



March 14, 2008

Principal Asad Zaman
Tarek ibn Ziyad Academy
4100 East 66th Street
Inver Grove Heights, MN 55076

Dear Principal Zaman,

The ACLU-MN has received complaints from our members regarding a recent Star Tribune news article describing possible Establishment Clause violations at Tarek ibn Ziyad Academy. According to the article by Katherine Kersten, it appears that the school may be impermissibly blurring the line between providing a secular education and endorsing and promoting religion and religious activities. For example, the article describes the existence of a centralized carpeted area designated for prayer, suggests that the school is involved in promoting daily prayer activities, and suggests that the school is improperly involved in promoting and facilitating after-school religious studies conducted under the auspices of the Mosque that is housed in the same building as the school. In addition to the newspaper reports, it has been brought to our attention that the school's website includes a volunteer recruitment form that includes a request for volunteers to assist with "Friday Prayers". We have also received reports that afternoon prayers, while voluntary for students, are organized by school officials. We are troubled by these reports and are contacting you directly in order to get clarification from you about the current situation. Please understand that the information that we have is limited to the above-described article and the volunteer form on the school's website; however, if the information included in the article is true and complete, it raises serious concerns regarding the First Amendment prohibition against government establishment of religion. If the article is inaccurate or incomplete, we would appreciate any additional information that you may have that would shed light on this issue.

While public schools can and do provide accommodations for the religious beliefs of their students, we are concerned that TIZA Academy has crossed the line and is doing more than simply accommodating students in their religion. As you are no doubt already aware, a governmental practice that exhibits a preference of one religion over another, or that sends a message of religious endorsement to students is a violation of the wall between church and state put forth by the Establishment Clause of the First Amendment.

Modern day Establishment Clause jurisprudence is serviced by two sets of guiding principles, those of *Lemon v. Kurtzman*, 403 U.S. 602 (1971) and those of the *County of Allegheny v. ACLU*, 492 U.S. 573 (1989). The *Lemon* Court declares a violation of the Establishment Clause when the primary purpose behind

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and effect of a governmental practice is one of promoting a singular religion. Lemon, 403 U.S. 602 at 612. Although the school's intention may have been a secular one of accommodating students' religious needs, media reports paint a picture of a very fuzzy boundary between the school's secular program and religious activities. For example, public schools are free to open up their facilities to the community to conduct after school events; however, they cannot provide preferential treatment to community groups who wish to engage in religious instruction. It appears from news accounts that the school is providing preferential treatment for religious instruction conducted by the Mosque housed in the same building as the school. In addition, while schools may allow students to pray during non-instructional time, it is inappropriate for the school to set aside and designate an area to be used solely for prayer. Again, it appears from news accounts that the school has done this by having a central carpeted prayer area.

We ask that you please review this situation and take the necessary steps to ensure that TIZA Academy does not impermissibly promote or endorse religion or religious activities. At a minimum, the school must discontinue recruiting volunteers for Friday Prayers, and must not be involved in promoting or providing special treatment to groups providing religious instruction after school hours. Please keep the ACLU-MN informed of the steps you take to address the situation. I would be happy to discuss this matter with you and provide you with assistance in arriving at a solution that respects and accommodates the religious freedom of all students. If, on the other hand, the facts as we understand them are incorrect or incomplete, please provide us with documentation to that end.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles Samuelson", with a long horizontal flourish extending to the right.

Charles Samuelson
Executive Director