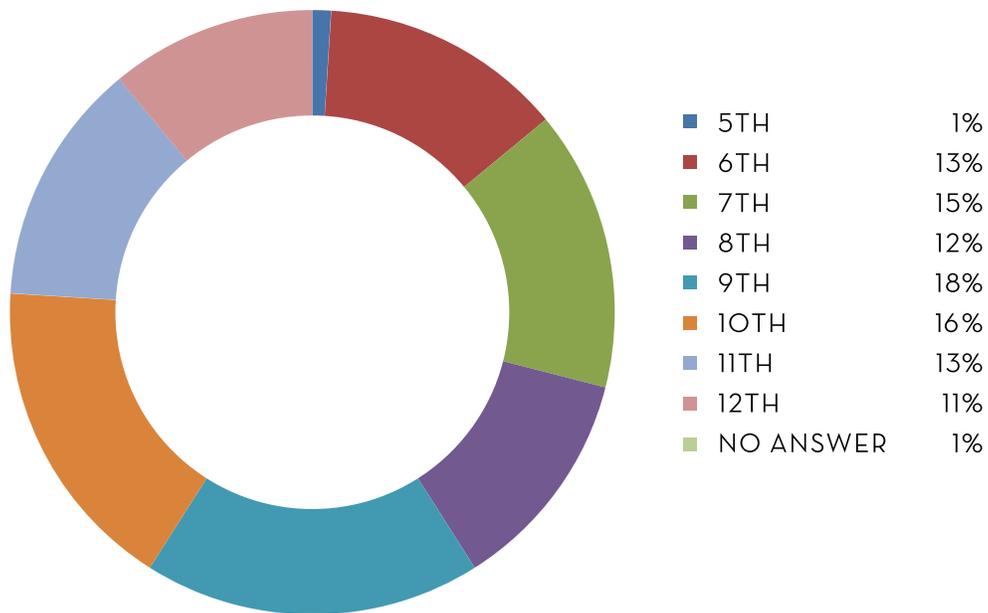


AGE

With respect to age and grade level, the majority of respondents were ages 12, 14, and 15, and placed in grades seventh, ninth, and tenth, respectively.



GRADE LEVEL

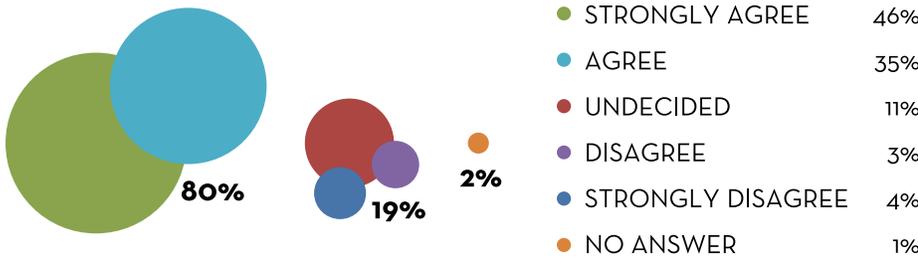


SURVEY CONSTRUCTION AND RESULTS

The survey was divided into two main sections. The first half of the survey inquired about the students' school environment. The second half examined whether a student had experienced bullying, to what extent, and in what form, along with determining what recourse the student had sought and whether she deemed it to be effective.

Question 1: I am comfortable participating in class discussions about Islam or countries where Muslims live.

A majority of students report feeling comfortable participating, but a significant minority, nearly one in five, do not answer affirmatively.



“When I’m in my history class, it’s very awkward when they talk about Islam because the whole class expects me to say something.”
15-year-old girl
San Diego, CA



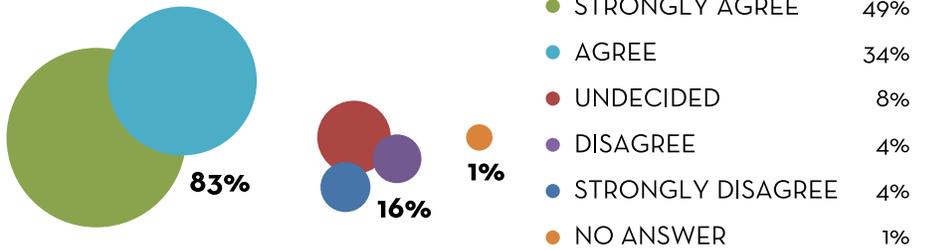
Question 2: I feel comfortable letting students know that I am Muslim and talking about Islam outside of the classroom.

“When we are talking about Islam ... not many people know I am a Muslim and they think that if a Muslim is not in the room, it is okay to say rude or offensive comments. When they find out I am a Muslim, they don’t feel that need to apologize, but if somebody says something about Christianity or another religion, it is a big deal. That really hurts.”

11-year-old girl
San Jose, CA

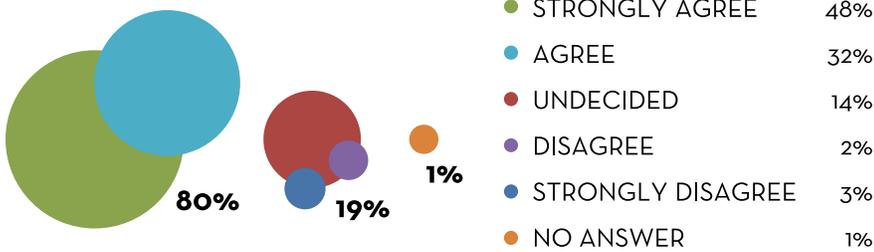


A majority of students feel comfortable talking with peers about their Muslim identity, but a significant minority, 16%, do not or were unsure of how to answer.



Question 3: The teachers at my school have respect for my religion.

Most students believe teachers at school have respect for their religion, but nearly one in five did not agree or were unsure of how to answer.



“On 9/11, a boy in my school came up to me, and he asked me why I wore that [my headscarf] today. Aren’t I afraid to get shot? People sometimes laugh and call me oppressed. One of my teachers laughed along with a kid who said this.”

15-year-old girl
Garden Grove, CA



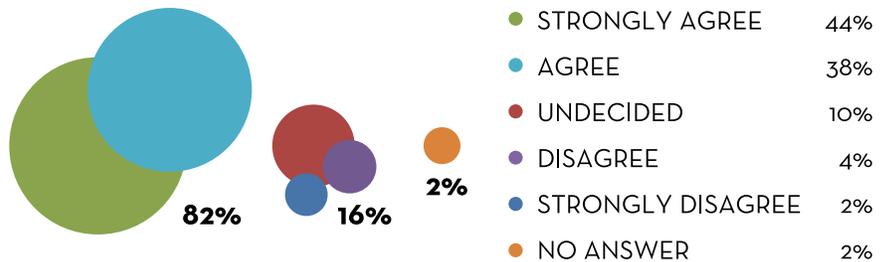
Question 4: I feel safe at my school.

