



# San Diego Unified School District

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Carl A. Cohn  
Superintendent of Schools

**TO:** Kimberlee Kidd, Principal, Carver Elementary School

**FROM:** Carl A. Cohn

**DATE:** July 18, 2007

**SUBJECT:** CARVER ELEMENTARY RELIGIOUS ACCOMMODATION  
AND RELATED MATTERS

It has become apparent that there is considerable misunderstanding among some segments of the media and ideological advocacy groups regarding the district's efforts to provide diversity of educational options at Carver Elementary and to accommodate the religious faith of our students and their parents, as the law requires.

I'm concerned that there be no similar misunderstanding among district staff and teachers. It is understandable that misconceptions could arise, perhaps fueled by some erroneous and inflammatory reports in the media and statements made by ideologically committed groups. In order to bring clarity and to assure that the district complies fully with all its legal obligations, I have prepared this memorandum with the help of legal counsel that provides guidance and clarifies the district's policies and actions on these matters of controversy. For more convenient reference, I have attached the short memorandum of "DO's and DON'Ts." Would you please distribute this memorandum and its attachment to all teachers and staff at Carver Elementary?

The district is committed to following all applicable law in all its programs and activities at Carver, including fulfilling our legal responsibilities to respect the religious beliefs and practices of students of all faiths, creeds, and philosophies. It is important that all staff understand what the district is legally obligated to do, and what it may not do, in connection with student religious accommodation. It is also important that the district's reasons for its actions be clearly understood and communicated to parents and other interested parties in such a way as to prevent any possible misunderstanding.

This memorandum is not intended as an exhaustive treatment, but rather to clarify the district's position regarding some of the more salient areas that are the subject of confusion and controversy.

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1. Single-gender classrooms. As you know, the district experimented with single-gender instruction at Carver, and it has considered experimenting with it at other school sites. The reason for offering single-gender education is that the district believed, along with the U.S. Department of Education, that single-gender instruction could be a tool to add to the diversity of educational options available to parents and a curricular technique for achieving educational goals and maximizing schools' overall effectiveness.
  - a. Single-gender instruction was added at Carver under the authority of Title IX regulations and the No Child Left Behind Act ("NCLB"). In November 2006, the Department of Education's Office for Civil Rights ("OCR") published regulations under Title IX of the Education Amendments of 1972 to expand flexibility to offer single-gender schools, classes, and extracurricular activities in non-vocational elementary and secondary schools.
  - b. The rationale for the district's actions was that specified in the regulations; namely, to further an "important governmental or educational objective," which the regulations define as "to provide a diversity of educational options to parents and students" or "to meet the particular identified educational needs of students." It is and has been the district's policy to provide diversity of educational options to parents and students. The option of single-gender instruction is consistent with that policy. I believe that public schools offer a superior educational experience than can be obtained in private schools or charter schools. In order to maintain the superiority of the public school offerings, we must be flexible enough to provide the types of educational opportunities that are offered by charter and private schools. In keeping with that policy, single-gender education was offered as a choice to parents. No child was placed in a single-gender education class except by the choice of a parent.
  - c. It was not, and is not now, the district's purpose for single-gender classrooms at Carver to advance, promote, or facilitate any religious or ideological program or objective whatsoever. I understand that some ideological extremists have asserted that the district is "segregating classes for girls" after the manner of the "Taliban." This is to ascribe ill motives where obviously none exist. Such assertions are unnecessarily provocative and uninformed. In order that there be no possible misunderstanding, we must emphasize that no teacher or staff member of Carver Elementary should at any time state or imply that boys and girls should be segregated for any purpose, and it is my understanding that none of our staff has done so.
  - d. Every educational tool must be constantly monitored for its effectiveness in the given circumstances. Unfortunately, in light of the media frenzy and turmoil

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generated by certain ideologically motivated advocacy groups, single-gender education at Carver has become a serious distraction from learning rather than a vehicle to promote learning. Once any curricular tool has become a hindrance to learning, it has lost its effectiveness. Accordingly, the district will henceforth offer Carver parents mixed-gender only classrooms in all grades.

2. Arabic language instruction. Carver Elementary, as you know, has offered Arabic language instruction as an educational elective for those of our students and parents who desire it. The rationale for this option must be clearly understood and communicated.
  - a. The district's reason for adding the Arabic language option is the same reason that the district offers instruction in other foreign languages. That is, it is to provide another educational option for parents who desire it for their children.
  - b. It should be understood and explained that the district is committed to offering a broad panorama of educational choice to meet the needs and desires of our children and their families, and the offering of Arabic instruction is but one example. The district offers other foreign-language instruction. We offer language immersion and/or language enrichment programs in French and Spanish; in the immersion program there is no English taught until second or third grade. Moreover, the district offers to parents magnet schools with a variety of educational themes. These themes can be language, arts, athletics, science, or mathematics. In addition, the district offers a home school program (an independent study program) where the parent is the teacher under the supervision and oversight of district teachers. These are only a few examples of programs developed to meet the diverse needs of students and the desires of parents.
  - c. The option of Arabic instruction is not only consistent with that pattern, but both sound educational reasons and the federal government support the offering of Arabic instruction. I am pleased that this district is among an increasing number of schools that are in the forefront of meeting the need for more Arabic language instruction. Arabic and Chinese are deemed by authorities to be "critical-needs" languages in that both have great economic value to prepare students for a global society. Both national security and economic considerations are encouraging American educators to introduce students to Arabic, and a commitment by the federal government to invest in Arabic education is increasing the number of available programs.<sup>1</sup> I understand that Arabic is the fastest-growing spoken language of study at U.S. colleges and universities, and is growing in demand in

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<sup>1</sup> For example, Barbara Axelson, in an article in *Scholastic Administrator*, cites a new Arabic Language Village Program in Minnesota for students ages 8 to 18. The program is part of an immersion camp established with help from a U.S. State Department grant, part of the NSLI.

