



March 22, 2024

Mr. Dennis Renner  
Veterans Education Advisor  
Pennsylvania Department of Education  
Bureau of Postsecondary and Adult Education  
Division of Veterans and Military Education  
301 Fifth Avenue, Suite 204  
Pittsburgh, PA 15222  
[REDACTED]

Re: Free Gospel Bible Institute

Mr. Renner:

First Liberty Institute is the nation's largest law firm dedicated exclusively to defending and restoring religious liberty for all Americans. First Liberty, along with Kirkland & Ellis LLP and the Independence Law Center, have represented Free Gospel Bible Institute (the "Bible Institute") regarding this matter. Please direct all communication concerning this matter to my attention.

We write to ensure you are aware of the recent decision by the State Board of Private Licensed Schools' Review and Recommendation Panel (the "PLS Panel") in favor of the Bible Institute. By letter dated March 13, 2024, the PLS Panel announced its official determination that the Bible Institute "does not fall within the definition of a Private Licensed School as defined by the [Private Licensed Schools] Act," and the PLS Panel therefore officially withdrew the Notice of Unlicensed Activity that the PLS Panel had issued to the Bible Institute in July of 2013. *See Exhibit 1, Alpert Letter to Rev. Peretic.* In light of this decision, we were surprised and disheartened by the Division of Veterans and Military Education's ("Division") decision to "withdraw facilities approval due to an issue with PLS." To the extent the Division is subjecting the Bible Institute to private school licensing requirements as a condition of receiving VA benefits, such action violates the United States Constitution and Pennsylvania law. We ask the Division to explain the basis for its decision and to reverse course.

***The Bible Institute Has Received VA Benefits for Many Years.***

As you know, the Bible Institute is a religious ministerial school located in Export, Pennsylvania, that has trained and educated students for a life in ministry and Pentecostal holiness in accordance with their Christian faith for over 65 years. The Bible Institute does not charge for rooms, meals, or tuition, but it requires that

students pay a modest entrance fee of approximately \$1,000 per semester to help cover basic overhead costs to keep the Bible Institute functioning and capable of providing its students with a quality education and room and board.

For years, the Bible Institute has been a grateful recipient of VA approval, as it has continued to meet all the criteria for approval for Veterans Education under the provisions of Title 38, United States Code, Section 3676. These benefits have helped defray the entrance fee for veterans who attend the Bible Institute.

***Although the PDE Initially Tried to Regulate the Bible Institute by Requiring It to Seek Private School Licensure, the PDE Correctly Reversed Course.***

Over the last year, an effort to exert authority over and regulate the Bible Institute by the Pennsylvania Department of Education (“PDE”) seems to have interfered with the Bible Institute’s continued receipt of VA approval.

On May 2, 2023, you wrote to Reverend Jacob Jellison, the Academic Dean at the Bible Institute, informing him that you had sent an approval letter for review to your supervisor, that it had not been submitted to the VA yet, and that the approval was flagged for further investigation pending clarification from the PDE regarding the Bible Institute’s curriculum. *See Exhibit 2, Renner Letter to Rev. Jellison.* In the intervening months, we and numerous other counsel reminded PDE of the Bible Institute’s constitutional and statutory right to provide a religious education without obtaining a private school license from the State.

As noted above, on March 13, 2024, PDE reached a final decision in favor of the Bible Institute. *See Exhibit 1, Alpert Letter to Rev. Peretic.* In that letter, the PLS Panel directed the Division of Law Enforcement Education and Trade Schools to withdraw the previously issued Notice of Unlicensed Activity, Docket #23-11. Specifically, the PLS Panel correctly determined that the Bible Institute does not fall within the definition of a Private Licensed School as defined by the act, as it does not operate for profit or tuition. The Bible Institute thus falls outside the PDE’s regulatory authority.