“[People] are, for the most part, fairly open minded and curious about Islam and especially my hijab.”

16-year-old girl
San Ramon, CA

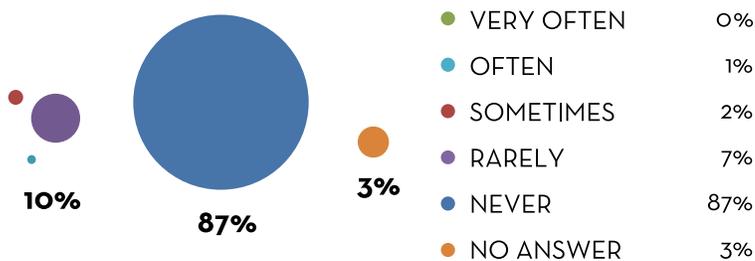


Most students feel safe at their schools.



Question 5: Have you ever been slapped, kicked, punched or hit because someone did not like your religion?

Most students responded that they had not experienced physical bullying because of their religion.

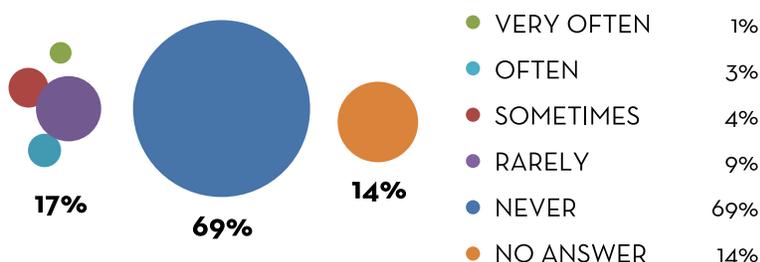


Question 6: If you wear hijab, have you had your hijab tugged, pulled, or in any way offensively touched?

“Many of my friends and I are a little afraid to wear a *hijab* because we are worried about being bullied.”

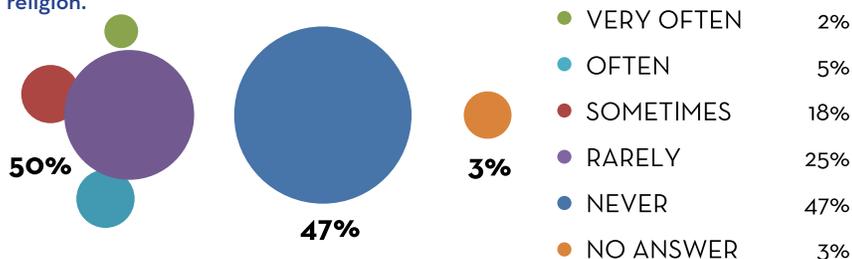
11-year-old girl
Daly City, CA

At least 17% of female respondents who wore hijab had experienced an offensive touching or pulling of their hijab and four percent of whom experienced it “Often” or “Very Often.”



Question 7: Has anyone at school made mean comments to you or spread rumors about you because of your religion?

Fifty percent of students experienced verbal and social bullying because of their religion.



“Most of the time I am made fun of because of my religion. It is just a joke and the kids say that they are just ‘messing around with me.’ I just ignore it, but it does get annoying”

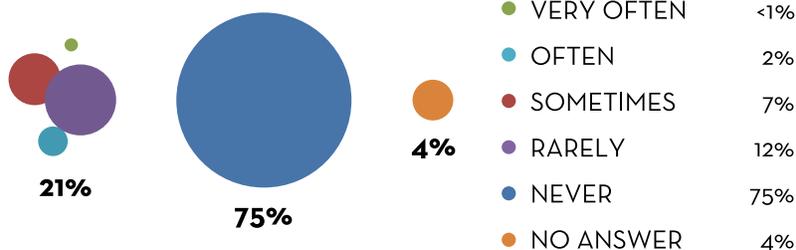
15-year-old boy
Perris, CA

Question 8: Has anyone from school made mean or offensive comments to you about your religion through e-mail, text message, or on websites like Facebook and Twitter?

“I love my high school. The Muslim club is very well represented, as are other clubs. The staff and teachers are very respectful but it’s the students that bug me sometimes. I’ve been called ‘a terrorist’ and laughed at. It hurts, it really does. But I know better than to make fights and disrespect others just because they disrespect me.”

16-year-old girl
Anaheim, CA

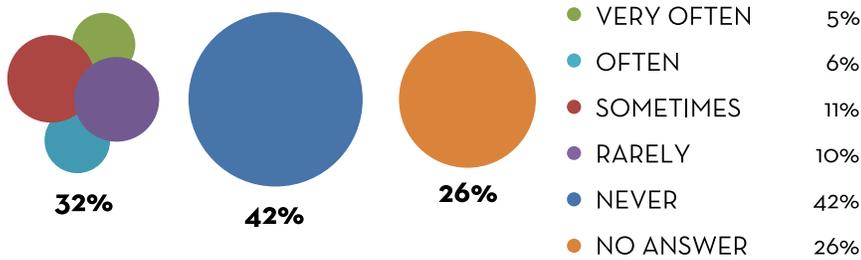
Twenty-one percent of respondents have experienced cyberbullying because of their religion.



Question 9: For situations listed in questions 5-8 I responded by:

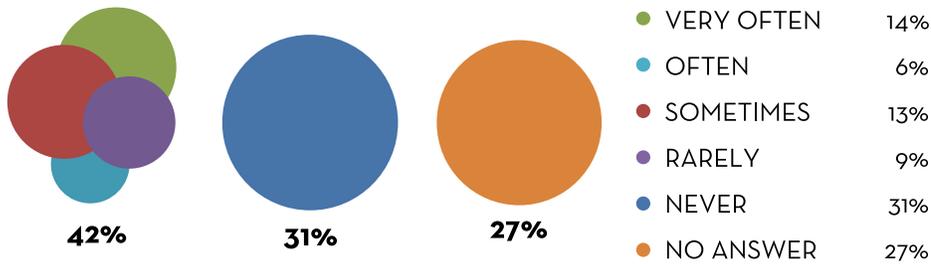
9(a). *Telling a teacher or principal.*

Only 32% of respondents reported instances of bullying to a teacher or principal.



