

Church Meetings in Public Schools Suffer Setback

In a blow to churches that want to meet in public school gyms and auditoriums, the U.S. Supreme Court declined Monday to review a more than 16-year legal battle over a New York City “unequal access” policy.

The policy discriminates against churches and other religious groups that want to meet on weekends at public school facilities on the same terms as other groups.

The High Court’s decision not to weigh in on the case means that the policy can stand—New York City Department of Education can keep religious services out of public school buildings on weekends despite the fact other community groups use school space for their meetings.

“Churches and other religious groups should be able to meet in public buildings on the same terms as other community groups. They should not be excluded simply because of the religious nature of their speech,” says Alliance Defense Fund (ADF) senior counsel Jordan Lorence.

“The Supreme Court’s decision not to review this case is befuddling because it has already ruled multiple times in other equal access cases that the First Amendment protects religious worship the same as secular speech,” he continued. “ADF will continue to stand for this constitutional principle.”

The New York City Department of Education consistently rejected the Bronx Household of Faith’s request to meet at a school building for weekend services until a federal district court issued an injunction in 2002 prohibiting the department from keeping churches out. Department officials appealed, repeating their claim that allowing churches to use school

buildings would be unconstitutional.

In September, ADF asked the high court to review the case, *Bronx Household of Faith v. Board of Education of the City of New York*, after a full panel of the U.S. Court of Appeals for the 2nd Circuit declined to review a three-judge panel's decision against the church.

The panel threw out the district court's injunction, which for nine years protected the right of religious groups to meet for worship services in New York City public schools on the same terms and conditions as other community groups.

The panel ruled that the city's public schools can single out religious services for exclusion when deciding what kinds of activities may or may not take place in otherwise empty school facilities during the weekend—a decision that runs contrary to established U.S. Supreme Court precedent.

Some orthodox Jewish congregations meet in the city's schools for meetings on certain Jewish holidays and are also affected by the ruling.