



June 22, 2017

Via EMAIL AND U.S. MAIL

Dr. James F. Lane, Ed.D.
Chesterfield County Public Schools
School Administration Building
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Re: Student forced to exercise while fasting at Bellwood Elementary School

Dear Superintendent Lane:

We write about reports that a fasting student was forced to run while in physical education class at Bellwood Elementary School during Ramadan in violation of her state and federal rights. In accordance with their religious beliefs and as a part of the exercise of one's religion, many Muslims fast during the Islamic holy month of Ramadan. Ramadan is the ninth month of the Islamic calendar and is taking place this year between May 26 and June 24, 2017.

During Ramadan, Muslims celebrate the month in which the prophet Mohammed received the first of the revelations that make up the Koran, the primary holy book of the Muslim religion. From sunrise until sunset, Muslims abstain from food and drink, including water. During this time of the year, the fasting period can last over sixteen hours. Understandably, going without food or drink for this long can be very tiring and stressful on the body. The Ramadan fast, known as "sawm," is one of the five pillars, or institutions, of Islam. This month of fasting is required of all those practitioners who are able. The only exemptions are for pregnant women, those with certain medical conditions, and those who are traveling. To many, the holy month of Ramadan is a reminder of their faith, the importance of devotion to their religion, and their religious obligations, as well as a symbol of their own control over their body. The student claims that she was forced to run during physical education class despite informing her teacher that she was fasting. The teacher ignored the student's special need and insisted that she run – providing no accommodation. When the teacher deemed that her speed was unsatisfactory, it has been reported that he then repeatedly forced the entire class to continue running as punishment. After being forced to run, the fasting student complained of feeling nauseous and weak. We express our concern because forcing an individual who is currently fasting to exert themselves physically violates her constitutional rights and can be medically dangerous.

If the allegations are true, this requirement would violate the First and Fourteenth Amendments to the United States Constitution. As you know, the First Amendment forbids government involvement in religion and guarantees the free exercise of

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religion. The Fourteenth Amendment ensures the equal protection of rights under the law. Both provide the freedoms for students to practice their religion as public school students without interference.

In addition, such a requirement would constitute government imposition of a substantial burden on the students' religion in violation of the Virginia Act for Restoration of Religious Freedom, Va. Code Ann. § 57-2.02(B), "No government entity shall substantially burden a person's free exercise of religion even if the burden results from a rule of general applicability unless it demonstrates that application of the burden to the person is (i) essential to further a compelling governmental interest and (ii) the least restrictive means of furthering that compelling governmental interest." There is no compelling governmental interest in forcing a student to run while fasting.

The Commonwealth's interest in universal education standards, including physical education, while important, is not absolute. The Supreme Court of the United States has held that "a State's interest in universal education, however highly we rank it, is not totally free from a balancing process when it impinges on fundamental rights and interests, such as those specifically protected by the Free Exercise Clause of the First Amendment, and the traditional interest of parents with respect to the religious upbringing of their children." *Wisconsin v. Yoder*, 406 U.S. 205, 214 (1972).

Finally, the running while fasting requirement also violates Chesterfield County's own policies regarding religion. Chesterfield County's School Board Policy 1001 titled "Nondiscrimination" states that CCPS will not discriminate "on the basis of sex, gender, race, color, religion, disability, national origin, ancestry, age, marital status, genetic information or any other characteristic protected by law, in employment or in its programs and activities." Furthermore, School Board Policy 3120 titled "Religious Beliefs and Customs" explains that "students and staff members may be excused from participating in activities that are contrary to their religious beliefs unless there are clear issues of compelling public interest that would prevent it." All public school students should be free to exercise their faith free from prejudice and discrimination - particularly when there is no compelling governmental interest that would prevent that.

Requiring students to exert themselves while fasting physically substantially burdens the practice of the students' religion. Fasting is difficult enough alone, but it becomes exceedingly more difficult if required to do so while exerting substantial physical energy. Instead, teachers should make accommodations for fasting students, such as assigning a different task to complete that does not require them to do any strenuous physical exercise.

We ask that you investigate the allegations and, if valid, guarantee that Chesterfield County Public School policies and practices comply with state and federal law to ensure a welcoming environment for those of all religions where all students can

freely exercise their religion without punishment.

Please do not hesitate to contact me should you have questions.

Sincerely,



Leslie Mehta
Legal Director

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