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Muslims and Islam in U.S. Public Schools: Cases, Controversies and Curricula

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Abstract

In recent years, controversies surrounding curriculum and instruction about Muslims and Islam in U.S. public schools have become more common. In some instances, Muslim American parents and students have challenged representations that spread and reinforce denigrating stereotypes and misconceptions about their faith and co-religionists. In a seemingly growing trend, however, some non-Muslim students and parents are objecting to courses and programs due to perceived favorable or neutral treatment of the Islamic faith. Such cases, controversies and curricula illustrate how popular anxieties surrounding the integration of immigrant populations, particularly Muslims, are increasingly infecting classrooms, school districts and communities. They also provide a unique lens through which to glimpse the status of and tensions surrounding multiculturalism—the coexistence of diverse racial, religious or cultural groups—in contemporary America. Set against this backdrop, this essay briefly employs a case study approach to promote critical reflection, analysis and discussion about the subject particularly as it relates to Muslims and Islam.

I. INTRODUCTION

In December of 2015, a West Virginia school district closed all public schools located in Augusta County temporarily.¹ Authorities cited security concerns that arose following an Islam-related lesson in a World Geography course offered at Riverheads High School. Specifically, students were required to copy the *Shahada*, or Islamic Declaration of Faith, as part of a secular academic exercise. The statement, written in Arabic, translated into: “There is no god but God and Muhammad is the messenger of God.” In response, many parents complained that the school was indoctrinating their children under the guise of multiculturalism.² Local law enforcement officials recommended the countywide school closure after the district received an overwhelming number of threatening messages.³ One commentator aptly observed, “. . . the reaction of some people in the community seems over the top” while adding, “. . . residents seem to be angry that students are learning about Islam at all.”⁴

The Riverhead controversy is revealing. It illustrates how popular anxieties surrounding the integration of immigrant populations, particularly Muslims, are increasingly infecting classrooms, school districts, and communities. Historically, the nation’s leaders viewed public schooling as a tool to create good American citizens. To that end, public education helped ensure national unity by assimilating new immigrants into a young but growing republic. Significantly, religious pluralism generally informed state education policies. The U.S. Constitution prohibits public schools—institutions run by local and state government—from financially supporting, sponsoring or participating in religious activity. Nor are public school teachers, administrators or staff permitted to compel students to express

1. Ben Brumfield, *All schools shut down in Augusta County, Virginia, over Islam homework*, CNN, (Dec. 19, 2015), <https://www.cnn.com/2015/12/18/us/virginia-school-shut-islam-homework/index.html>.

2. “Kimberly Herndon, a local parent, blasted the assignment. ‘I am preparing to confront the county on this issue of the Muslim indoctrination taking place here in an Augusta County school. This evil has been cloaked in the form of multiculturalism,’ she wrote in a Facebook post.” *VA County Closes School Over Islam Lesson*, AM. UNITED FOR SEPARATION OF CHURCH AND STATE, (Feb. 2016), <https://www.au.org/church-state/february-2016-church-state/au-bulletin/va-county-closes-school-over-islam-lesson>.

3. *Backlash over lesson about Islam leads to Virginia School Closings*, CBS NEWS, (Dec. 17, 2015), <https://www.cbsnews.com/news/backlash-over-lesson-about-islam-leads-to-virginia-school-closings/>.

4. In a post for the “Wall of Separation” blog, Americans United’s communications associate, Sarah Jones, called LaPorte’s lesson “problematic” but noted, ‘Having said that, the reaction of some people in the community seems over the top. Herndon and some other county residents seem to be angry that students are learning about Islam at all.’ AM. UNITED FOR SEPARATION OF CHURCH AND STATE, *supra* note 2.

particular views. In other words, public schools cannot provide religious instruction nor may they promote religious beliefs. Notwithstanding this principle of secularism in education, however, they can pursue the academic study of religion even when students hold distinct beliefs.

