

Missouri Playground Scrap Tire Program Turns Down Christian Preschool

Alliance Defending Freedom attorneys have filed a federal lawsuit to challenge the exclusion of a Christian pre-school and daycare center from a Missouri program that provides recycled tires for children's playgrounds. Although the state highly ranked the center as qualified for the program, it denied its application solely because it is run by a church.

"The safety of children on Christian preschool playgrounds is not less important than the safety of children on other playgrounds," said Senior Counsel Joel Oster. "Providing grants for recycled tires to create a safe environment for children is not a government promotion of any religious doctrine. In fact, both the state constitution and the U.S. Constitution prohibit this type of hostility to religion."

Trinity Lutheran Church Child Learning Center in Columbia sought a grant from the Missouri Department of Natural Resources Solid Waste Management Program to participate in the 2012 Playground Scrap Tire Surface Material Grant Program. The center wished to remove and replace a large portion of the pea gravel surfacing on its playgrounds with a safer, recycled, pour-in-place rubberized product.

Because the program has a limited amount of money to distribute, the department ranks the applications to determine which applicants will receive grants. Trinity Lutheran scored fifth out of 44 applicants, and the department provided grants to 14 projects in 2012. Nonetheless, the department disqualified Trinity Lutheran solely because it is operated by Trinity Lutheran Church of Columbia. The church is heavily

involved in numerous efforts benefiting the community.

The department cited a section of the state constitution that prohibits government funding of religion; however, the complaint filed Jan. 25 in *Trinity Lutheran Church of Columbia v. Pauley* in the U.S. District Court for the Western District of Missouri (Central Division), explains that providing grant monies for the purpose of purchasing recycled tires for a playground is clearly not furthering religious purposes. The complaint notes that another portion of the same section of the state constitution states that “no preference shall be given to nor any discrimination made against any church, sect or creed of religion, or any form of religious faith or worship.”

The lawsuit additionally claims that the department’s actions violate the First and 14th amendments to the U.S. Constitution.

Michael K. Whitehead of Kansas City and one of nearly 2,200 allied attorneys with Alliance Defending Freedom is serving as local counsel in the case.