



Written by [Dave Bohon](#) on March 19, 2012

Virginia School District Sued for Religious Discrimination Against Honors Student

While NHS policy does not prohibit faith-based service to fulfill its 12-hour community service requirement, an advisor at the school determined that the 46 hours the student served — playing games, singing songs, teaching lessons, and mentoring children in a “Kids Quest” program at her church — would not be accepted, even though other students in the NHS program performed similar services in secular environments.



According to the ADF, when the student’s father pointed out the inequity of the school’s policy, the advisor responded by placing the student on probation with the NHS program — causing her to miss crucial opportunities for college scholarships. The advisor also required the student to perform an additional four hours of community service as a penalty.

Hours after the ADF filed a lawsuit on behalf of the student, the Fairfax school district overruled the advisor, reinstating the student in good standing with the local chapter of the NHS. “There’s no honor in penalizing an honors student’s community service to children just because it happens to be faith-based,” commented ADF staff counsel Matt Sharp. “Positive community service and leadership like this should be encouraged by schools, not subjected to unconstitutional discrimination.”

Sharp said that even though the district has relented on penalizing his client, the ADF would continue with the lawsuit until the school district revises its written policy to allow faith-based community service. “They can’t just stop there,” Sharp said, referring to its allowing his client’s service to stand. “There’s this unconstitutional policy that underlies the whole case. The school district-wide policy prohibits any credit for community service work done ... if that community service work is done at a church.”

According to the ADF, the national headquarters of the NHS has confirmed that students are not prohibited from serving with religious groups as part of their requirement for community service. An NHS policy document states that even teaching Sunday school “may readily fall under the aspect of leadership experiences also required of members. Assuming the responsibility for preparing and presenting lessons and supervising a group of students for an hour would generally be seen as evidence of demonstrated responsibility and leadership skills for an individual student.”

But the Fairfax County school board’s policy states that, in order to be considered for community service credit, faith-based activities “must have a secular purpose ... and may not include preparation or



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participation in the performance of religious services.” ADF noted that the “Thomas Jefferson National Honor Society’s guidelines incorporate the district policy and emphasize that such services ‘will not count.’”

Said Sharp: “Service to children is honorable regardless of where it takes place. We will be happy to work with the district in forming a constitutional policy that does not discriminate on the basis of religion. The lawsuit will continue until that is rectified, the damage done to this student’s record is cleared up, and the opportunity she lost to apply for NHS scholarships is remedied.”

Sharp noted that in addition to the ADF’s client, two other students in the district had complained of the same inequity with regard to their community service for the NHS requirement. He said the incident is “not just a one-time situation, but it’s a pervasive problem that the district has to remedy here by getting rid of this bad policy.”

In a statement concerning the ADF case, school officials said that neither “the school principal nor the School Board was aware of this student’s concerns until the lawsuit was filed. Upon being informed of this issue, Fairfax County Public Schools administrators determined that the student was mistakenly denied credit for the volunteer service hours needed to maintain membership in the National Honor Society.”

But the ADF’s Jeremy Tedesco said that the district must address the overall discrimination against religion fostered by its policy. “If these types of activities count when performed in a nonreligious context, then they should count in a religious context,” he said. “Otherwise, the government is sending the message that religious children and students are somehow inferior to others and that a religious point of view is somehow less valid than a nonreligious one in our society.”



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