In recent years, controversies surrounding curricula, instruction about Muslims, and Islam in public schools have become more common. In some instances, Muslim American parents and students have challenged representations that spread and reinforce denigrating stereotypes, and misconceptions about their faith, and co-religionists. In a seemingly growing trend, however, some non-Muslim students and parents are objecting to courses, and programs due to perceived favorable or neutral treatment of the Islamic faith. Such cases, controversies and curricula provide a unique lens through which to glimpse the status of and tensions surrounding multiculturalism—the coexistence of diverse racial, religious or cultural groups—in contemporary America. Set against this backdrop, this essay briefly employs a case study approach to promote critical reflection, analysis and discussion about the subject particularly as it relates to Muslims and Islam.

II. THE CASES

To be sure, the Riverheads controversy is hardly the first (nor will it be the last) involving an Islam-related academic exercise in public school. More than a decade earlier, a similar case involving a middle school social studies curriculum that explored Islamic geography, history, and culture percolated through the federal judiciary. More recently, almost identical controversies continue to animate related litigation as explored in the forthcoming pages.

A. *Eklund v. Byron Union School District, California* (2006)⁵

In 2001, Chase Eklund was a 7th grader enrolled in a history course at Excelsior Middle School in Byron, California. The curriculum, instruction, and exercises derived from a textbook, *Across the Centuries*, was published by the academic press Houghton Mifflin and used across the country. It included a unit exploring Islamic geography, history and culture. Over the course of three weeks, Chase and his classmates engaged in a number of simulated educational activities. The exercises included performing the ritual pilgrimage in the holy city of Makkah in Saudi Arabia; adopting traditional Islamic attire; selecting a Muslim name; observing a prescribed fast during the holy month of Ramadan; participating in ritual daily prayers; and using

5. *Eklund v. Byron Union School Dist.*, 154 Fed. Appx. 648 (9th Cir. 2005).

religious phrases such as “Allahu Akbar” or “God is great.”

Notably, Chase and his parents, Jonas and Tiffany Eklund, objected to the exercises. They claimed that the unit encourages students to, “become Muslim” since it focuses on religion rather than a racial or cultural group. In 2002, citing the U.S. Constitution, the Eklunds filed a related federal lawsuit against the school district. They asserted violations of the First Amendment’s Establishment Clause, prohibiting the government from establishing religion or favoring one denomination over another. In response, public school teachers expressed concern about the case’s impact. Specifically, they worried that it would prevent all academic study of religion such as lessons about literature with religious themes, for instance.

By way of background, while the federal government provides funding to state education budgets to help fund public schools, it has traditionally played a minimal role in primary and secondary education. Rather, states and local governments are responsible for designing the curriculum and school policies. The local school district, comprised of local elected officials, has authority over local schools. The school district is also a taxing authority and local taxes combined with state support constitute the bulk of school finances. Still, they remain bound by the U.S. Constitution including the First Amendment’s Free Exercise and Establishment Clauses.

Specifically, the First Amendment protects the free exercise of religion and prevents government from favoring one religion over another. It states,

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government of grievances.⁶

As such, the First Amendment consists of two clauses ensuring religious freedom: The Free Exercise Clause and The Establishment Clause. First, the Free Exercise Clause prevents government interference with religious beliefs and faith practices. Second, the Establishment Clause prevents government from officially favoring or disfavoring one religious denomination over another. Significantly, the First Amendment animates the American legal doctrine of secularism in education.

