



## News Release

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### **Maine Christian School Challenges State Law that Prevents Participation in School Choice Program**

*Federal lawsuit filed on behalf of Bangor Christian School less than a year after Supreme Court determined Maine discriminated against religious schools*

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**Bangor, ME**—First Liberty Institute and Consovoy McCarthy PLLC filed a lawsuit and motion for preliminary injunction in the United States District Court for the District of Maine urging the court to halt 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 Bangor Christian School (“BCS”).

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

“Maine lost at the U.S. Supreme Court just last year but is not getting the message that religious discrimination is illegal,” said Lea Patterson, Counsel for First Liberty Institute. “Maine’s new law imposes special burdens on religious schools in order to keep them out of the school choice program. Government punishing religious schools for living out their religious beliefs is not only unconstitutional, it is wrong.”

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 from its religious perspective or considering in admissions applicants’ alignment with the school’s statement of faith and religious educational mission.

The day the Supreme Court decided *Carson*, Maine Attorney General Aaron Frey issued a statement specifically targeting BCS and expressed extreme hostility to its religious beliefs and vowed to exclude it from the program.

According to the motion filed by attorneys, “This “poison pill” effectively deters religious schools from participating and thereby perpetuates the religious discrimination at the heart of the sectarian exclusion. From the start, Maine’s Attorney General and the then-Speaker of the House of Representatives admitted this scheme was intentional. The Legislature crafted the poison pill explicitly to circumvent the Supreme Court’s decision in *Carson*. The poison pill also specifically targeted Plaintiff, who operates the school that two of the *Carson* plaintiffs attended. Defendants’ enforcement of the Maine Human

Rights Act to discriminatorily exclude Plaintiff, who operates an otherwise qualified school, from becoming approved for tuition purposes violates the Free Exercise, Establishment, and Free Speech Clauses of the U.S. Constitution.”

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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.

To arrange an interview, contact John Manning at [media@firstliberty.org](mailto:media@firstliberty.org) or by calling 972-941-4453.