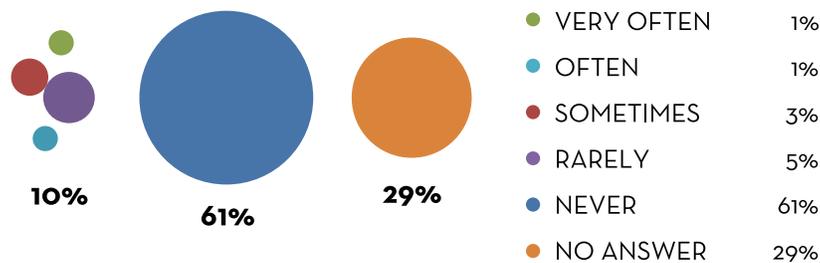
9(b). *Telling my parents.*

More students reported instances of bullying to parents at 42%.



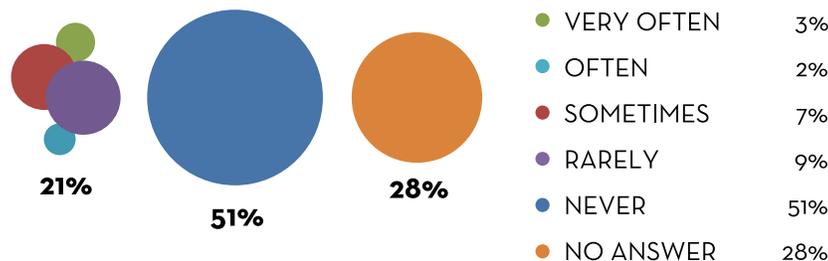
9(c). *Slapping, kicking, or punching.*

Only 10% of students responded to bullying by physically fighting back.



9(d). *Insults or name-calling.*

Twenty-one percent of students insulted and/or called their bully names.

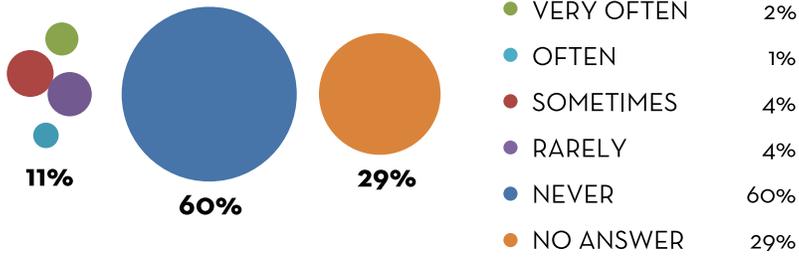


“REPORT IT!”



9(e). Making fun of their race/religion.

Eleven percent responded to their bullies by making fun of the bully's race and/or religion.



"From my experience, it's ignorance about Islam that brings up negative comments. I always let my peers know that I'm open to answering any questions they have about me as a Muslim or Islam as a religion."

16-year-old girl
San Francisco, CA

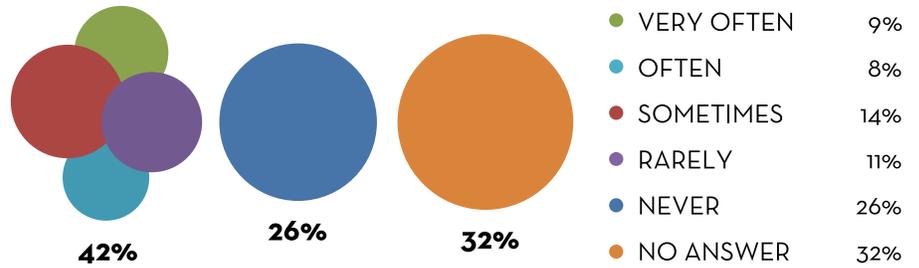


Question 10: Did reporting to an adult solve the problem?

"Sometimes I hate telling [my parents] because they will take action by reporting it to school and this makes me worry because I will lose more friends."

17-year-old boy
Santa Barbara, CA

Less than half of the respondents said reporting the problem helped them.



PART TWO

AMERICAN MUSLIM STUDENT CONCERNS

A. BULLYING RECOGNIZED AS A NATIONAL PRIORITY

The issue of bullying first attracted national attention in 1999 when two high school seniors gunned down their fellow classmates and teachers at Columbine High School in Colorado.³ Our nation struggled to understand what led the two perpetrators, Eric Harris and Dylan Klebold, to go from ordinary students to killers. The accepted narrative at the time profiled the two as victims of harassment who lashed out in retaliation for social ostracization and abuse from peers.⁴ This was supported by the FBI's 1999 analysis of school shootings, which found that 75% of school shooters felt bullied, persecuted, or threatened by others.⁵

The tragedy spurred many Americans to take collective action to help prevent bullying in schools. While much important work was done at the local and statewide level during this time, the issue of bullying failed to become a national priority.⁶

A spate of suicides in 2009 and 2010, one involving an 11-year-old child, led lawmakers to prioritize the issue of bullying on the national agenda. In 2011, the White House convened the first-ever Conference on Bullying Prevention and CAIR-CA was invited to participate as a stakeholder.⁷ At this point, policymakers began to view bullying as a civil rights issue. Many victims of bullying are targeted because of their sexual orientation, race, disability, and religion. Federal and state laws recognize the right of students to attend safe school environments that are free from discrimination and harassment. The increase in bullying awareness and attention from the civil rights and policy community resulted in a rise in bullying-related lawsuits filed.⁸

3 Emily Bazelon, *Sticks and Stones: Defeating the Culture of Bullying and Rediscovering the Power of Character and Empathy*. (New York: Random House, 2013), 8.

4 Katherine Ramsland, "School Killers," *TruTV*.

5 Mary Ellen O'Toole, *The School Shooter: A Threat Assessment Perspective*. (Department of Justice Federal Bureau of Investigations, 1999) Available online at <http://www.fbi.gov/stats-services/publications/school-shooter>.

6 Bazelon, *Sticks and Stones: Defeating the Culture of Bullying and Rediscovering the Power of Character and Empathy*, 8.

7 Kevin Jennings, "Add Your Voice to the White House Conference on Bullying," *The White House Blog*, March 10, 2011, accessed September 28, 2013, <http://www.whitehouse.gov/blog/2011/03/10/add-your-voice-white-house-conference-bullying-prevention>.

8 Natalie DiBlasio, "More bullying cases have parents turning to courts" *USA Today*, September 11, 2011, accessed September 28, 2013, <http://usatoday30.usatoday.com/news/education/story/2011-09-11/bullying-lawsuits-parents-self-defense-courts/50363256/1>.

DEFINING BULLYING

Definitions of bullying vary but the commonly agreed upon elements are summarized by the U.S. Department of Health and Human Services definition as “unwanted, aggressive behavior among school aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time.”⁹ Bullying never just involves one person. In every instance of bullying there must be a bully or aggressor and a victim or target. There can also be bystanders, who witness the bullying, and/or mutual aggressors, who partake in the aggression.