Regarding the place of religion in public school, the U.S. Supreme Court’s landmark decision in *School District of Abington Township, Pennsylvania v. Schempp*⁷ is instructive. There, in companion cases, the Court found that mandated Bible study or prayer in public schools is

6. U.S. CONST. amend. I.

7. *Sch. Dist. of Abington Twp., Pa. v. Schempp*, 374 U.S. 203 (1963).

unconstitutional. In Abington, state laws required each public school day to begin with a Bible reading. This was publicly broadcast to each classroom and followed by the Lord's Prayer. Significantly, the school district in Abington argued that the Bible readings were "nonreligious moral inspiration or as reference for the teaching of secular subjects."⁸ But, the Court found that the law required "religious exercises" thus violating the Establishment Clause. It is important to note, however, that the Supreme Court also stated:

[n]othing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program or education, may not be effected consistently with the First Amendment.⁹

Ultimately, in *Eklund v. Byron Union School District*, the federal court rejected the student's constitutional claim. It found that the Islam-related unit did not constitute a religious exercise. In doing so, the court noted that the Eklunds did not attempt to "opt out" of the lesson plan as permitted by the school district's policy. Since it offered the option of opting out, the court reasoned, the school had not coerced the students to participate in any religious exercise. The Eklunds believed, however, that the opt-out provision was irrelevant since they had no prior knowledge about the Islam-related unit and thus, lacked meaningful opportunity to do so. Eklunds appealed the decision to the U.S. Court of Appeals for the 9th Circuit, a federal appellate court located in San Francisco, California. The Ninth Circuit similarly held that the school's curriculum on Islam did not constitute "overt religious exercises" in violation of the Establishment Clause. It, too, cited the neutralizing effect of the "opt-out" provision.

The Eklunds then filed another appeal with the U.S. Supreme Court¹⁰ In 2006, however, the Supreme Court refused to hear the appeal thus permitting the school district to continue offering the Islam-related unit. Still, more than a decade later, amid heightened anti-Muslim sentiment, related cases and controversies persist.

8. *Id.*

9. *Id.*

10. *Eklund v. Byron Union Sch. Dist.*, 549 U.S. 942 (2006).

B. *Hilsenrath v. School District of the Chathams, New Jersey* (2018)¹¹

The Chatham Middle School located in Chatham, New Jersey offers its students a World Cultures and Geography course. Over the course of the year, middle school students learn about geography, trade, art, socio-economic political structures, religions, and religious texts as well as daily life across the globe. Notably, the lesson plan explores the Islamic faith in the context of the Middle East and North Africa. The curriculum incorporates two related videos. The first consists of a five-minute introduction to Islam. That discussion includes the following statements: “Allah is the one God;” “The Quran is a perfect guide for humanity;” “Muslims created a tradition of unsurpassable splendor;” and “May God help us all find the true faith, Islam.” The second video discusses the Pillars of Islam, five ritual acts considered obligatory for Muslims. In addition, students complete a worksheet with a fill-in-the-blank version of the *Shahada*, the Islamic Declaration of Faith, previously referenced.

In January of 2017, Libby Hilsenrath was reviewing her twelve-year-old son’s 7th grade schoolwork when she learned about the Islam-related unit. Mrs. Hilsenrath then complained to the school district and other officials. She also appeared on Fox News television program to discuss her concerns. In response, school administrators defended the curriculum. They also published the following statement in a February 2017 newsletter to parents:

Central to our mission as educators is to help students develop understandings of the themselves, others, and the world around them—something achievable only through deliberate work with material and topics previously unfamiliar to students. We build and strengthen awareness and understanding through exposure and engagement, and we do so in age-appropriate and instructionally purposeful ways that support and exceed the New Jersey Student Learning Standards.¹²

In January of 2018, Mrs. Hilsenrath sued school officials in federal district court for allegedly violating the First Amendment’s Establishment Clause. Specifically, she alleged that the curriculum promotes the Islamic faith. To support her claim, she explained that the school proselytizes on

11. *Hilsenrath v. Sch. Dist. of The Chathams et al.*, No. 2:2018cv00966, - Document 22, 2018 WL 2980392 (D.N.J. 2018).

