

Churches That Meet in Public Schools Face Possible Crisis

It's a case that could have far-reaching ramifications for churches across America that want to meet in public schools.

It's not unusual for churches to rent school auditoriums for church services. The Bronx Household of Faith just wants the same rights other community groups have to assemble in public schools during off hours. But school officials are allegedly discriminating against the group because, well, Jesus offends them. Now, the U.S. Supreme Court may decide the matter.

Alliance Defense Fund attorneys filed a petition with the U.S. Supreme Court this week on behalf of Bronx Household of Faith in an equal access lawsuit against the New York City Department of Education. According to the ADF, school officials have spent 16 years fighting to keep religious services out of public school buildings during off hours even though numerous other community groups use school space for their meetings.

"The government cannot target religious services for exclusion from public buildings when they are open to other similar types of meetings," says ADF senior counsel Jordan Lorence. "The U.S. Supreme Court has definitively ruled that the government cannot limit access to generally available public spaces merely because government officials disapprove of a form of expression. Equal access means equal access, and that includes religious services."

The New York City Department of Education consistently rejected Bronx Household'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—even though the U.S. Supreme Court has ruled otherwise.

On June 16, a full panel of the U.S. Court of Appeals for the 2nd Circuit upheld a three-judge panel's decision to throw out an injunction that has protected churches' right to meet in New York City public schools for nine years. The panel ruled that New York City 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 also meet in the city's schools for meetings on certain Jewish holidays and are affected by the ruling as well.