



June 2, 2017

VIA EMAIL AND U.S. MAIL

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Re: Students Denied Right to Wear Hijab at Freedom High School

Dear Superintendent Walts:

We write about reports that two students were denied the right to wear their hijab at Freedom High School in violation of state and federal law. In accordance with their religious beliefs and as a part of the exercise of one's religion, many Muslim girls and women wear headscarf coverings in public – also known as hijab or khimar – and when in the presence of men who are not members of their immediate families. They do so in accordance with their religious beliefs that are based on their understanding of the Koran, the primary holy book of the Muslim religion; the *hadith*, oral traditions coming from the era of the Prophet Mohammed; and other religious texts and interpretations. The word hijab comes from the Arabic word “hajaba,” which means to hide or screen from view or to cover.

To many, wearing a headscarf is a reminder of their faith, the importance of modesty in their religion, and their religious obligations, as well as a symbol of their own control over who may see certain parts of their body. For many, to have their hair uncovered in public is a serious breach of faith and religious practice, and a deeply humiliating, violating, and defiling experience that substantially burdens their religious practice.

If the allegations are true, the requirement that the students remove their hijab would violate the First and Fourteenth Amendments to the United States Constitution, the Virginia Statute of Religious Freedom, and the Guidelines for Religious Activities in the Public Schools adopted in 1995 by the State Board of Education pursuant to Va. Code Ann. §22.1-203.2. In addition, such action would constitute government imposition of a substantial burden on the students' religion in violation of the Virginia Act for 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.”

Requiring students to remove their head covering at school substantially burdens the practice of the students’ religion. That substantial burden is not the least restrictive means of furthering a compelling governmental interest – if there even is a governmental interest in this case (it is unclear how wearing a hijab at school might be a safety risk).

Finally, requiring removal of a religious head covering violates Prince William County’s own policies which specifically prohibit discrimination based on religion *Prince William County Public Schools Code of Behavior* (2016-17) at 9, and permit wearing head coverings related to one’s religious beliefs: “The following items are considered improper dress...hats, scarves, skull caps, headbands, visors or any other type of head covering unless related to one’s religious beliefs or practices.” *Prince William County Public Schools Code of Behavior* (2016-17) at 11.

We ask that you take steps as Superintendent to ascertain what happened at Freedom High School and to ensure that the Principal and all staff at Freedom High School and all Prince William County Public Schools understand and follow the School Division’s own policies regarding the wearing of religious head coverings and are committed to ensuring that every student in the School Division is protected from illegal discrimination and harassment based on religion and that all schools in the Division are welcoming to students of all faiths.

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

Sincerely,



Leslie Mehta
Legal Director