12. Alison Pries, *Chatham mother sues school district for allegedly trying to convert her son to Islam*, N.J. STAR LEDGER, (Jan. 28, 2018), https://www.nj.com/morris/index.ssf/2018/01/chatham_mother_sues_school_district_saying_that_tr.html.

behalf of Islam by exposing middle school students to religious materials, including two videos, and a worksheet that expressed Islamic faith beliefs. Regarding the introductory video, the lawsuit alleged that it “seeks to convert viewers to Islam and is filled with the religious teachings of Islam, presented not as beliefs, but as facts.” The suit also complained that the worksheet includes a link to a webpage that explains “the ease with which they could convert to become Muslim.” In addition, Mrs. Hilsenrath claimed that the curriculum treats Christianity and Judaism peripherally while advancing the Islamic faith.

In response, school officials countered that world religions are an appropriate topic of secular education because they play an influential role in community and world affairs. The lesson plan about the Islamic faith is only one part of a larger comprehensive social studies curriculum, they argued. As such, the course does not promote, endorse or proselytize on behalf of any religion. Rather, the curriculum constitutes objective academic study rather than government endorsement of religion. In fact, the school officials asked the court to dismiss the case as baseless. But, the court refused to do so explaining that the request was premature.

In reaching its decision, the court began its analysis with the First Amendment’s Establishment Clause. To determine whether a related violation exists, it is required to apply a three-part test from the U.S. Supreme Court case, *Lemon v. Kurtzman*.¹³ There, the Court struck down a Pennsylvania law that allowed the state to reimburse private schools for teachers’ salaries and educational materials. In doing so, the Court established a three-pronged test in cases with alleged Establishment Clause violations. According to the Lemon test, a state action—such as the academic study of religion—can only survive the court’s scrutiny if it has (1) a secular legislative purpose; (2) a principal or primary effect that neither advances nor inhibits religion; and (3) no excessive government entanglement with religion.

Here, Mrs. Hilsenrath alleged that the course materials lack a secular purpose; have a primary effect of advancing Islam; and entangle the government with the Islamic faith. School officials countered, however, that Lemon does not institute a blanket prohibition on the objective study of religion. The Islam-related unit is part of a secular academic curriculum that discusses numerous cultures and world religions. As such, the lesson plan has a secular purpose with a primary effect neutral to religion without excessively entangling the school with religion.

Ultimately, in June of 2018, the court ruled that it could not complete the Lemon inquiry based on the parties’ allegations. Rather, it required

13. *Lemon v. Kurtzman*, 403 U.S. 602 (1971).

factual evidence to do so. To that end, the court allowed the litigation to proceed so that such evidence could be gathered.

C. *Caleigh Wood v. Evelyn Arnold, Maryland (2018)*¹⁴

In 2014, Caleigh Wood was an 11th grade student at La Plata High School in Maryland. She enrolled in a World History course that is part of the social studies curriculum mandated by the Maryland State Department of Education. During the course of the year, Caleigh was required to study the Islamic faith as part of a unit on Middle Eastern empires. This included a worksheet (that she refused to complete) about the Five Pillars of Islam that incorporated the *Shahada*. The worksheet required students to also furnish details related to continents, the Prophet Muhammad, and the fact that Muslims, Christians, and Jews all trace their ancestry to Abraham. In addition, a related power point presentation included a slide that stated, “Most Muslims’ faith is stronger than the average Christian”, and that, “Islam, at heart, is a peaceful religion.”¹⁵

In October of 2014, Caleigh’s father contacted the high school to object to the Islam-related unit. During a telephone conversation, Mr. Wood warned administrators that he was “going to create a sh*t storm like you have never seen.” He added, “you can take that f**king Islam and shove it up your white f**king a**!”¹⁶ Further, Mr. Wood posted online messages to Facebook stating, “I just about f**king lost it . . . My white a** is going into school on Monday and letting my feelings be known. Caleigh said her teacher was a Navy Seal. Can you guess what I said to that! I’m f**king livid!!!!!!”¹⁷ Given the nature of the threats, administrators grew concerned about the school’s safety and security and banned Mr. Woods from its grounds.