INFLUENCES ON BULLYING

There are many factors that influence bullying behavior. Family dynamics such as domestic violence in a child’s household can influence his or her decision to imitate that verbal and/or physical abuse in a school setting. Peer norms and school culture can also influence bullying. Some schools participate in very strong anti-bullying campaigns, where students are more aware of the negative effects of bullying and are more likely to take action if they witness or are victims of bullying. On the other hand, some schools do not effectively educate their students about bullying, and on campuses like that, students that are bystanders and/or victims may be less likely to speak out. Media can affect a person’s perception of bullying depending on how television, movies, and other outlets portray the phenomenon. Lastly, technology has greatly influenced bullying by providing aggressors with an entirely new medium to utilize in harassing their victims.

9 “Bullying Definition,” U.S. Department of Health and Human Service’s StopBullying.gov, accessed September 28, 2013, <http://www.stopbullying.gov/what-is-bullying/definition/index.html>.

ANTI-MUSLIM FLYERS DISTRIBUTED OUTSIDE OF LOCAL HIGH SCHOOLS

In 2011, CAIR received several reports of anti-Muslim flyers being distributed by people outside of high schools. The flyers were published by “911 Defend Students Campaign,” a collaboration by the same men who produced the Islamophobic movie, “The Innocence of Muslims.” The flyers contained several false allegations against local Muslim leaders along with extremely derogatory comments about the Prophet Muhammad (pbuh). They had the potential to incite anti-Muslim sentiments on campus and single out the Muslim students as targets for bullying. Following one incident, CAIR met with students and parents from the high school where they discussed freedom of speech and held a strategy session on how to prevent future issues following the meeting. Students worked proactively with the administration in providing accurate information about Islam and Muslims. They worked with the campus Amnesty International Club to produce a short documentary on the issue which was later screened on campus.

HOW BULLYING MANIFESTS

There are four main types of bullying: physical, verbal, social/psychological, and cyberbullying. “Physical bullying involves hurting a person’s body or possessions.”¹⁰ It can include spitting, tripping, pushing, hitting, kicking, punching, taking or damaging someone’s belongings, and making offensive hand gestures. “Verbal bullying is saying or writing mean things.”¹¹ Verbal bullying can include name-calling, teasing, inappropriate sexual comments, and threats.¹² “Social bullying, sometimes referred to as relational bullying, involves hurting someone’s reputation or relationships.”¹³ This can include spreading rumors about someone, embarrassing or excluding someone in public, or telling other children to not be friends with someone.

The fourth and most recent manifestation of bullying has transformed the phenomenon entirely. Cyberbullying is committed by means of an electronic communication device.¹⁴ Cyberbullying can include bullying through instant messages, text messages, and e-mails, as well as spamming or stealing a person’s sensitive information. Additionally, it can include impersonation, and now, “Facebook burn pages,” or Facebook pages created specifically to harass others.¹⁵ As social media and technology continue to grow, so do the means to cyberbully fellow peers.

SIGNS OF BULLYING

While the effects of bullying can manifest differently in every child, there are universal signs parents should look out for. Physical manifestations could be cuts, bruises, or scrapes. Some psychological manifestations may take the form of anger problems, anxiety, depression, low self-esteem, and being more quiet than usual. Other indications that a child might be a target of bullying include continuously missing school, declining grades, or missing personal items like backpacks, electronic devices, or books.¹⁶

10 “Bullying Definition.”

11 Ibid.

12 Ibid.

13 Ibid.

14 Assemb. B. 86 2013-2014 Leg., Reg. Sess. (Cal. 2013).

15 Assemb. B. 86; John Rogers, “Student Arrested For Facebook Burn Page,” *FOX10tv*, last modified January 24, 2011, accessed September 28, 2013, <http://www.fox10tv.com/news/student-arrested-for-facebook-burn-page>.

16 Michele Borba, “19 Signs Your Child Is Being Bullied and What to Do about It,” *Character Education Partnership*, last modified March 6, 2012, accessed September 28, 2013, <http://info.character.org/blog/bid/128143/19-Signs-Your-Child-Is-Being-Bullied-and-What-to-Do-about-It>.

AMERICAN MUSLIMS AND BIAS BASED BULLYING

While bullying can take any of the four forms previously mentioned, bullying in the context of American Muslim students is unique in that it mixes cultural and religious animosity towards Muslims with current events. The bullying can take the form of “jokes” about bombs and terrorists. Insults are often directed at students, ranging from “towelhead” to “camel jockey” to “sand n****r.” Many American Muslim students regularly talk about being called a terrorist or being asked if they are related to Osama Bin Laden. Repeated association with negative stereotypes has been shown to cause low self-esteem and depression, developmental problems in early adolescents, and issues of identity formation.¹⁷ American Muslim students who choose to wear the *hijab* may have an even more difficult time because they physically wear a symbol of their faith and become easy targets for bullies. Aggressors may pull or tug on a girl’s *hijab*, or will offensively touch it.

STATE AND FEDERAL LAWS RELATED TO BULLYING

CALIFORNIA ANTI-BULLYING LAWS

According to California law, “bullying fosters a climate of fear and disrespect that can seriously impair the physical and psychological health of its victims and create conditions that negatively affect learning, thereby undermining the ability of students to achieve their full potential. The movement to adopt anti-bullying policies reflects schools’ appreciation of their important responsibility to maintain a safe learning environment for all students.”¹⁸

Under the School Safety Violence Protection Act, California schools are required to “develop and implement an official School Safety Plan as a part of their overall local education plan and to revisit the plan annually and amend it, as needed.”¹⁹ In the summer of 2012, “Seth’s Law” bolstered this by requiring state schools to implement new tools to prevent bullying. The law thus strengthens existing state anti-bullying laws to help protect all California public school students.

17 L. Monique Ward, “Wading Through the Stereotypes: Positive and Negative Associations Between Media Use and Black Adolescents’ Conceptions of Self,” *Developmental Psychology*, 40 (2004): 285, accessed September 28, 2013, doi: 10.1037/0012-1649.40.2.284.

18 “Dear Colleague Letter,” U.S. Department of Education Office for Civil Rights, October 26, 2010, accessed September 30, 2013, <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>.

19 Cal. Ed. Code §35294 et seq.; “Adult to Child Bullying in San Diego Union School District,” San Diego Union School District, accessed September 30, 2013, http://www.sdcounty.ca.gov/grandjury/reports/2012-2013/Adult_Child_Bullying_Report.pdf.

