

Disabled Children a Threat? Fredericksburg, Va., Thinks So

Alliance Defending Freedom Senior Legal Counsel Erik Stanley will deliver his oral argument Tuesday at the U.S. Court of Appeals for the 4th Circuit seeking reinstatement of a church school's lawsuit against the city of Fredericksburg, Va. In 2011, the city council refused to allow a church to begin a school program for mentally and emotionally challenged children even though city planning officials recommended approval.

The council cited supposed "safety" concerns for other children attending the church's daycare even though the daycare children would only be in attendance before and after the disabled students would be present. Stanley will argue that a district court's ruling dismissing the lawsuit should be reversed.

"Local governments should welcome the efforts of ministries to unselfishly serve the needs of disabled children at no expense to taxpayers," Stanley said. "The school is an integral part of the church's ministry and outreach to the community, and its lawsuit should be reinstated. The church has the approval of planning officials because it has met all zoning requirements to run such a facility. There's no legitimate reason for a denial. The city's stated reasons only serve to feed old stereotypes about the disabled."

Calvary Christian Church applied for a permit to expand its ministry to include a day school for mentally and emotionally disabled children. The children each have an Individual Education Plan that states they would academically succeed in

the environment of a private day school.

The city of Fredericksburg Planning Commission recommended approval for the school program after a public hearing, but the city council denied a special use permit on the basis of its supposed safety concerns as well as a stated concern that Fredericksburg is becoming “saturated” with facilities that provide services to the disabled.

Alliance Defending Freedom attorneys appealed the case after a district court dismissed it in November 2011. They argue that the city council’s denial is a violation of the federal Religious Land Use and Institutionalized Persons Act, which prevents zoning officials from singling out churches for discriminatory treatment. The lawsuit also contends that the city council has violated the Americans with Disabilities Act, which prohibits the government from unlawfully discriminating against children because of their disabilities.

Matthew Fender of Richmond, one of nearly 2,200 allied attorneys with Alliance Defending Freedom, is serving as local counsel in the lawsuit, *Calvary Christian Church v. City of Fredericksburg*.