Mr. Woods and his daughter then sued school officials. They asserted that Caleigh’s First Amendment rights under the Establishment Clause were violated when she was required to study Islam in a public high school. In response, the school asked the court to throw out the case as meritless. The court did so for the following reasons.

First, the court analyzed the Establishment Clause claim that relied heavily on the comparative statement that “Most Muslims’ faith is stronger than the average Christian.” In doing so, the court used the *Lemon* test. Regarding the curriculum’s secular purpose, the Woods argued that the court should ignore the context in which the comparative statement and other

14. Wood et al. v. Arnold et al., No. 8:2016cv00239 - Document 66, 321 F. Supp. 3d 565, (D. Md. 2018).

15. *Id.*

16. *Id.*

17. *Id.*

materials are presented. To counter, the school argued that contextual evidence must be considered to assess the unit's purpose and effect. To that end, the Muslim World curriculum is "designed to explore, among other things, formation of Middle Eastern empires including the basic concepts of the Islamic faith, and how it along with politics, culture, economics, and geography contributed to the development of those empires."¹⁸ The court found the school's argument persuasive.

Significantly, the court found the U.S. Supreme Court precedent in School District of Abington Township, *Pennsylvania v. Schemp*¹⁹ instructive. While striking down state laws mandating Bible readings and prayer in school, the Abington Court made clear that the objective study of religion as part of a broader secular program is consistent with the First Amendment. In light of Abington, the Wood court found that the comparative faith statement about Muslims and Christians was part of a broader academic exercise rather than a religious one. It made a similar observation about the worksheet referencing the Shahada. If Caleigh had been required to recite the Shahada daily, the court reasoned, the case is analogous to Abington. Rather, the comparative faith statement and worksheet qualified as the type of objective study of religion consistent with the First Amendment. As such, the curriculum has a secular purpose, the court found.

The court then analyzed the remaining parts of the Lemon test. Regarding Lemon's second prong, the Woods argued that the curriculum's primary effect is the endorsement of Islam. But, the court found this claim unpersuasive. The singular comparative statement did not favor or promote Islam over Christianity, the court reasoned, particularly when viewed in the broader academic context. The court moved onto Lemon's third prong discerning whether the Islam-related unit created excessive entanglement with religion. Entanglement is determined by "the character and purposes of the institutions that are benefited, the nature of the aid that the State provides, and the resulting relationship between the government and the religious authority." The Woods argued that the comparative faith statement creates such entanglement because it employed "evangelist's mission statements." But the court found no factual basis for such a claim. Specifically, the school did not provide any direct benefit to Muslims nor did it aide the minority faith group, the court reasoned. As such, the court ruled the Establishment Clause claim baseless.

Prior to dispensing of the case, however, the court considered whether the Five Pillars of Islam assignment, including the Shahada, implicated First Amendment protections against compelled speech. By way of background, the U.S. Supreme Court has long held that the government may not compel

18. *Id.*

19. 374 U.S. 203 (1963).

individual speech. These protections extend to public school students who do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”²⁰ Still, the courts have found that the school environment is different than other settings; First Amendment protections are not as robust as in other contexts. Specifically, the New Jersey judiciary recognized that a public school student may be forced to speak or write on a particular topic. Students may not be forced, however, to adopt views with which they disagree.

Here, the Woods alleged that Caleigh was required to “write out and confess the Shahada, the Islamic Profession of Faith.” But, the court pointed to evidence showing that rather than “confess” the Shahada, Caleigh was merely asked to understand its significance to Muslims. The school did not require her to recite the Shahada or even listen to others do so. For these reasons, the court found the school did not violate First Amendment protections against compelled speech.

Ultimately, the court dispensed of the lawsuit against the school as baseless.

