

Montana Takes Christian Discrimination to New Lows

Alliance Defending Freedom attorneys filed a federal lawsuit late last week against the Montana Office of Public Instruction and Columbus Public Schools on behalf of a hearing-impaired preschooler. State and school district officials denied the young girl disability benefits for tuition payments because her parents enrolled her in a Columbus faith-based preschool.

Montana participates in a federal program created by the Individuals with Disabilities in Education Act (IDEA) that provides benefits to disabled children. Among other things, these benefits are to be used for tuition at private schools, but Montana is specifically prohibiting students from receiving tuition aid if they attend a faith-based school.

“Parents should be able to choose the school that best suits the educational needs of their children. When the government provides funds to help disabled children at private schools, it cannot discriminate against religious ones,” said Senior Legal Counsel Jeremy Tedesco.

In September, a 4-year-old preschooler with hearing and speech impairments began attending the faith-based ABC-123 University in Columbus. The state-run Stillwater/Sweet Grass Special Services Cooperative initially agreed to pay for her schooling three days a week, but later revoked the tuition aid due to a newly adopted practice of prohibiting parents from selecting private religious preschools to provide for their children’s special education services.

In November, Alliance Defending Freedom attorneys filed a complaint with the Montana Superintendent of Public

Instruction on behalf of the preschooler, but the state administrative law judge held that she did not have jurisdiction to decide her legal claims.

According to the lawsuit, "Viewpoint discrimination, including the OPI's and the District's policy and practice of universally ousting families that seek, and schools that provide, a religious education from the IDEA tuition-assistance program, while allowing their nonreligious counterparts to participate, is unconstitutional in any type of government forum."

"The state cannot favor certain views over others and deprive disabled children of government benefits simply on that basis," added Litigation Counsel Rory Gray. "The First Amendment forbids this type of hostility toward religion."

Allied attorney Matthew Monforton, one of nearly 2,200 allied attorneys with Alliance Defending Freedom, is serving as local counsel in the case, *Wilson v. Montana Office of Public Instruction*, filed in the U.S. District Court for the District of Montana, Billings Division.