

EDUCATION

In first round of Maryland school voucher lawsuit, court denies Christian school's reinstatement

By LIZ BOWIE
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Bethel Christian Academy in Jessup User Upload Caption: Bethel Christian Academy in Jessup. (Jerry Jackson / Baltimore Sun)

A U.S. District Court judge has ruled in favor of the state of Maryland in the first phase of a lawsuit that challenges the exclusion of a Christian school from a taxpayer funded voucher program.

Bethel Christian Academy in Savage [filed suit last year](#) against Maryland after a state advisory committee removed the school from its voucher program in 2018. Maryland officials said the school's doesn't accept same-sex marriage or support transgender people, and therefore should not be receiving state money. State law prohibits money from going to schools that don't have anti-discrimination policies.

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Bethel claimed the state is discriminating against its First Amendment right to free speech and religious freedom. Legal experts have said the lawsuit could have broad national implications for school voucher programs, anti-discrimination laws and the battle between those championing religious liberties and others hoping to strengthen the rights of lesbian, gay, bisexual and transgender students.

The school had accepted low-income students with vouchers for two years before the state reviewed its student handbook and withdrew the money following the 2017-2018 school year. The state advisory board also asked the school to repay the voucher money.

Bethel asked U.S. District Court Judge Stephanie Gallagher for a preliminary injunction to allow students to continue to attend Bethel with vouchers until the suit is settled and to put off the repayment of the voucher money to state coffers.

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Gallagher said the Christian school had failed to prove the basis of the case, and that it was not practical for Bethel students to be allowed back into the program and then possibly have their funding taken away if Bethel lost the suit. The judge also noted that the school had waited a year after it was kicked out of the program before it took legal action.



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Gallagher said Bethel had not proved the state discriminated against it on the basis of its religious beliefs, noting that it had continued to offer voucher money for two years and had not immediately expelled the school from the voucher program but had considered the issue for some time. “Bethel has not proven, with the present record, that the decision was made 'solely' based on its religious identity,” she wrote.

Under Maryland’s BOOST program students can apply for money or vouchers from the state to attend a private school. Most of the taxpayer money used in the program in the past several years has gone to religious schools including Catholic, Jewish and Muslim. All of those schools pledge not to discriminate in their admission and other practices.

The **U.S. Department of Justice** later intervened to support Bethel in its fight, arguing that state is discriminating against Bethel Christian Academy’s First Amendment rights to free speech and religious freedom.

“Even though Bethel fully complied with the program’s requirements, Maryland let its hostility toward Bethel’s religious views, not the law, decide,” said Paul Schmitt, legal counsel for [Alliance Defending Freedom](#), the group representing Bethel. “Equal opportunity doesn’t hinge on whether the government agrees with your religious views. That’s what the First Amendment means, and it’s what we’ll be asking the court to confirm as the case continues.”

Alliance Defending Freedom has been at the forefront of legal disputes over LGBT rights and religious freedom. Its attorneys brought the case of a Colorado baker who refused to make a cake for a gay couple all the way to the U.S. Supreme Court, winning a narrow victory.

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Federal courts still have to decide on the legality of Maryland’s voucher program rules. In addition, the U.S. Supreme Court heard arguments last month [in a case that could have broad implications](#) for state programs to pay private school tuition.

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