D. *Jane Doe v. Cape Henlopen School District, Delaware (2011)*²¹

Unlike Eklund, Wood, and Hilsenrath, a Muslim American family brought this lawsuit against school officials alleging First Amendment violations. The case arises from an elementary school teacher’s reading of a textbook that discussed Islam in the context of 9/11 and a Christmas story, respectively. The facts are set forth below:

In September of 2003, Nancy, a Muslim American student, was enrolled in fourth grade at Shields Elementary School in Cape Henlopen, Delaware. Her teacher, Mrs. Cunningham, taught a lesson plan about 9/11. The text she used distinguished most Muslims from violent extremists in the following way:

Most Muslims believe the Koran teaches peace. A small group of Muslims think the Koran teaches war. These people are called Islamic extremists. Islamic extremists make up a very small number of all Muslims. Members of the Taliban are Islamic extremists. They believe countries like the United States are evil. They don’t like the way Americans run their government, the way Americans dress, or the kinds of movies Americans watch.²²

20. *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969).

21. *Doe v. Cape Henlopen Sch. Dist.*, 759 F. Supp. 2d 522 (D. Del. 2011).

22. *Id.*

In addition, the book defines “terrorism” as “any time a person or group tries to scare another person or group into changing the way they think. The people who bomb buildings or hijack planes are known as terrorists.”²³ The text depicts Al Qaeda as terrorists who “believe the Koran tells them to fight a war against countries like the United States. Because they think Allah is telling them to fight the war, they are willing to die for their beliefs. They are also very loyal to their leader Osama Bin Ladin.”²⁴ In class, Mrs. Cunningham also instructed students that 9/11 was part of a war between Christianity and Islam. During and after the reading, Nancy’s classmates harassed her.

Later that same year, between Thanksgiving and Christmas, Mrs. Cunningham read Christmas related texts to Nancy’s class everyday although they were not part of the approved curriculum. Mrs. Cunningham explained that Christmas is a religious holiday that celebrates the birth of Jesus. According to one story, “The Legend of the Candy Cane,” candy canes are hard because “Christ is the rock of ages,” the “J” shape represents “Jesus,” and the white color signifies his purity as the Lamb of God. The story ends by reminding the reader, “Jesus is Christ!”²⁵ Nancy complained about the readings to her mother and asked not to return to school.

In response, Nancy’s mother contacted the American Civil Liberties Union, a civil liberties legal advocacy group, for assistance. They arranged a meeting with the school’s administrators. The school agreed to suspend Mrs. Cunningham for two days (with pay) to conduct an investigation. They also allowed Nancy to make a presentation about Muslims to the class.

About a week later, however, Mrs. Cunningham asked Nancy if she wanted to transfer classrooms. As a result, the fourth grader felt like she no longer belonged in class. In February of 2004, Nancy was in fact transferred to another classroom over her family’s objections. Afterwards, her friends shunned and taunted her. She later began seeing a therapist for panic attacks, anxiety, and depression. Ultimately, in the summer of 2004, Nancy’s family moved to a different school district. They also filed a lawsuit alleging violations of state and federal constitutions including the First Amendment’s Establishment Clause.

As noted, the U.S. Supreme Court’s First Amendment jurisprudence maintains that the government “may not promote or affiliate itself with any religious doctrine or organization” and, “may not discriminate among persons on the basis of their religious beliefs and practices.”²⁶ To determine whether a public school violated the Establishment Clause, courts must apply the three-pronged test from *Lemon*. Here, the court explained that the first

23. *Id.*

24. *Id.*

25. *Id.*

26. *County of Allegheny v. ACLU*, 492 U.S.573 (1989).

prong requires it to look at the government's actual purpose and whether the curriculum is designed to endorse or disapprove of religion. The second prong examines the curriculum's effect regardless of the intent. The third prong requires "more than mere interaction between church and state." In that particular jurisdiction, the courts dispense of Lemon's third prong in favor of the "endorsement test" which asks, "whether a reasonable observer familiar with the history and context of a religious display would perceive it as a government endorsement of religion."

