



OFFICE OF THE GENERAL COUNSEL

Richardson Independent School District

November 14, 2005

Via Facsimile

Derek L. Gaubatz, Esq.
The Becket Fund
1350 Connecticut Avenue
Suite 605
Washington, D.C. 20036-1735

Dear Derek:

I received your latest letter. While I remain hopeful that this matter can be promptly resolved, the tone of your letter was disappointing.

The District denies that students were prohibited from praying at school. If any student has refrained from engaging in prayer, he or she has done so for personal reasons and not because of a prohibition from the school. And no student has been punished for engaging in prayer at school. Berkner has, for a long time, had a substantial population of Muslim students and the school has provided accommodations for them. Issues of religious accommodation are dynamic in nature and the school has been proactive in working with students to understand and address particular needs. This area does not lend itself to "bright line rules" and artificial deadlines. Rather, particular accommodations are dependent upon a number of factors, including, as you observed, the time of day. The school always has maintained open lines of communication with the students, their parents, and the community to ensure those factors are considered and will continue to do so. I am aware that a group of Muslim students met with the principal Thursday to discuss the issue of prayer at school and prompt follow up is planned. Mr. Yartym invited students to provide him with their ideas of accommodations that might work for them. While you and I certainly will continue to communicate as these matters progress, it is critical that the lines of communication at the school remain open and allowed to work.

As we discussed in our telephone conversation, students at Berkner have engaged in prayer at school for some time. Some students have prayed in the library, while other students sought other quiet places in the common areas of the building. The origin of the recent controversy still is somewhat puzzling, but we nonetheless have attempted to find ways to further accommodate students who have expressed concerns. For the most part, students should be able to take care of any religious obligations that must be performed during school hours at times that will not remove them from class, such as during a passing period or during the lunch break. If that is not possible, other accommodations may be needed. Of course, any accommodations the District can make must be reasonable, must not disrupt or unduly interfere with the educational purposes of the campus, and the campus staff must be able to ensure students are appropriately monitored. One of the places we discussed that students may use during their lunch break if they do not wish to go to the library is an empty hallway adjacent to the lunchroom. It is our understanding that the present mid-day prayer window is from 12:16

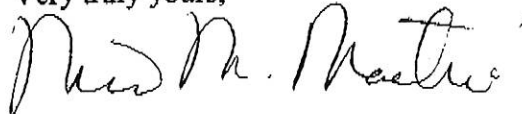
Derek L. Gaubatz, Esq.
November 14, 2005
Page 2

p.m. through 3:11 p.m. Accordingly, only students who are assigned to the "A" lunch period, which is from 11:42 a.m. through 12:11 p.m. with an additional six-minute passing time at the end of the period, may experience some difficulty completing their prayers during the lunch break. A student who is unable to do so may arrange with his or her fourth period teacher in advance to have a few additional minutes to report to class. If this additional arrangement causes undue disruption or if students do not promptly report to class, it would have to be reconsidered. Students also may choose to pray during a later passing period provided they report to class on time. In special situations, a student may seek some other accommodation if the more general arrangements will not work.

Finally, I am aware of my ethical responsibilities and have never suggested that I intended to communicate directly with your clients. I repeatedly noted during our telephone conversation that the students should contact the school administrators to address their concerns. It is between students and administrators where meaningful dialogue must occur. In any event, you have never revealed the identities of your clients. The school certainly will continue to communicate with its students. I trust we can focus on the real issues here and keep the level of conversation above personal accusations.

The District is committed to continuing to address this matter and to working to serve its students within the bounds of applicable law. I look forward to hearing from you.

Very truly yours,



Mia M. Martin
General Counsel

c: Jim Nelson
Ed Yartym