

ACSI Hails Landmark Supreme Court 7-2 Ruling in Religious Liberty Case

Colorado Springs, Colorado (June 26, 2017)—The Association of Christian Schools International (ACSI) extends its congratulations to Trinity Lutheran Preschool which today won its case against the state of Missouri in a landmark Supreme Court decision, with a decisive 7-2 vote. The Court ruled that the state's Constitution did not require it to discriminate against religious institutions in state programs of general application. The school sought merely to be treated *the same as* secular non-profits—not worse—in a state program that provides recycled tire mulch to promote safer playgrounds.

Faith-based schools do not want the state to interfere in their faith any more than they want to establish their faith as the state religion. It was Baptists seeking assurance that the federal government would not favor any specific denomination who sparked Jefferson's famous reply about the wall of separation. They were not asking Jefferson to ensure the government treated religious institutions *worse than* secular ones. All a faith-based school wanted in this case was to be treated fairly. A Lutheran school should be allowed access to a state program that provides recycled tire mulch for all other playgrounds. This is one of the points ACSI made in the two friend-of-the-court briefs we joined along with the Lutheran Church—Missouri Synod (LCMS).

The case arose from Trinity's 2012 application under a Missouri program promoting the use of mulch from recycled tires on playgrounds. The state requires all buyers of new tires to pay a fee which funds a Scrap Tire Grant Program. Yet, Missouri rejected the school's application on the basis that it was a religious school even though its application ranked fifth out of 44 that year and the state awarded 14 of the 44 grants.

The case was all the more egregious because the school serves children of multiple faiths or none—not just Lutheran children. It has also made the playground available to the wider community outside school hours without regard to the faith of users. A safer playground would benefit everyone. Even if the school did serve only Lutheran children, it is hard to believe a state sought to exclude a faith-based school from benefits available to all other citizens purely because of its faith. Any child might skin her knee on a playground without recycled rubber mulch—even a Lutheran child. It is refreshing to know the Supreme Court grasps this important concept which the state of Missouri took such pains to ignore.

What does the ruling mean for Christian schools generally? This victory means that the government cannot discriminate against religious organizations and exclude them from receiving a generally available public benefit simply because they are religious. It calls into question state Blaine amendments which have been used to exclude faith-based institutions from public programs of general application. Experts will debate the full impact of the ruling. In the coming days, ACSI's Legal Legislative Department will be providing a full analysis of this case for member institutions.

Read the full [Supreme Court ruling](#).