

My student, _____, cannot participate or comply with the _____ School District's requirements to wear a face covering or take a COVID vaccine as it goes against our family's deeply held religious beliefs. You are required, as a public school, to provide all students a Free and Appropriate Education per the 1st and 14th Amendments.

All kids living in the United States have the right to a free public education. And the Constitution requires that all kids be given equal educational opportunity no matter what their race, ethnic background, religion, or sex, or whether they are rich or poor, citizen or non-citizen.

1st Amendment:

The First Amendment guarantees of religious liberty include the freedom to believe or not to believe, and to observe one's faith openly without government interference. The schools cannot make any effort to promote or inhibit any religious belief.

14th Amendment:

The Equal Protection Clause of the 14th Amendment provides that a state may not "deny to any person within its jurisdiction the equal protection of the laws." It applies to public elementary and secondary schools, as they are considered to be state actors.

In 1954, the Supreme Court interpreted the Equal Protection Clause's requirements in *Brown v. Board of Education* stating, "We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs...are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the 14th Amendment."

This means the school does not have a right to require COVID testing or be schooled on-line unless it's required by everyone.

Parental Rights:

While not specified in the Constitution, the courts have historically recognized the rights of parents in the raising of their children. *Meyer v. Nebraska*, 262 U.S. 390 (1923). Court decisions have bolstered parental rights, in the interests of protecting children: "The law's concept of the family rests on a presumption that parents possess what a child lacks in maturity, experience, and capacity for judgment required for making life's difficult decisions. It is also assumed that natural bonds of affection ordinarily lead parents to act in the best interests of their children. *Parham v. J.R.*, 442 U.S. 584, 602 (1979).

Students with disabilities:

The right to a Free Appropriate Public Education (FAPE) is an educational entitlement of all students, (INCLUDING THOSE WITH DISABILITIES), in the United States, guaranteed by the Rehabilitation Act of 1973[1][2] and the Individuals with Disabilities Education Act (IDEA).[3]

Bullying by school personnel:

Civil rights laws are in place to protect students from bullying at all federally funded schools. <https://www.stopbullying.gov/resources/laws/federal> Teachers and fellow students cannot harass our child about their race, national origin, color, sex, disability, ethnicity, or religion. The School District does not have the right to share any of my child’s religious or health information with any other entity, including the IDOH, without written consent.

We hereby certify that I am the legal parent or guardian of _____, and we are requiring the school to respect our family’s religious beliefs and to not discriminate against our child for our religious beliefs.

Sincerely,

Name

Date