

Virginia Town Denies Church Permit to Start School for Disabled Children

The city of Fredericksburg, Va., has refused to allow a church to start a school program for mentally and emotionally challenged children, despite a recommendation of approval by city planning officials.

The Alliance Defense Fund filed a lawsuit Monday against the city, saying it is violating federal laws and that it has no real reasons to deny the permit.

“Churches shouldn’t be singled out for discrimination, especially when attempting to expand their ministries to safely serve the needs of the community—in this case, disabled children,” ADF Senior Legal Counsel Erik Stanley says.

Calvary Christian Church applied for a permit to include a day school for children who have an Individual Education Plan, which states they would academically succeed in the environment of a private day school. The church decided to open the day school after Pastor Michael Hirsch felt God leading him and the church to reach out to disabled children.

Although Fredericksburg’s Planning Commission recommended approval for the school program after a public hearing, the city council denied a special-use permit based on supposed safety concern for other children attending the church’s daycare. However, the church’s daycare children would only be in attendance before or after the disabled children were present.

“No disabled students would even be on campus at the same time as other students, and the church has the approval of planning officials because it has met all zoning requirements to run

such a facility,” Stanley argues. “There’s no legitimate reason for a denial, so the city’s stated reasons only serve to feed old stereotypes about the disabled.”

According to the ADF, the city council was also concerned “that Fredericksburg was becoming ‘saturated’ with facilities that provide services to the disabled.”

The denial of the permit is a violation of the federal Religious Land Use and Institutionalized Persons Act, ADF attorneys argue, as the act prevents zoning officials from singling out churches for discriminatory treatment. The lawsuit also argues that the city council has violated the Americans with Disabilities Act, which says the government cannot unlawfully discriminate against children because of their disabilities.

The lawsuit, *Calvary Christian Church v. City of Fredericksburg*, was filed with the U.S. District Court for the Eastern District of Virginia.