Regarding the first prong, school officials asserted that Mrs. Cunningham's class readings had a secular purpose because they were designed to entertain rather than advance or inhibit religion. Additionally, a reasonable observer would not view the books as endorsing religion. In fact, they asked the court to throw out Nancy's claims without the benefit of a trial. To counter, Nancy maintained that she endured daily Christmas readings devoid of a secular purpose while citing the tale of the candy cane.

The court was persuaded that the Christmas readings likely violated Nancy's constitutional rights. It pointed to the story about the candy cane as potentially lacking any secular purpose and possibly endorsing Christianity. So, it allowed the case to proceed to trial on that claim.

However, the court reached a distinct conclusion regarding the 9/11 text and classroom discussion. The court found that the textbook depicts the 9/11 attacks in an even-handed fashion, fulfilling a secular educational purpose that neither promotes nor inhibits religion. This is particularly so, the court reasoned, because the text distinguishes between violent extremists responsible for terrorism and the vast majority of peaceful Muslims. As such, the court dismissed that portion of Nancy's lawsuit.

Next, the court considered Nancy's claim that her transfer to another classroom constituted retaliation for her complaints. Notably, the First Amendment bars retaliation for such protected speech. To prove such a claim, Nancy had to demonstrate that (1) she engaged in protected activity; (2) she was subjected to adverse actions by the government; and (3) the protected activity was a substantial motivating factor informing the adverse action. An action is adverse when it would "deter a person of ordinary firmness from exercising his First Amendment rights." Given the facts of the case, the court found that the evidence substantiated Nancy's allegations. As such, the court ruled that the First Amendment retaliation claim could also proceed to trial.

Ultimately, however, the case did not reach trial. Rather, school officials reached a settlement agreement²⁷ with Nancy's family but did not disclose its terms and conditions to the public.

27. Melissa Steele, *Cape Legal Settlements Cloaked in Secrecy*, CAPE GAZETTE, (Feb. 2012), <http://www.capegazette.com/article/cape-legal-settlements-cloaked-secrecy/22818>.

III. ANALYSIS

One may glean a number of insights from the preceding case study about the status of American multiculturalism. First, some students and parents perceive the public school curriculum, and instruction about Muslims and Islam, as a multi-dimensional threat. Mirroring the anti-Muslim sentiment animating recent U.S. presidential executive orders restricting Muslim immigration to the U.S., some students and parents would like that threat eliminated or banned. The preceding lawsuits are arguably as much about the First Amendment as they are symbolic dialogues between citizens and their government about the appropriate place of Islam and Muslims in contemporary America. This is because public schools are essentially government institutions purveying official knowledge about a minority faith community to produce model citizens. In fact, the U.S. Supreme Court has long recognized this:

“[E]ducation is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities . . . It is the very foundation of good citizenship. Today it is a principle instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment.”²⁸

To that end, public school curricula should reflect the nation’s diversity and is significant to preserving religious freedom and multiculturalism. This is particularly important amid intensifying anti-Muslim sentiment that American youth may detect. According to 2017 polling data from the Public Religion Research Institute (PRRI) and MTV, for instance, 84% of them believe there is “a lot of discrimination” against Muslim Americans.²⁹

Second, the cases not only reveal profoundly negative associations with Muslims and Islam in the public psyche, they also illustrate how related manifestations of both explicit and implicit biases disrupt learning, growth, and advancement to the collective detriment of communities. Significantly, even objective treatment of these subjects in the broader secular academic context of geography, culture, and history is objectionable, as exemplified in the Eklund, Wood, and Hilsinrath cases. Conversely, in *Jane Doe v. Cape Henlopen School District*, non-Muslim students and parents did not object to or mount legal challenges to Mrs. Cunningham’s 9/11 related readings or

28. *Brown v. Board of Educ.*, 347 U.S. 483, 493 (1954).