According to Seth’s Law, school districts are required to do the following:

1. Adopt a strong anti-bullying policy that specifically prohibits bullying based on the perceived characteristics of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, and sexual orientation
2. Adopt a specific process for receiving and investigating complaints of bullying
3. Publicize the anti-bullying policy and complaint process
4. Post materials to support victims of bullying on the district website ²⁰

FEDERAL CIVIL RIGHTS LAWS

Some “misconduct that falls under a school’s anti-bullying policy also may trigger responsibilities under one or more of the federal antidiscrimination laws” enforced by the Department of Education’s Office for Civil Rights (OCR).²¹ The OCR “enforces several federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from the Department of Education, although none of them directly prohibit discrimination against students based on religion.”²² Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin, while Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex.

“School districts may violate these civil rights statutes and the Department’s implementing regulations when peer harassment based on race, color, national origin, sex, or disability is sufficiently serious that it creates a hostile environment and such harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees.”²³

²⁰ Assemb. B. 9; ACLU of Northern California, “AB 9: Seth’s Law: New Tools to Prevent Bullying in California Schools,” accessed September 30, 2013, http://www.sdcounty.ca.gov/grandjury/reports/2012-2013/Adult_Child_Bullying_Report.pdf.

²¹ “Dear Colleague Letter.”

²² Ibid.

²³ Ibid.

HIGH SCHOOL STUDENT BEATEN UP AFTER INFORMING SCHOOL OF THREATS

Dala* was threatened by girls from her class and another school. They called her a terrorist and tried to ostracize her socially. One of the aggressors began sending her text messages calling her a terrorist and telling Dala to “go back to Afghanistan.” Dala called the police to report the calls but they did not take any action. The girl then posted a threat of violence against Dala on her Facebook page. Dala went to school the following day and reported the calls and Facebook threat to school security and to the school counselor. Neither of them took any action. On the way home from school, Dala was attacked by the girl and her friends. She suffered a concussion and bruising. Her aggressor later bragged about the incident on Facebook. Dala feared taking action because she wanted to forget the incident. She did not want to call more attention to herself because other students at school had begun to make fun of her for getting beaten up.

*Names have been changed to protect confidentiality

BULLYING LEADS CHILD TO EXPRESS WISH TO COMMIT SUICIDE

Atif had been consistently teased by another boy, his third grade classmate, at school for approximately a year. The boy called Atif typical epithets, such as: “stupid,” “fat,” and “retard,” but he also made remarks about Atif’s Muslim faith. One day, the boy told Atif that since he “doesn’t believe in Jesus he is going to hell.” School officials treated the situation as though it were a fight between two peers of equal status and not a bullying situation. As a result, Atif’s academic performance deteriorated and his teacher began disciplining him for not focusing on his classwork and being disruptive. One day, Atif walked into the school office and said “I want to die.” His mother was notified and she became alarmed that school officials were not adequately supporting her son. She called CAIR and CAIR’s attorney attended a meeting with the principal, the teacher, and the mother. Atif’s classroom was changed and his academic performance improved over the remainder of the year.

A few years after the September 11, 2001 attacks, the OCR issued a “Dear Colleague Letter” addressing the increase in allegations of race and sex discrimination commingled with religious discrimination.

Groups that face discrimination on the basis of shared ethnic characteristics may not be denied the protection of our civil rights laws on the ground that they also share a common faith. Similarly, the existence of facts indicative of religious discrimination does not divest OCR of jurisdiction to investigate and remedy allegations of race or ethnic discrimination. ORC will exercise its jurisdiction to enforce the Title VI prohibition against national origin discrimination, regardless of whether the groups targeted for discrimination also exhibit religious characteristics...²⁴

Therefore, while Title VI does not cover discrimination based solely on religion, groups that face discrimination on the basis of actual or perceived shared ancestry or ethnic characteristics may not be denied protection under Title VI on the ground that they also share a common faith.

24 Ibid.

BULLYING PREVENTION

Bullying is a community-wide issue that requires involvement from schools, parents, students, and community partners for effective prevention. The sections below provide a starting point for prevention strategies that these different community segments can implement.

WHAT SCHOOLS CAN DO



- Assess your school's anti-bullying policy and whether it helps create a climate of safety.
- Make sure students and teachers are aware of anti-bullying policies and how to easily access them.
- Ensure that students know where and to whom they can report incidents.
- Train teachers on how to recognize and stop bullying.
- Make parents partners in prevention by training them to recognize signs of bullying in their children.
- Organize student clubs, rallies, and educational weeks to help students learn empathy and appreciate diversity.

WHAT PARENTS CAN DO



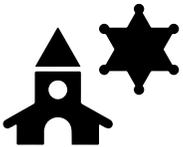
- Build a relationship of trust with your children so they feel comfortable telling you about their problems.
- Look for signs that your child is being bullied: bruises, scrapes, change in behavior, anxiety about attending school, etc.
- Notify the school in writing of any bullying complaints immediately.
- Keep a record of complaints and always follow up with school administrators.
- Ensure that your child understands that it is not his or her fault and they have nothing to be ashamed of.
- Report bullying incidents to your local CAIR office.

WHAT STUDENTS CAN DO



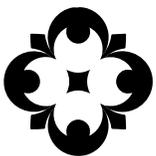
- If you are being bullied, tell the bully to stop and walk away from the encounter.
- Do not fight back. There can be severe consequences, both at school and criminally, for engaging in any violent behavior even if you did not begin the fight.
- Report bullying to a teacher and/or your parents. You have the power to stop a bully.
- Think about the information you post on the internet: it is easy to be a bully on the internet and you may be violating the law if you send someone mean texts, instant messages or posts on social media sites.

WHAT COMMUNITY PARTNERS CAN DO



- Look for stakeholders in your community amongst faith groups, mental health professionals, police departments, local service groups and businesses.
- Use these partnerships to raise awareness in your community about bullying.
- Train adults to recognize bullying so they can act when it takes place.

WHAT CAIR-CA DOES



- CAIR-CA provides awareness workshops to the American Muslim community to train parents and children on how to address and prevent bullying at their schools, and educate them about the protections available to them under state and federal laws.
- We conduct focus groups, listening sessions and community surveys to understand the problems American Muslim children face in schools.
- We work with students, parents, and school administrators in dealing with issues relating to Muslim students.
- Upon request, CAIR-CA provides cultural competency training to schools.

CAIR

From note

Handing
writing
writing
writing

Mental a... in ...



B. HARASSMENT AND DISCRIMINATION BY TEACHERS AND ADMINISTRATORS

While there is a tremendous amount of research on the causes and effects of student-on-student bullying, parents and students are reporting an increased number of teacher-on-student harassment. Nearly all of the literature that addresses bullying, including the laws regarding bullying, does so from the perspective of student targets and aggressors. While bullying in general is an area that deserves attention, the phenomenon of teachers as aggressors is quite troubling; it can be much more difficult for students to handle because of the power imbalance between the parties. Reports abound of teachers abusing their platform in the classroom to subject American Muslim students to derogatory comments and biased personal opinions about Islam and Muslims.