***The Bible Institute Is Not Subject to Pennsylvania’s Private School Licensing Requirements Under the United States Constitution.***

We are encouraged that PDE reversed course and decided not to target the Bible Institute. This decision brings PDE into conformity with the First Amendment. But we are concerned that the Division is not aware of the legal reasons why it, like PDE, cannot subject the Bible Institute to private school licensing requirements or withdraw any benefits on that basis. To be clear, just like the Division of Law

Enforcement Education and Trade Schools, your Division is prohibited from requiring the Bible Institute to obtain a private school license in order to receive VA benefits.

The First Amendment embodies a “general principle of church autonomy” that “protect[s] the right of churches and other religious institutions to decide matters ‘of faith and doctrine’ without government intrusion.” *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 140 S. Ct. 2049, 2060-61 (2020). As the Supreme Court held many times, “[s]tate interference in that sphere would obviously violate the free exercise of religion, and any attempt by government to dictate or even to influence such matters would constitute one of the central attributes of an establishment of religion. The First Amendment outlaws such intrusion.” *Id.* at 2060.

The First Amendment’s church autonomy doctrine—more specifically, as applicable here, the “ministerial exception”—offers its most robust protections when religious institutions like the Bible Institute seek to educate and train members for “key roles” in the life of their faith, including especially roles in ministry. *Id.* at 2060. Simply put, “[t]he Establishment Clause prevents the Government from appointing ministers, and the Free Exercise Clause prevents it from interfering with the freedom of religious groups to select their own.” *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. E.E.O.C.*, 565 U.S. 171, 184 (2012).

Any decision to withhold VA benefits unless the Bible Institute obtains a private school license would violate the First Amendment’s absolute bar on governmental interference—or even attempts to influence—the selection, training, and education of religious ministers. It is difficult to overstate how intrusive this regulatory power would be over issues that go to the very heart of the Bible Institute’s ability to educate believers for a life of ministry in accordance with the Pentecostal faith.

By requiring the Bible Institute to submit to the State’s licensing regime, the Division is claiming authority to impose meticulous requirements on a religious ministerial school that would fly in the face of the First Amendment. For instance, before granting licensure approval, PDE would have free rein to examine, and if they deem appropriate, require changes to the Bible Institute’s curriculum, and determine whether the Bible Institute is providing religious instruction that the State deems to be sufficiently accurate and comprehensive. Likewise, PDE would have authority to review the Bible Institute’s selection of its teachers and administrators, as PDE imposes a variety of credential requirements that would be necessary for religious teachers to lecture within the Bible Institute’s halls.

The First Amendment tolerates none of this. The First Amendment “ensures that the authority to select and control who will minister to the faithful—a matter ‘strictly ecclesiastical’—is the church’s alone.” *Hosanna-Tabor*, 565 U.S. at 194-95 (quoting

*Kedroff v. Saint Nicholas Cathedral of Russian Orthodox Church in N. Am.*, 344 U.S. 94, 119 (1952)).

PDE presumably understood the First Amendment’s fundamental restrictions on its authority for the first seven decades of the Bible Institute’s existence, during which time it never sought to interfere as the Bible Institute educated generations of Pentecostal faithful. But for months, PDE overstepped its constitutional limits. After issuing an initial notice of non-compliance, PDE ordered the Bible Institute to cease instruction, to stop enrolling students, and to shut the schoolhouse doors. Without a state license, PDE explained, the Bible Institute was forbidden from training or educating ministerial students and from teaching Pentecostal worshippers on how to fulfil their ecclesiastical duties as required for a life in ministry.

This action was patently unconstitutional, without legal justification or defense. And, presumably, that is why PDE reversed course. The Division must do the same.

***The Bible Institute Is Also Not Subject to Pennsylvania’s Private School Licensing Requirements Under State Law.***

The Bible Institute is exempted from private school licensing requirements under the clear text of Pennsylvania law. The Private Licensed Schools Act imposes licensing requirements on postsecondary schools that offer entry-level career training. 24 P.S. §§ 6501-6518. That Act applies only to “[a] school or classes operated for *profit* or *tuition* that provides resident instruction to prepare an individual to pursue an occupation in the skilled trades, industry or business, or systematic instruction by distance education.” *Id.* § 6502 (emphasis added). As the PLS Panel determined, the Bible Institute does not operate for profit or tuition. *See* Exhibit 1.

