Islamic Schools and School Choice: Opportunity for Understanding

Or Too Contentious?

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Abstract

Islamic schools’ participation in school choice programs varies widely across the states; those that do participate are often relatively quiet about their involvement. This paper and supporting research publication, *The ABCs of School Choice,*1 are an attempt to share information about school choice and to explore the sensitive dynamics of Islamic school participation in, or avoidance of, school choice.

School choice is a method of funding education first developed in 1955 by Nobel Laureate economist Dr. Milton Friedman and his wife, Rose, also a noted economist.2 The Friedman’s believed that by giving parents control over a child’s state allocated funding for K-12 education, parents would make far better choices in how and where their children were educated than a governmental entity blindly assigning their child to a school that served the needs of the public school system more directly than serving the individual educational needs of the child.

This system, which the Friedman’s named a voucher system, was first adopted by the city of Milwaukee in 1991. Since then, 24 voucher programs have been adopted in other states and cities. Innovations in the voucher idea have also been developed so that now, there are 61 school choice programs in 30 states plus the District of Columbia.3

This success has not been easy to achieve. Opponents of school choice fight hard, in state legislatures, in the courts, and in the court of public opinion. School choice threatens teachers’ unions control over public schools that they have enjoyed for the last few decades. School choice gives parents control over their children’s education, giving parents the freedom to choose to remove their children from public schools and enroll them in private schools if they believe this is the best educational setting for their children. A new school choice innovation, Education Savings Accounts, offers a parent the option of designing a course of study for their child, allowing a child to take courses at a private or public school, to be educated at home, to take courses online, and to receive tutoring and learning therapies.

Opponents challenge the constitutionality of school choice, primarily based on resistance to allowing public funds to be used in a religious school setting. Nonetheless, the U.S. Supreme Court4 and several state courts have ruled in favor of school choice, stating clearly that parents are free to choose a religious school, yet opponents continue to mount this challenge in most states that adopt school choice.5

To blunt the opposition and promote the opportunities parents want for their children, school choice coalitions are formed in states, often including religious groups in addition to business and parent groups. Common participants are Catholic schools, Christian schools, and in a few states, Jewish schools. Islamic schools have not participated in most school choice coalitions, even though students at those schools would be eligible to access funding to pay tuition through vouchers or other forms of school choice.

Statement of the Problem

From my experience as an advocate for school choice across the nation, I have two key observations which may explain why Islamic schools may not participate in school choice coalitions or other public displays of support: 1) Islamic schools tend to be somewhat isolated from interaction with school groups of other religions, school choice advocates, and with the legislative process, and 2) Islamic schools are often used as a reason why school choice should not be adopted in a state.6

Regarding the first observation, Islamic schools, that may not be commonly recognized public advocates, are not alone. It is common for private schools, religious and secular, to quietly educate their students, avoiding drawing attention to themselves. This is a cultural phenomenon that crosses all religions. Private schools typically have small budgets and staff, with little time to engage in volunteer legislative advocacy activities. Private schools also typically fear the imposition of additional government regulatory burdens should they become a focus of state legislators, so the best course of action is to simply, quietly do a great job educating children. Islamic schools are no exception.

Islamic schools, like many private schools across the country, may lack knowledge about changes in education funding that would be helpful to their students. Many private school leaders are unaware of school choice, or have only received information that in today’s world might be called, “alternative facts” – inaccurate or misleading information. Yet school choice is moving forward quickly today, and it is necessary for private schools to know the details about it. When school choice is enacted in a state, private schools need to know what that will mean for their students, and the prospects for new students. Private schools also need to understand what changes or regulations may have been adopted that may impact the schools if the schools accepted children using publicly-funded scholarships to pay tuition. Preferably, private schools should be involved in, and consulted about, school choice legislative proposals in their states as they are being developed, instead of after they become law.

Regarding my second observation, Islamic schools face unique cultural challenges. There is grave distrust of Islamic culture by many who fear the rise of violence by individuals who invoke the name of Islam to justify their criminal acts. This is not news, yet for our purposes it is important to note that this fear and concern extends to Islamic schools and what lessons are taught in those schools.

In many states, legislators reject the idea of school choice after they realize that students who choose Islamic schools could also get publicly-funded vouchers to pay tuition. One notable case is the Indiana example. While voucher legislation was moving through the House and Senate, a whisper campaign developed, questioning the teachings in Islamic schools and fearing the possibility that children could use vouchers to attend an Islamic school that taught hatred toward Americans and a culture or values that conflict with our state and federal constitutions.