29. Alex Vandermaas-Peeler et. al., *Diversity, Division, Discrimination: The State of Young America | MTV/PRRI Report*, PUB. RELIGION RESEARCH INST., (Jan. 10, 2018), <https://www.prri.org/research/mtv-culture-and-religion/>.

discussions. That is presumably because 9/11 represents a familiar discourse about Muslims and Islam entrenched in violence and anti-Americanism. In contradistinction, related classroom instruction devoid of any references to terrorism arguably disrupts pre-existing associations with some notably volatile responses (e.g., Mr. Wood's threatened "sh*t storm").

Perhaps this should not be surprising. According to a 2016 survey from PRRI and Brookings Institute, approximately 57% of Americans agreed that Islamic values is at odds with the American way of life while 40% disagreed.³⁰ Similarly, 57% of Americans agree that it is important to keep fighting against laws and cultural changes that go against their values, while 41% disagree. These findings suggest that a majority of Americans oppose initiatives perceived as promoting or advancing Islamic values, including perhaps the curricula discussed here. Yet, such findings underscore the important role public schools can play in correcting such misinformation. This is particularly true of impressionable minor students. Consider for instance, approximately 57%³¹ of children erroneously believe they have little in common with Muslims—schoolmates, nurses, teachers, lawyers, engineers, police officers, firefighters, and other Americans in their communities.

Lastly, the cases reveal anxieties about conversions explicitly and more implicitly, about the "Islamicization" of America even though Muslims comprise just 1 percent to 2 percent of the entire population. Significantly, this is a common trope that has resulted in discriminatory laws, policies, and practices around the world, from Myanmar³² to parts of Europe.³³ Such

30. Betsy Cooper et. al, *How Immigration and Concerns About Cultural Change are Shaping the 2016 Election*, PUB. RELIGION RESEARCH INST. & BROOKINGS INST., (June 26, 2016), <https://www.ppri.org/research/ppri-brookings-poll-immigration-economy-trade-terrorism-presidential-race/>.

31. Daniel Cox et al., *Attitudes on Child and Family Wellbeing: National and Southeast/Southwest Perspectives*, PUB. RELIGION RESEARCH INST., (Sept. 17, 2017), <https://www.ppri.org/research/poll-child-welfare-poverty-race-relations-government-trust-policy/>.

32. Wade's narrative is crucial to understanding the development of a popular belief in Burma that 'the Rohingya identity is a political construction, seeking both citizenship and a political platform.' For Burmese Buddhists, Wade said, 'the Rohingya identity is a political project and all Rohingyas are seen as part of this project. This sort of propaganda also pushes the Rohingya within the larger framework of a crusading or militant Islam trying to Islamize Burma.'"Anurag Sinha, *Understanding the Rohingya Crises: Race, Religion and Violence*, YALE U. MACMALLAN CENT. (Nov. 14, 2017), <https://macmillan.yale.edu/news/understanding-rohingya-crisis-race-religion-and-violence-burma>.

33. In this Feb. 6, 2016, file photo, a woman holds a placard during a Pegida demonstration against immigration and Islamization in Amsterdam. The refugee crisis and the threat of terrorism in Europe are very much related to one another in the minds of many Europeans, according to a survey conducted by the Pew Research Center across the continent. Many Europeans also worry that migrants will become an economic burden

unfounded fears not only undermine effective learning in the classroom but the peaceful coexistence of diverse religious, racial and cultural groups in American society at large.

and take away their jobs and social benefits. Populist parties all over the continent have successfully increased their numbers by campaigning against Muslim migrants, including the right-wing Alternative for Germany or Austria's Freedom Party." Tom Heneghan, *In Europe, Religious Minorities Face Mounting Hostility, Harassment*, RELIGION NEWS SERV., (June 27, 2018), <https://religionnews.com/2018/06/27/europe-hostility/>.
