

US Supreme Court Rules for Religious Schools on Employee Decisions

The U.S. Supreme Court ruled 7-2 that faith-based schools have a First Amendment Free Exercise right to make employment decisions regarding religious teachers without government interference. The principles set forth in the consolidated cases of *Our Lady of Guadalupe School v. Morrissey-Berru* and *St. James School v. Biel* apply beyond teachers at a religious school.

In both cases, two teachers at Catholic schools were required by their annual agreement and faculty handbook to adhere to and teach the doctrine and sacraments of the Catholic church. In both cases, at their annual review, the teachers were not offered contract renewals. They filed discrimination claims in federal district court against their former employers. The Supreme Court ruled that both schools were protected religious organizations and that the courts could not interfere with their employment decisions under the “ministerial” exception that protects the autonomy of houses of worship and religious employers.

In *Our Lady of Guadalupe School v. Morrissey-Berru*, Agnes Deirdre Morrissey-Berru was a teacher at Our Lady of Guadalupe School, a kindergarten through eighth grade Catholic school, and she brought a claim against the school under the Age Discrimination in Employment Act. The district court granted summary judgment in favor of the school on the basis that Morrissey-Berru was a “minister.”

The U.S. Court of Appeals for the Ninth Circuit reversed the lower court and declined to classify Morrissey-Berru as a minister for the purposes of the ministerial exception. She

had only taken one course on the history of the Catholic church and did not have any religious credential, training or ministerial background. As a teacher at Our Lady of Guadalupe, Morrissey-Berru was responsible for providing a Catholic education while implementing the school's new programs, which were a top priority. However, she proved unwilling to follow the guidelines of any of the programs, and her students' academic performance suffered as a result. Her recurring poor performance prompted complaints from fellow colleagues and parents. The principal moved her to a part-time teaching position and then chose not to renew her contract.

In *St. James School v. Biel*, Kristen Biel was a full-time fifth-grade teacher at a Catholic parochial school, St. James School. Her responsibilities included demonstrating her religious beliefs and actively engaging in school events focused on worship. After the school found Biel's classroom performance to be below the school's standards, they worked with her for months to improve. When she did not show signs of improvement, the school decided not to renew her one-year contract.

The majority opinion, authored by Justice Samuel Alito, states: "The First Amendment protects the right of religious institutions 'to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine.'"

The Court goes on to say, "Although these teachers were not given the title of 'minister' and have less religious training than the teacher in *Hosanna-Tabor*, an earlier case involving the ministerial exception, we hold that their cases fall within the same rule that dictated our decision in *Hosanna-Tabor*. The religious education and formation of students is the very reason for the existence of most private religious schools, and therefore, the selection and supervision of the teachers upon whom the schools rely to do this work lie at the core of their mission."

The title of “minister” or lack thereof is not dispositive of whether the ministerial exception applies. “What matters, at bottom, is what an employee does,” Alito writes.

Alito also wrote: “Judicial review of the way in which religious schools discharge those responsibilities would undermine the independence of religious institutions in a way that the First Amendment does not tolerate.”

Justice Clarence Thomas notes that he writes “separately, however, to reiterate my view that the Religion Clauses require civil courts to defer to religious organizations’ good-faith claims that a certain employee’s position is ‘ministerial.’”

Liberty Counsel founder and Chairman Mat Staver said: “The First Amendment draws a line in the sand that courts may not cross to protect the autonomy of religious employers respecting certain employment decisions. The ‘ministerial’ exception applies beyond ‘ministers’ to anyone who conveys the religious teaching or doctrine of the religious employer. This decision continues to confirm the historical and constitutional protections afforded to religious employers.”
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