Indiana’s solution to concerns about what might be taught by Islamic schools was to include additional statutory language designed to make sure all private schools accepting students paying for tuition with vouchers would teach the fundamentals of the United States’ founding and the American constitution, and these schools would be prohibited from teaching anything that conflicted with the core principles of American democracy. In addition, language was added allowing state officials to randomly and without notice visit schools accepting students using vouchers to pay tuition.7

While it is clear that no school, Islamic, Catholic, Jewish, or public may teach violence or hatred toward America, in Indiana, questions unique to Islamic schools were impossible to answer conclusively. Why has Islam, the faith promoted in Islamic schools, been singled out to justify violence against Americans? The answer may be obvious to Muslims, but it is not obvious to those who have little, if any, knowledge of the faith or communication with Muslims in the community. This question, unanswered, allows people to be fearful and uncertain about the schools.

The second question creating a major stumbling block is whether Sharia Law or its principles and cultural norms are being taught in Islamic schools in America. Sharia Law is widely regarded as being contrary to American law.8 Some well-meaning advocates have attempted to understand Sharia Law and its application in the US, yet it would be wrong to say that there is a common understanding about Sharia Law. For example, as recently as January, 2017, public schools in southern Indiana were highly criticized for teaching about Sharia Law.9

Recommendation

In this presentation, I do not seek to examine why individuals use the Islamic faith to justify violent acts, or to understand and explore Sharia Law. My purpose in raising these issues is to report that Sharia Law and violence in the name of Islam stand as reasons used by policymakers and community activists to fear Islamic school participation in school choice programs. This is a problem that will not be resolved without first recognizing the conflict, directly, and bringing it to light.

Although there is a fear of Islamic schools, the law and the US constitution is blind to such fear. The First Amendment guarantees freedom of religion for all religions, not some. And the US Supreme Court has ruled that school choice funding that goes directly to parents for the education of their children is constitutional – the choice of school, religious or sectarian, rests entirely with parents, not the state.10 Also, if any school or educator engages in behavior that inspires violence against the United States and its citizens or inspires unlawful rejection of the laws of the United States, there are specific laws already on the books to address such situations.

My purpose in presenting information about the obstacles unique to Islamic schools, preventing broader participation in and advocacy for school choice, is to begin a discussion at the conference that may continue long after the conference has concluded. Reasonable people in states should come together to address differences and determine whether those differences may be reconciled and resolved – which would benefit children who need scholarships to attend a better school. Islamic schools in Indiana, for example, have been proven to offer a quality education that is a true benefit to the children they serve.

Literature

Regarding the lack of reliable information about school choice that is common among private school leaders, I can help! A PDF of *The ABCs of School Choice* is submitted with this paper. It is a publication of EdChoice that explains each school choice program currently operating in the United States. In the *ABCs*, you will find information about eligibility, funding, participation, regulations and litigation relevant to each school choice program in America.11

Information gathered for the *ABCs of School Choice* is provided by departments of education, departments of revenue, and attorneys who have litigated cases. This information is updated annually, at the end of each year, then published in the spring of the year. Information regarding state statutes comes directly from state legislatures. Knowledge about legislator and public concerns about Islamic concerns has been gathered from personal experience working across the country, from advocates and legislators in states, and from news accounts.

Conclusion

It is unclear whether Islamic schools will have an interest in expanding their participation in school choice coalitions and school choice programs. Early investigation into this question revealed a lack of information about the questions being raised concerning Islamic schools receiving students using school choice funding to pay tuition, and the relative seriousness of those questions. It is also unclear whether it will be possible, or too contentious, to integrate Islamic schools into a positive conversation in state legislatures. It is my hope that by presenting information at the ISNA Education Forum, I can share information that is enlightening and helpful to the schools, and that we can begin a productive dialogue that will be useful and ultimately to the benefit of parents who seek great schools for their children.

References

1. *ABCs of School Choice*. EdChoice (2016-2017). (PDF of this publication submitted with this paper; hard copies will be available at the conference).

2. *The Role of Government in Education*, Dr. Milton Friedman (1962/1982), *Capitalism and Freedom* (Chicago, IL: University of Chicago Press); earlier version (1955) in Robert A. Solo (Ed.), *Economics and the Public Interest*, pp. 123-144 (New Brunswick, NJ: Rutgers University Press). <https://www.edchoice.org/who-we-are/our-founders/the-friedmans-on-school-choice/article/the-role-of-government-in-education/>.

