



**News Release**  
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## **Appeal Filed by Maine Christian School Challenging State Law that Prevents Participation in School Choice Program**

*Lower court decision admitted that lawsuit raises important legal questions.*

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**Bangor, ME**—First Liberty Institute and Consovoy McCarthy PLLC asked the U.S. Court of Appeals for the First Circuit to reverse a lower court decision that upheld a Maine law passed to prevent religious schools from participating in the state’s school choice program due to their religious beliefs. The lawsuit was filed on behalf of Crosspoint Church, which operates Bangor Christian Schools (“BCS”).

You can read the appeal [here](#).

“Families should be free to choose the educational option that works best for them without the State’s unconstitutional interference,” said Camille Varone, Associate Counsel for First Liberty Institute. “Maine excluded religious schools from its school choice program for over 40 years, but the U.S. Supreme Court made it clear that such religious discrimination must end.”

Maine’s tuitioning program is the second oldest school choice program in the nation. It allows parents who live in school districts that do not operate a high school to send their children to the public or private school of their choice. From 1980 until the Supreme Court’s 2022 decision in *Carson v. Makin*, parents could not use their tuition benefit at a religious school. But in anticipation of the Supreme Court’s decision, the Maine legislature changed the law to require BCS to violate its sincerely held religious beliefs in order to participate. This “poison pill” imposes requirements that will prohibit BCS from teaching its religious perspective or considering in the admissions process whether applicants align with the school’s statement of faith and religious educational mission.

Although the district court denied a motion for preliminary injunction against the state, the court held that the lawsuit against the state was procedurally correct to file now, and that BCS did not have to risk violating the state’s law in order to challenge it in court. The court recognized that, “Despite the plaintiffs’ hard-fought and significant victory at the United States Supreme Court in *Carson*, the Maine Legislature and the Maine Attorney General have largely deprived [BCS] and similar religious schools of the fruit of their victory.”

The court emphasized that the lawsuit raises important legal questions, and that the court’s decision is a prelude to bringing the legal challenge to a higher court.

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**About First Liberty Institute**

[First Liberty Institute](#) is a non-profit public interest law firm and the largest legal organization in the nation dedicated exclusively to defending religious freedom for all Americans.

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