Many American Muslim students are hesitant to report their teachers, believing the harassment will only escalate. Often when harassment is reported, students and parents are met with little-to-unsatisfactory responses from schools. Rather than disciplining the offending teacher or staff member, many schools simply decide to pull students from their classroom and place them somewhere else. This does not address the fact that the student must continue to see the harasser elsewhere in the school, feeling as though the school sided with the teacher. Parents with more than one child in the school also worry about a sibling being placed with these teachers in the future.

In order to effectively prevent harassment and discrimination by teachers and administrators, schools must ensure that students have a safe means to report complaints. Schools should investigate such claims and be responsive to parents and students during the process. As part of the disciplinary process, schools should require teachers to undergo cultural competency training.

TEACHER CONFISCATES KEYCHAIN OVER OBJECTION TO FLAG SYMBOL

Anas, a Muslim boy of Palestinian descent, brought a key ring to school with the flag of his country embroidered on it. A teacher saw the key ring and confiscated it. In an email to the principal about the incident, the teacher accused Anas of inciting violence towards Jews and Americans simply by carrying the flag of his country of origin. CAIR contacted the county department responsible for supervising the teacher. The teacher's supervisor agreed that all students should have the right to express pride in their national, ethnic and religious identities at school. The teacher wrote Anas' family a letter of apology, received sensitivity training and was removed from the classroom.

C. RELIGIOUS ACCOMMODATION AT PUBLIC SCHOOLS

On many occasions, American Muslim parents have contacted CAIR for advice on how to request religious accommodation for their children enrolled in public schools. For instance, Muslims are religiously obligated to pray five times a day. Students may wish to take breaks during the day to carry out their prayers. Similarly, many young Muslim women choose to begin wearing the *hijab* while they are still school-age. Those young women may want to find out how they can remain in compliance with school dress codes and uniform requirements and fulfill this religious practice at the same time. They may also require alternative educational activities for physical education units, such as swimming and square dancing, which require removal of clothing or physical contact with members of the opposite gender. Parents may also wish to remove their child from school to celebrate the *Eid* holiday, even though the Muslim holiday is not part of the regular school calendar. Many of the religious needs American Muslim families have are similar to those of other religious minorities in America throughout the country's history who have fought in court for their rights and won. Therefore, in most situations, American courts have already opined on what schools are required to provide and what they are not.

***EID* HOLIDAY**

There are two major Muslim festivals which may fall during the academic year and coincide with public school sessions. Because the Islamic calendar is lunar, these holidays will fall on different Gregorian calendar dates each year. The first, *Eid ul-Fitr*, marks the end of the holy month of Ramadan during which Muslims fast from sunrise to sunset. The second, *Eid ul-Adha*, commemorates the sacrifice of the Prophet Abraham. In the West, both of these holidays are usually celebrated for one day but may last up to three days. Students enrolled in public schools who need to be absent due to the religious observance of the *Eid* holiday are entitled to receive an excused absence and to make up work and tests missed as a result.

EXCUSED ABSENCES AND MAKE UP ASSIGNMENTS

Several federal courts have determined that so long as the student's absence is not excessive, schools should excuse students for religious observance and allow them to make up tests and classwork missed as a result. In *Church of God (Worldwide, Texas Region) v. Amarillo Independent School District*, the Fifth Circuit Court of Appeals determined that a school rule which limited excused absences for religious observance to only two days per year violated the free exercise rights of those students who were required, as members of the Church of God, to miss

more than one week of school for religious observance.²⁵ In that situation, school administrators were required to allow students to make up work missed and not penalize them for missing school due to religious observance.

In counties where there are high concentrations of students and teachers likely to miss school for a religious observance, it may be the case that school administrators choose to close the school altogether. So long as the school can demonstrate a valid secular purpose for closing, such as excessive absenteeism, this is legally permissible.²⁶

HIJAB AND OTHER RELIGIOUS HEAD COVERINGS

Islam requires modesty of both men and women. Many Muslim women have a sincerely held belief that the requirement of modesty in their religion mandates the covering of their hair, neck and chest. Muslim young women may choose to wear *hijab* in any number of styles, depending on the particular religious perspectives they hold.

Although there has never been a case litigated before the Supreme Court or a federal circuit court regarding the rights of school-aged American Muslim women to wear the *hijab*, the Justice Department has taken the position, on several occasions, that the First Amendment protects the right to wear a *hijab* at public school. In 2003, Nashala Hearn, a student in the Muskegee School District in Oklahoma, was prevented from wearing her *hijab* due to a school-wide ‘no hats’ policy, which the school implemented to curtail gang activities. The Justice Department was able to obtain a settlement in that case, which resulted in the school allowing Nashala and other children seeking the right to religious headwear accommodation at school.²⁷ It is therefore likely that a young man who wishes to wear a kufi cap or a head covering as part of his religious practice should be permitted to do so, as well.

CLOTHING WITH RELIGIOUS MESSAGES

A public school may not deny a student the right to wear clothing he or she felt was necessary to carrying out a religious belief, however, a school may decide that clothing which bears a religious message is disruptive to the school environment. When a school decides to regulate the free expression of its students, it has to demonstrate

25 *Church of God (Worldwide Texas Region) v. Amarillo Ind. Sch. Dist.*, 670 F.2d 46 (5th Cir. 1982).

26 *See Lemon v. Kurtzman*, 403 U.S. 602, 613 (1971), holding, *inter alia*, that the government must demonstrate a valid secular purpose for any law respecting an establishment of religion.

27 Jesse Lee, “Nashala’s Story,” *The White House Blog*, June 4, 2009, accessed August 19, 2013, <http://www.whitehouse.gov/blog/2009/06/04/nashalas-story>.

that the expression materially and substantially interferes with the school's operation or curtails the rights of other students.²⁸ In a recent case, the Ninth Circuit Court of Appeals ruled that a school dress code barring a Christian student from wearing a t-shirt with religious messaging was constitutional, because the dress code applied to all viewpoints equally.²⁹ Since the dress code did not interfere with the student's religious practice, it was found not to interfere with his right to freely exercise his religion either. So, while some schools may allow students to wear clothing with a religious message, a school might be justified in banning such clothing as well.

DAILY PRAYER

As explained above, the First Amendment of the U.S. Constitution prevents the state from sponsoring any religion or prohibiting the free exercise of religion. This means that students may schedule their classes or be permitted time during the school day to perform their prayers. Students who wish to receive this type of accommodation should coordinate this with school officials and should not simply take unauthorized breaks.