K-12 education as well due in part to grants from the U.S. State Department as part of the president's National Security Language Initiative ("NSLI") announced in January 2006.<sup>2</sup> According to the American Council on the Teaching of Foreign Languages, at least 20 public schools in the nation during 2006 offered Arabic after Fairfax County, Virginia, became the first school district to offer it. It is difficult to imagine any reason, short of unreasoning prejudice, why this district should not offer Arabic instruction at Carver, especially where there is a student and parent population willing to support it and seeking it.

- d. I understand that some persons or groups have asserted that the district is offering Arabic language instruction for the purpose of promoting or facilitating the Islamic faith and the reading of the *Quran*. As you know, this is another assertion without any factual foundation whatsoever. It is my understanding that no Carver teacher has used the *Quran* for Arabic instruction, but the district's policy in this regard bears repeating. The district may not lawfully promote or encourage the devotional reading of religious texts, nor may it discourage or erect barriers to such reading. No teachers or staff at Carver should at any time make any statements, or take any action, that would encourage or promote the devotional reading of the *Quran* or any other sacred text. The *Quran* may not be used in Arabic language instruction as this practice could be construed as promoting the devotional use of a sacred text. The district is neutral toward religious faiths of all kinds. It is the prerogative of the parents of our students to decide what, if any, religious training children receive.
3. Voluntary student prayer. The district is required by law to respect the rights to the free exercise of religion of all students of all faiths, creeds, and philosophies, but the district is also required by law not to endorse, encourage, or promote any religion or religious practice. These are our bedrock principles of religious neutrality. Students of all faiths and creeds – Christian, Muslim, Jewish, or any other faith tradition -- have the legal right to engage in voluntary, student-initiated, student-led prayer, particularly during lunch and recess time, that does not disrupt the educational process or pressure other students to participate. It is the district's policy to take seriously both the right to free exercise of religion and the avoidance of endorsing or promoting religious beliefs or practices. The district is, and must demonstrably be, neutral toward religious belief and practice, leaving to our school children and their

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<sup>2</sup> The NSLI has earmarked \$114 million for 2007 to expand the number of Americans mastering critical-need languages such as Arabic. The program is also focused on introducing students to critical-needs languages at a younger age by providing \$24 million to create incentives for the teaching and studying of critical-needs languages in grades K-12 and by refocusing the Department of Education's Foreign Language Assistance Program grants. In particular, it encourages the building of continuous programs of study from kindergarten to university through a new \$27 million program implemented in twenty-seven schools. I understand there are plans to expand the program to additional schools in the future and to begin increasing the number of certified teachers.

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parents decisions about religious faith. In light of these policies, the following should be borne in mind:

- a. Carver Elementary teachers and staff must not encourage student prayer or make any statement that could be construed to be endorsement, encouragement, or promotion of prayer. At the same time, they must not discourage voluntary student prayer that meets these standards. This standard applies to prayer by students of any and all faiths.
  - b. During recess and lunch periods, students are free to play, study, talk, read, dream, or pray. The choice must be theirs. Teachers and staff may neither encourage nor interfere with that choice.
  - c. Carver Elementary teachers and staff must not participate visibly or audibly in praying with students in voluntary student prayer on campus. This holds true for prayer of all kinds and faiths. The reason for this is that public school teachers and staff are employees of the district, which has a legal duty to avoid endorsing religious belief or practice. Having any school authority figure openly and visibly participate with students in student prayer on campus during the school day could be construed by some as placing the imprimatur of the district on prayer, or as an official endorsement, encouragement, or pressure to pray. We understand this to violate the law. Teachers and staff, of course, may also engage in their own private, voluntary prayer, but not in the presence of students.
  - d. The district may not schedule Friday classes around Muslim prayer times. While Carver Elementary has scheduled Friday as a shorter day, the sole purpose for the shorter day is to create additional time for staff development. It is felt that additional time is needed for staff development in order to meet objectives in offering the best possible education and raising student test scores.
4. In-service. At the earliest available time, I would encourage you to hold an in-service for teachers and staff to explain these policies and to answer any questions.

Attached to this memorandum is a simplified "DO's and DON'T's list for convenient reference. If there are any questions about these matters, please direct them to my office or that of the General Counsel, Ted Buckley (619-725-5630).

CAC:clg

Att.

c: Ted Buckley, General Counsel  
Geno Flores, Deputy Superintendent  
All teachers and staff at Carver Elementary