

Massachusetts Muslims, Know Your Rights!

The rights of parents

- *A public school teacher tells your son's class that Islam requires the oppression of women*
- *Someone reports you to the Mass. Department of Children and Families for child abuse.*
- *Your teenager is called to the office at her high school to speak with the police.*

This flyer discusses several legal issues that local Muslim parents have asked about. Please call CAIR-Massachusetts at 617-862-9159 if you need help. Even if we can't take your case, we will try to find another lawyer or organization to help you.

NOTE: This flyer is about the rights of parents in Massachusetts. It may not be accurate in other states. Also, this is general information, not legal advice. Please call CAIR-MA or another attorney if you have questions about how the law applies to you.

Your child's public school education. The information below concerns public school students from kindergarten through high school. For college students, please see our flyer, [Know Your Rights as a Muslim College Student](#).

- **Religious holidays:** Students must be excused from classes or exams on religious holidays. Check with your child's school about how parents should notify the school. Students must also be allowed to make up the work they missed. Finally, in the years ahead, as Ramadan overlaps with more of the school year, we expect there will be questions about how to accommodate the needs of Muslim students who are fasting. CAIR-Mass. is committed to working with you to best meet your child's needs.
- **Sex education:** In Massachusetts, public schools must notify parents about classes or presentations on "human sexual education or human sexuality issues," and allow parents to review the materials in advance. Parents can then choose to tell the school to excuse their child from those lessons. If parents do so, we encourage them to take the lead and talk to the school about appropriate alternative activities for their child while excused from the class or activity in question.
- **Other lessons or books:** Generally, students will not be excused from lessons that discuss topics you may find offensive based on your religious beliefs, unless your child is forced to agree with the offensive beliefs. However, if you believe that a lesson gives false or misleading information about Islam, we encourage parents to call CAIR-MA about how best to raise the issue with the school. Sometimes schools will change an assignment after teachers better understand Islam.

- Pledge of Allegiance: Teachers may lead the class in the Pledge of Allegiance, but students have the right not to participate or even stand for the pledge.
- Bullying: In Massachusetts, all schools must have a bullying policy that applies to both students and staff. You can find it on your school's website. If your child tells you about bullying at school, speak up! Then call CAIR-MA. The school can't do anything until they know about the problem. And if you learn about the bullying from the school, not your son or daughter, please know young people are often embarrassed or afraid to talk about it. NOTE: If your child is bullied due to religion, race or national origin, anti-discrimination laws may also apply. See next section.
- Discrimination: A public school may not discriminate against a student based on race, color, national origin, sex, or disability. Although the main law that is used to fight discrimination doesn't mention religion, there may still be a claim based on race or national origin. A school also has the duty to respond to discrimination by other students.

Homeschooling your child. Children in Massachusetts between 6 and 16 must attend school of some sort (during COVID-19, classes may take place remotely). Parents can choose to send their children to a public or private school, or can educate them at home. Parents who choose to homeschool their children must get permission from their local school district before removing the child from classes. The school district will review the lesson plans and textbooks to be used as well as the parents' ability to teach their children. If a homeschooling plan is approved, the school district will ask to see test results and progress reports. Finally, parents must get approval each school year.

Parents' liability for their child's misconduct. In Massachusetts, parents have the duty to prevent their son or daughter from harming others, either carelessly or on purpose. If their child hurts someone, damages property, or steals something AND the parents knew, or should have known, that their child was going to get into trouble, then the person who was harmed can file a lawsuit against the parents for up to \$5,000. This Massachusetts law applies to children between 7 and 18 who do not live on their own. It does not apply to foster parents.

When the state gets involved in how you raise your children. Muslim parents, just like parents of other faiths, have the right to raise their children according to their religious beliefs. However, Massachusetts' Department of Children and Families (DCF) can get involved if someone claims that you aren't taking care of your children – ranging from neglect (not providing food, medical care, etc.) to physical or sexual abuse. Sometimes family members or

neighbors may call DCF. Other times, a teacher or healthcare worker may be required by law to call DCF if they think there is a problem. Very generally, this is what happens:

- DCF contacts the family to investigate the claims of abuse or neglect.
- If DCF thinks the family needs help, it refers the family for services – such as parenting skills, counseling, referrals to food banks, or help with domestic violence. It is usually the parents' responsibility to follow up with those services.
- In emergencies, or when the parents aren't making progress, DCF will take the parents to court. A judge will then decide what needs to be done to keep the child safe.
- In serious cases, a judge can order a child to be removed from the family. This can last for months, to give parents time to work on the problem. But if the parents don't make the needed changes, it could become permanent.
- When DCF takes custody of a child, DCF should first try to place the child with a family member or family friend, neighbor, or community member. Anyone who is willing to take the child should call DCF right away to get approved.

Parents can hire a lawyer to help them at any point in the process. If DCF takes the family to court, a free lawyer will be appointed to represent each parent. In addition, a different free lawyer will be appointed to represent the child/children.

When the police want to speak with your child. This section is about your child's rights, but it is your job to make sure your child doesn't give up those rights. Even if your child hasn't done anything wrong, you still need to protect him or her.

Just like adults, your son or daughter has no legal duty to voluntarily answer police questions about themselves or others. CAIR-MA suggests that children should only give the officer their name and age (to make sure the officer knows they're minors), and then politely ask the police to speak with you instead.

Exception for teenagers driving a car: If stopped by the police, all drivers must show their driver's license, registration, and tell the police who owns the car.

If the police contact you, politely and calmly ask what they want to talk to your child about. Next, we strongly advise parents to check with a criminal defense lawyer – again, even if you don't think your child has done anything wrong. CAIR-MA can refer you to a criminal defense lawyer, who can help you decide what to do.