

Journal - Day 15 - 04/29/2003



<http://www.dfamily.com/philosophy/teach/hswtl/journal.html>

[Freedom of expression/religion vs dressing to please the employer.] Break Down in Society

Teacher's Aide Contesting One-Year Suspension for Wearing Cross to School

<http://www.foxnews.com/story/0,2933,84997,00.html>

Wednesday, April 23, 2003

GLEN CAMPBELL, Pa. -- A teacher's aide is challenging her one-year suspension without pay for wearing a cross necklace, which officials say violates a Pennsylvania Public School Code prohibition against teachers wearing religious garb.

[Do we see examples in our society of people having their attire restricted in any manor?

Is it ever right to restrict what one wears?

If yes, give some examples.]

"I got suspended April 8, 2003, for wearing a cross to work and **not being willing to either remove it or tuck it in,**" said Brenda Nichol, 43, of Indiana County.

[Is this standing up for what you believe or insubordination?

At this point, does it seem possible she sees the issue as persecution and the officials see it as insubordination?

What makes your parents more upset? Going into your room to clean it when asked or the slammed door behind you? Why?]

Officials at ARIN Intermediate Unit 28 wouldn't comment on Nichol's case specifically, but said their employee handbook is based on the school code and prohibits all employees from wearing religious garb. ARIN supplies teachers aides and other services to 11 school districts and two technical schools in Armstrong and Indiana counties.

Nichol acknowledges she was **told of the prohibition as far back as 1997, and was warned twice since March** that wearing the necklace was cause for suspension. Under the school code, she could be fired for a second offense.

[What about options to work for someone who we can get along with? She had 6 years to come up with alternate plans. Was she looking for trouble?]

"I think the **public needs to know that there is a code out there that is against our freedom,**" Nichol said. She has enlisted the help of the American Center for Law and Justice, a Virginia-based public-interest law firm founded in 1990 by Christian broadcaster Pat Robertson. The group plans, but has not yet filed, a federal court lawsuit.

[Is this against our legally protected freedom's or from her idea of our legally protected freedoms?]

"We get cases about teachers' rights to religious expression in school all the time, whether they can have a Bible on their desk or religious artifacts in their office," said Vincent McCarthy, senior counsel at the ACLJ's office in New Milford, Conn. "What usually happens is we send a demand letter and the case is resolved. They rarely if ever go to court."

[The ACLU seems to suggest this is happens many places all the time. If so, doesn't it seem there is some outside agent which is prompting officials to make rules like this?

What might some of them be?]

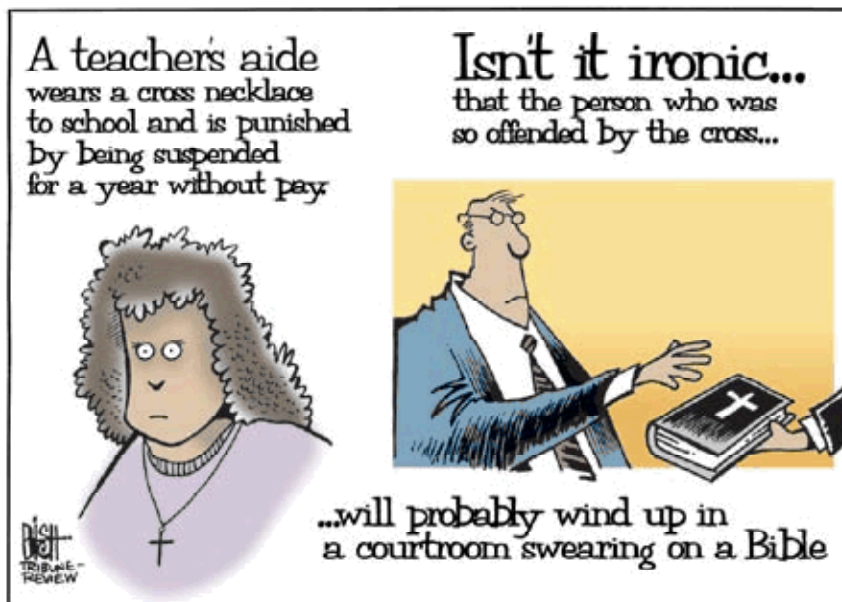
"Where the line is drawn is when what the teacher wears or has with them ... has reached the point where you could say it becomes an endorsement of a particular religion by the school," McCarthy said. He doesn't believe that happened in Nichol's case.

[Do you believe religious "garb" worn by school employees constitutes an endorsement of religion by the school?

Do you believe outlawing religious "garb" worn by school employees constitutes an endorsement of religion by the school?

Can you help the school come up with a neutral position?

Should the school even have a neutral position?]



But ARIN's executive director, Robert H. Goad Jr., believes the school's policy is reasonable and based on firm legal ground.

Goad said the law is meant to protect people of all faiths from being offended. The same law would prohibit a teacher from wearing a pendant or emblem related to witchcraft, for example.

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[Do you believe the law is meant to protect people of all faiths from being offended?
If you were told not to wear religious "garb", might you be offended?
Do you believe Robert Goad has a valid reading of the law?
If Goad is right in his interpretation, in order to be workable, should it not read - "law
is meant to protect SOME people from being offended".]

"How would the people of our community deal with people wearing such things in a public school classroom?" Goad said.

[A fair question, based upon his interpretation of the law. Presume so for the moment and answer his question.]

[How does Mr. Goad's interpretation of the law compare to your interpretation of the Bill of Rights?
Is there conflict or harmony?]

The state's religious garb prohibition was passed in 1895 and incorporated into the school code when it was established in 1949. It has since been upheld by the 3rd U.S. Circuit Court of Appeals, Goad said.

In that case, a Muslim teacher from Philadelphia -- backed by the federal Equal Employment Opportunity Commission -- wanted to wear traditional garb including a head scarf and long, loose dress. The EEOC said that would have been a "reasonable accommodation" of her religious faith, but the appeals court disagreed in 1990, saying "the preservation of religious neutrality [in public schools] is a compelling state interest."

A similar law in Oregon was upheld by that state's Supreme Court in 1986 for the same reasons, according to The First Amendment Center, a constitutional rights group that is part of the Freedom Forum.

Still, that group -- in "A Teacher's Guide to Religion in the Public Schools" -- suggests teachers probably still have the right "to wear non-obtrusive jewelry, such as a cross or Star of David. But **teachers should not wear clothing with a proselytizing message (e.g., a 'Jesus Saves' T-shirt).**"

[Why not? What's the harm?]

McCarthy thinks the whole question is ridiculous considering the Religious Land Use and Institutionalized Persons Act, signed into law in 2000 by then-President Clinton. Among other things, the law also protects the **right of inmates to wear religious garb -- like Muslim skull caps -- in prisons that receive federal money.**

"Under [that law] **prisoners have more freedom to express themselves by their garb than school teachers,**" McCarthy said.

[Suppose you were a Hindu Administrator in charge of school with 45% Christian (by birth, not necessarily born again), 30% Catholic and Mormons, and 1% Satan

worshippers, and the rest being either agnostic or humanist.
What would be the concerns of most parents who cared about their child's spiritual upbringing?
What are the over all legal concerns for you to consider?
What would you goals be, that is, the environment you wanted to exist in your school?
What guidelines would you attempt to implement?
Would you be concerned about legal action against you?
If yes, would you do anything to help minimize some possible legal action?]



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