3. EdChoice (2016-2017). *School Choice in America*. Retrieved online at <https://www.edchoice.org/school-choice/school-choice-in-america/>.

4. *Zelman vs Simmons-Harris*, 536 U.S. 639 (2002); and *Arizona Christian Scholarship Tuition*

*Organization v. Winn*, 563 US 125 (2011).

5. *ABCs of School Choice. EdChoice (2016-2017)* at pp 147-152.

6. (a) Turley, Jonathan (2013, April 3) Reading ‘Rriting and Religion: Tennessee Legislators Move To Kill Voucher Bill To Avoid Funds Going To Muslim School. Blogpost retrieved from <https://jonathanturley.org/2013/04/03/reading-rriting-and-religion-tennessee-legislators-move-to-kill-voucher-bill-to-avoid-funds-going-to-muslim-school/>.

(b) Mehta, Hemant (2012, July 5) Louisiana Republican: When I Voted for State Funds to go to Religious Schools, I Didn’t Mean Muslim Ones. Blogpost retrieved from <http://www.patheos.com/blogs/friendlyatheist/2012/07/05/louisiana-republican-when-i-voted-for-state-funds-to-go-to-religious-schools-i-didnt-mean-muslim-ones/>.

7. *House Enrolled Act 1003* (2011). Prior to final passage, the bill was amended in the Senate to address concerns about Islamic schools. *Journal of the Senate,* pp 1270-1271. State of Indiana. 117th General Assembly, First Regular Session. April 19, 2011. Senate Motion to amend Engrossed House Bill 1003, amendment 1003-18 authored by Senator Brent Steele. Roll Call #393, yeas 48, nays 0. The amendment to Indiana Code 20-51-4 added Section 1(b) through (h) and Section 3(d) and (e), in bold:

“Chapter 4. Choice Scholarship

Sec. 1. (a) Except as provided under subsections (b) through (h), it is the intent of the general assembly to honor the autonomy of nonpublic schools that choose to become eligible schools under this chapter. A nonpublic eligible school is not an agent of the state or federal government, and therefore:

(1) the department or any other state agency may not in any way regulate the educational program of a nonpublic eligible school that accepts a choice scholarship under this chapter, including the regulation of curriculum content, religious instruction or activities, classroom teaching, teacher and staff hiring requirements, and other activities carried out by the eligible school;

(2) the creation of the choice scholarship program does not expand the regulatory authority of the state, the state's officers, or a school corporation to impose additional regulation of nonpublic schools beyond those necessary to enforce the requirements of the choice scholarship program in place on July 1, 2011; and

(3) a nonpublic eligible school shall be given the freedom to provide for the educational needs of students without governmental control.

**(b) This section applies to the following writings, documents, and records:**

**(1) The Constitution of the United States.**

**(2) The national motto.**

**(3) The national anthem.**

**(4) The Pledge of Allegiance.**

**(5) The Constitution of the State of Indiana.**

**(6) The Declaration of Independence.**

**(7) The Mayflower Compact.**

**(8) The Federalist Papers.**

**(9) "Common Sense" by Thomas Paine.**

**(10) The writings, speeches, documents, and proclamations of the founding fathers and presidents of the United States.**

**(11) United States Supreme Court decisions.**

**(12) Executive orders of the presidents of the United States.**

**(13) Frederick Douglas' Speech at Rochester, New York, on July 5, 1852, entitled "What to a Slave is the Fourth of July?".**

**(14) Appeal by David Walker.**

**(15) Chief Seattle's letter to the United States government in 1852 in response to the United States government's inquiry regarding the purchase of tribal lands.**

**(c) An eligible school may allow a principal or teacher in the eligible school to read or post in the school building or classroom or at a school event any excerpt or part of a writing, document, or record listed in subsection (b).**

**(d) An eligible school may not permit the content based censorship of American history or heritage based on religious references in a writing, document, or record listed in subsection (b).**

**(e) A library, a media center, or an equivalent facility that an eligible school maintains for student use must contain in the facility's permanent collection at least one (1) copy of each writing or document listed in subsection (b)(1) through (b)(9).**

**(f) An eligible school shall do the following:**

**(1) Allow a student to include a reference to a writing, document, or record listed in subsection (b) in a report or other work product.**