JUMU'AH: THE FRIDAY CONGREGATIONAL OBSERVANCE

Muslim men are obligated to attend Friday congregational prayer, and according to some schools of thought, so are Muslim women. During this congregational prayer, called *jumu'ah*, attendees listen to a sermon and pray together as a community. Parents may ask schools to allow their children to attend the Friday prayer. In *Zorach v. Clauson*, the Supreme Court held that a New York City program, "which permitted public schools to release students during the school day so that they may leave the school.... and go to religious centers for religious instruction or devotional exercises" was legally permissible, on written request from the students' parents.³⁰

28 See *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969) (holding that students may wear armbands protesting the Vietnam war at school so long as they do not disrupt the classroom).

29 *Jacobs v. Clark Cnty. Sch. Dist.*, 526 F.3d 419, 441 (9th Cir. 2008).

30 *Zorach v. Clauson*, 343 U.S. 306, 308 (1952).

Therefore, a parent may ask a school to release his or her child during the day for Friday prayer. However, since schools are required to protect the health and safety of students, parents should properly coordinate their child's departure and return to school with the principal and appropriate administrators.

SEX AND HEALTH EDUCATION

Sections 51930 through 51939 of the California Education Code describe the parameters by which schools provide students with sexual health education, including HIV and sexually transmitted disease prevention.³¹ Section 51938 allows a parent to exempt their child from all aspects of sex and health education, provided they do so at the beginning of the school year, or if the child enrolls in school after the beginning of the school year, at the time the child is enrolled.³² The school will first provide parents with a notice that the pupil is enrolled in sexual health education. To help parents make an informed decision, the notice should describe the course content thoroughly and inform the parents of who is teaching the course and when this material will be taught. Should the parent wish to exempt his or her child, the school would then provide guidance of how the parent could do this in writing. Once a written request is made, the student would then be exempted from sexual health education.

HOLIDAY CELEBRATIONS AT SCHOOL

American Muslim students and parents often ask whether it is permissible for teachers to celebrate religious holidays with their students at school. Generally speaking, any classroom celebration that uses religious symbolism may not have the effect of endorsing a particular religious doctrine. Teachers may choose to celebrate secular holidays in class (e.g. Halloween and Thanksgiving), so long as the celebration does not have the effect of advancing or inhibiting a particular religion. Teachers should be careful to teach about religion as opposed to celebrating and promoting it. Additionally, they should stay away from relaying personal examples and avoid proselytizing.³³ Schools are permitted to incorporate teaching religion as part of the curriculum, which can include explaining the practices and symbols of different religions. Discussions of holidays in the classroom should involve the history and meaning of the holiday and how it is celebrated.

31 Cal. Ed. Code §51930-§51939.

32 Cal. Ed. Code §51938.

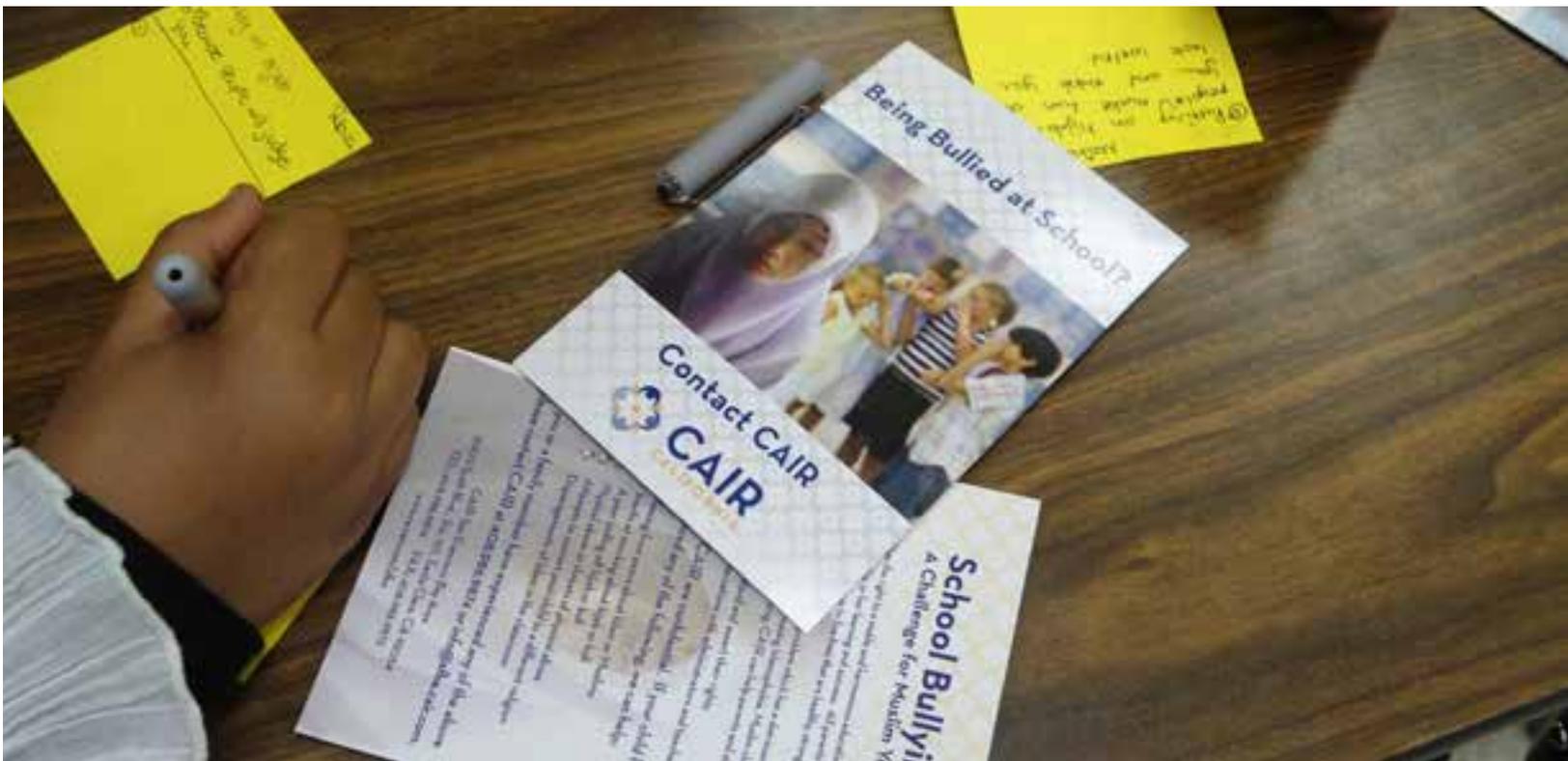
33 Charles C. Haynes and Oliver Thomas, *Finding Common Ground: A Guide to Religious Freedom Liberty in Public*, (First Amendment Center, 2007). Available online at: <http://www.freedomforum.org/publications/first/findingcommonground/B08.Holidays.pdf>.

