



WISCONSIN INSTITUTE FOR LAW & LIBERTY, INC.
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August 19, 2021

Dr. Matthew Joynt
Superintendent
Mequon Thiensville School District
5000 W. Mequon Road
Mequon, WI 53092

Via e-mail

RE: Free Exercise of Religion—Mask Exemptions

Dear Dr. Joynt:

I am an attorney with the Wisconsin Institute for Law & Liberty (WILL), which is a non-profit law firm dedicated to enforcing the rule of law and protecting constitutional rights. I have been retained by the parent of a Mequon Thiensville School District (MTSD) student to assist with a religious exception to your new mask policy.

As you know, MTSD is offering religious exceptions to the district's face covering rule. We applaud your concern for religious liberties and your recognition that you must reasonably accommodate sincerely held religious beliefs. MTSD's religious accommodation form, however, appears to create an unlawful condition. At the bottom of the form (a sample of which is attached), MTSD requires the signature of a "religious leader" from a "religious institution."

You may be operating under the false impression that a request for a religious accommodation must be endorsed by a religious leader or approved by a religious institution. This is not the case. A sincerely held religious belief doesn't need to be held or advanced by a particular religious institution or leader. In fact, a constitutionally protected religious belief could be held just by a single person.

A governmental entity, like MTSD, that accommodates only those religious beliefs approved by a "religious institution" or "religious leader" (however those may be defined) would violate anti-discrimination laws as well as both the federal and state constitutions.

Persons seeking a religious accommodation may provide this information if they wish. But to require the endorsement of a religious leader or institution as a condition of an accommodation or as a prerequisite to a request is unlawful. The form, as written, would seem to communicate to families that MTSD is requiring such

endorsement and might dissuade those who do not have such an endorsement—but who also have a sincere religious objection to masking—from seeking an exemption.

My client will submit a religious accommodation request on behalf of her child without the signature of a religious leader. We expect that her request will be accepted and considered without regard to your unlawful condition.

We also request that this form be immediately corrected to make clear that a religious objection does not require the endorsement or approval of a religious leader or institution. If you cannot do these things, please let me know and we will proceed accordingly.

Sincerely,

WISCONSIN INSTITUTE FOR LAW & LIBERTY

A handwritten signature in black ink, appearing to read "Dan Lennington", written in a cursive style.

Daniel P. Lennington
Deputy Counsel
Dan@will-law.org

cc: Members of the School Board of the Mequon Thiensville School District