**(2) May not punish the student in any way, including a reduction in grade, for using the reference.**

**(3) Display the United States flag in each classroom.**

**(4) Provide a daily opportunity for students to voluntarily recite the Pledge of Allegiance in each classroom or on school grounds. A student is exempt from participation in the Pledge of Allegiance and may not be required to participate in the Pledge of Allegiance if:**

**(A) the student chooses to not participate; or**

**(B) the student's parent chooses to have the student not participate.**

**(5) Provide instruction on the constitutions of:**

**(A) Indiana; and**

**(B) the United States.**

**(6) For an eligible school that enrolls students in grades 6 through 12, provide within the two (2) weeks preceding a general election five (5) full recitation periods of class discussion concerning:**

**(A) the system of government in Indiana and in the United States;**

**(B) methods of voting;**

**(C) party structures;**

**(D) election laws; and**

**(E) the responsibilities of citizen participation in government and in elections.**

**(7) Require that each teacher employed by the eligible school present instruction with special emphasis on:**

**(A) honesty;**

**(B) morality;**

**(C) courtesy;**

**(D) obedience to law;**

**(E) respect for the national flag and the Constitution of the State of Indiana and the Constitution of the United States;**

**(F) respect for parents and the home;**

**(G) the dignity and necessity of honest labor; and**

**(H) other lessons of a steadying influence that tend to promote and develop an upright and desirable citizenry.**

**(8) Provide good citizenship instruction that stresses the**

**nature and importance of the following:**

**(A) Being honest and truthful.**

**(B) Respecting authority.**

**(C) Respecting the property of others.**

**(D) Always doing the student's personal best.**

**(E) Not stealing.**

**(F) Possessing the skills (including methods of conflict resolution) necessary to live peaceably in society and not resorting to violence to settle disputes.**

**(G) Taking personal responsibility for obligations to family and community.**

**(H) Taking personal responsibility for earning a livelihood.**

**(I) Treating others the way the student would want to be treated.**

**(J) Respecting the national flag, the Constitution of the United States, and the Constitution of the State of Indiana.**

**(K) Respecting the student's parents and home.**

**(L) Respecting the student's self.**

**(M) Respecting the rights of others to have their own views and religious beliefs.**

**(9) Provide instruction in the following studies:**

**(A) Language arts, including:**

**(i) English;**

**(ii) grammar;**

**(iii) composition;**

**(iv) speech; and**

**(v) second languages.**

**(B) Mathematics.**

**(C) Social studies and citizenship, including the:**

**(i) constitutions;**

**(ii) governmental systems; and**

**(iii) histories;**

**of Indiana and the United States, including a study of the Holocaust and the role religious extremism played in the events of September 11, 2001, in each high school United States history course.**

**(D) Sciences.**

**(E) Fine arts, including music and art.**

**(F) Health education, physical fitness, safety, and the effects of alcohol, tobacco, drugs, and other substances on the human body.**

**(g) An eligible school, charter school, or public school shall not teach the violent overthrow of the government of the United States.**

**(h) Nothing in this section shall be construed to limit the requirements of IC 20-30-5**.”

Amending Section 3(d) and (e):

**"(d) The department shall, at a minimum, annually visit each eligible school and charter school to verify that the eligible school or charter school complies with the provisions of IC 20-51-4, the Constitutions of the state of Indiana and the United States.**

**(e) Each eligible school, public school, and charter school shall grant the department full access to its premises, including access to any points of ingress to and egress from the school's grounds, buildings, and property for observing classroom instruction and reviewing any instructional materials and curriculum**."

8. (a) Adelman, Bob, (2015, May 26) Texas Senate Passes Anti-sharia Law Bill*. New American.* (b) Scott, Tristan, (2017, February 2) Bill to Ban Foreign Laws in Montana Courts Advances in Senate; Kalispell’s Regier is sponsor of divisive ‘anti-Sharia law’ measure. *Flathead Beacon*.

(c) Schachtel, Jordan (2016, January 28) South Carolina House Passes Bill Excluding Sharia Law From State Courts. *Breitbart.com*

(d) Silvers, Mara (2016, September 19) Fear Over Islam In Schools Draws A Crowd In Kalispell. *Montana Public Radio*.

9. Clark, Kirsten, (2017, January 17) Worksheet on Sharia Law Irks School Parents. *Courier-Journal*. <http://www.courier-journal.com/story/news/local/indiana/2017/01/17/worksheet-sharia-law-irks-school-parents/96660192/>

10. *Zelman vs Simmons-Harris, 536 U.S. 639 (2002)*.

11. *ABCs of School Choice. EdChoice (2016-2017).*