PARTICIPATING IN OR FORMING A MUSLIM STUDENT ASSOCIATION

The Equal Access Act protects students' rights to form clubs in public schools. The law was originally enacted to end discrimination by schools against religious student groups.³⁴ The Act states that any public secondary school that receives federal funding and allows non-curriculum related clubs on campus may not discriminate against students wishing to form religious, political, or philosophical clubs.³⁵ Therefore, students wishing to participate in or form a Muslim Student Association (MSA) on campus have the right to do so if other non-curriculum clubs are allowed at their schools. A school may only deny students from forming an MSA if there are no other non-curriculum clubs on campus. An example of a curriculum club would be a math, reading, or science club. A non-curriculum club may be a human rights or religious club.

34 B.A. Robinson, "The Federal Equal Access Act Student-Led Clubs in Public High Schools," *Ontario Consultants on Religious Tolerance*, last modified March 22, 2007, accessed September 28, 2013, http://www.religioustolerance.org/equ_acce.htm#.

35 Robinson, "The Federal Equal Access Act Student-Led Clubs in Public High Schools."



CONCLUSION

Based on the information CAIR-CA has gathered, the experience of American Muslim youth in American public schools is generally positive, but it is also impacted significantly by bias-based bullying, teacher harassment, and the failure to accommodate student religious practices. It is important for American Muslim students to know and effectively assert their rights on campus and, more importantly, for educators to know their responsibilities to ensure a safe and tolerant school environment for everyone. It is our sincere hope that as public understanding of Islam grows and as we continue to strengthen our opposition to anti-Muslim bigotry in the public sphere, American youth from all backgrounds will reap the benefits of a more tolerant, inclusive and open-minded environment, both in and outside of the classroom.

ACKNOWLEDGMENTS

The primary authors of this report are Fatima Dadabhoy, Esq., Rachel Roberts, Esq., and Sadaf T. Hane, Esq. The authors would like to thank Yasmin Nouh and Fatima Iqbal, Esq. for invaluable editorial support. Helpful editorial input was also provided by Athar Siddiquee, Hanif Mohebi, Hussam Ayloush, and Zahra Billoo, Esq. Additionally, law clerks, support staff, interns, and volunteers helped to gather the data used in the survey and in this report, including: Abdullah Aljammal, Affad Shaikh, Ahlam Berri, Anas Daghmoumi, Anwar Milbes, Brice Hamack, Emaan Ahmed, Hamza Yammout, Hasna Hassan, Hawa Dadabhoy, Jayna Sutherland, Jessica Farinas, Ken Godoy, Khadijah Abdul Aleem, Marya Ayloush, Mohamed Ali, Najwa Sabrie, Nazish Kolsy, Owliya Hussein and Sabha Salamah.

Community Centers and Mosques that helped facilitate the survey: Chino Valley Islamic Center, Institute of Knowledge, Islamic Center of Hawthorne, Islamic Center of Irvine, Islamic Institute of Orange County, Islamic Society of Corona-Norco, Islamic Society of Orange County, Muslim Community Association of the San Francisco Bay Area, MY DEEN, SALAM Center of Sacramento, San Francisco Islamic School, South Bay Islamic Association, West Valley Muslim Association and Yaseen Foundation. CAIR-CA would also like to acknowledge the following partner organizations: Islamic Network Group, Muslim American Society-San Francisco Bay Area, Muslim American Society of Sacramento Social Services Foundation, and The Sikh Coalition.

APPENDIX: RESOURCES

WEBSITES ON BULLYING PREVENTION

Islamic Networks Group (ING)
www.ing.org

National Crime Prevention Council
www.ncpc.org

National Education Association
www.nea.org

Not In Our Town
www.niot.org

PACER's National Bullying Prevention Center
www.pacer.org

U.S. Department of Health & Human Services
www.stopbullying.gov

Wired Safety
www.wiredsafety.org

REPORTS ON BULLYING & PREVENTION

Asian American Legal Defense and Education Fund & Sikh Coalition

One Step Forward Half a Step Back

www.sikhcoalition.org/resources/reports-a-publications/one-step-forward-half-a-step-back

Institute of Social Policy and Understanding

Global Battleground or School Playground: The Bullying of America's Muslim Children

www.ispu.org/content/Global_Battleground_or_School_Playground_The_Bullying_of_Americas_Muslim_Children

CALIFORNIA LAWS RELATING TO BULLYING

California Education Code §234 - 234.5 (Safe Place to Learn Act)

California Education Code §32261 - 32262 (Interagency School Safety Demonstration Act of 1985)

California Education Code §32265

California Education Code §32270

California Education Code §32282

California Education Code §32283

FEDERAL LAWS RELATING TO HARASSMENT

Disability

Section 504 of the Rehabilitation Act of 1973
Title II of the Americans with Disabilities Act of 1990

Race, Color & National Origin

Title VI of the Civil Rights Act of 1964

Sex

Title IX of the Education Amendments of 1972

FEDERAL GOVERNMENT REPORTING AGENCIES

Department of Education Office of Civil Rights
www2.ed.gov/about/offices/list/ocr/index.html

Department of Justice Civil Rights Division
www.justice.gov/crt/

ONLINE STUDENT PRIVACY

American Civil Liberties Union-Southern California

Hello! Students Have a Right to Privacy In Their Cell Phones

www.aclusocal.org/issues/education/student-cell-phone-privacy

FOR MORE INFORMATION CONTACT:



**Council on American-Islamic Relations
San Francisco Bay Area (CAIR-SFBA)**

3000 Scott Blvd., Suite 101
Santa Clara, CA 95054
Tel: 408.986.9874
Fax: 408.986.9875
Email: info@sfba.cair.com

**Council on American-Islamic Relations
Greater Los Angeles Area (CAIR-LA)**

2180 W. Crescent Ave., Suite F
Anaheim, CA 92801
Tel: 714.776.1847
Fax: 714.776.8340
Email: info@losangeles.cair.com

**Council on American-Islamic Relations
Sacramento Valley (CAIR-SV)**

717 K St., Suite 217
Sacramento, CA 95814
Tel: 916.441.6269
Fax: 916.441.6271
Email: info@sacval.cair.com

**Council on American-Islamic Relations
San Diego (CAIR-SD)**

8316 Clairemont Mesa Blvd., Suite 203
San Diego, CA 92111
Tel/Fax: 858.278.4547
Email: info@sandiego.cair.com