Moreover, the Act excludes “a school owned and operated by a bona fide religious institution whose only purpose is the providing of religious instruction.” *Id.* § 6502. The Bible Institute falls squarely in that exception. The Division cannot impose licensing requirements on the Bible Institute as a condition to receive VA benefits.

***The VA Should Reinstate Benefits Because the Bible Institute Does Not Have Private School Licensing Issues.***

We expected that after learning of the Withdrawal Letter and the PLS Panel’s decision, on its own volition and in the normal course of events, the Division would follow suit and resume the approval process for the Bible Institute. Instead, we learned that on March 19, 2024, you emailed Reverend Jellison stating that you were “notified that [you] must withdrawal [the Bible Institute’s] facilities approval due to an issue with PLS.” It is concerning that after the PLS Panel conclusively resolved

its concerns about the Bible Institute's private school licensing, your Division has withdrawn VA benefits because of now defunct concerns.

We hope that your decision was the result of miscommunication or a lack of awareness of the PLS Panel's decision, and so we write to ensure that you are aware of this development, in hopes that we may facilitate an efficient process on behalf of the Bible Institute. If you have any remaining concerns about the Bible Institute, we are happy to provide additional information.

If you would like to discuss this further, please do not hesitate to call or email us. We look forward to your timely response and an amicable resolution on behalf of the Bible Institute and its students.

Respectfully,



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# EXHIBIT 1

***Sent via Email, Standard Mail, and Certified Mail***

March 13, 2024

Rev. Thomas Peretic  
Free Gospel Bible Institute  
6525 Italy Road  
Export, PA 15632

**Withdrawn – Notice of Unlicensed Activity, Docket #23-11**

On July 17, 2023, the State Board of Private Licensed Schools' Review and Recommendation Panel ("Panel") directed the Division of Law Enforcement Education and Trade Schools ("Division"), serving as staff to the Board, to issue a Notice of Unlicensed Activity under Docket #23-11 against Free Gospel Bible Institute ("FGBI") for failure to comply with the Private Licensed Schools Act ("Act") and the regulations of the State Board of Private Licensed Schools.

Upon further review of the existing facts and legal analysis, the Panel has determined that FGBI does not fall within the definition of a Private Licensed School as defined by the Act. Specifically, based on FGBI's Financial Policy as set forth in its 2023-2025 catalog, it does not operate for profit or tuition. Any alteration of the Financial Policy, or any other facts or circumstances regarding tuition, fees, or other charges by FGBI, would require a new legal analysis.

Accordingly, on March 12, 2024, the Panel has directed the Division to withdraw the Notice of Unlicensed Activity. The Notice of Unlicensed Activity, Docket #23-11, is hereby withdrawn.

Sincerely,

*Robert A. Alpert*

Robert A. Alpert, Assistant Chief Counsel  
[ralpert@pa.gov](mailto:ralpert@pa.gov)

cc: Ernest Helling, Review and Recommendation Panel Chair  
Nicole Campbell, Division Chief  
Kevin Neylan, Esq.  
Jay Lefkowitz, Esq.

## EXHIBIT 2





May 2, 2023

Reverend Jacob Jellison  
Academic Dean  
Free Gospel Bible Institute  
P.O. Box 477  
Export, PA 15632

Dear Reverend Jellison,

This is to notify you that the approval letter I sent to you on March 9, 2023 was not your official approval letter. My intent was to show you the approval letter that I was submitting for approval since we had gone back and forth on several emails that day. My supervisor had not yet reviewed it and it was not submitted to the VA.

The approval was flagged for further investigation during my supervisors review due to the lack of an oversight authority and curriculum questions. We are awaiting further clarification from the PA Department of Education regarding your curriculum. I will reach out to you and let you know the status, and if it will be submitted to the VA, once a decision has been made.

I apologize if I caused confusion. I appreciate your continued cooperation in meeting the educational needs of our country's veterans, eligible dependents, and reservists.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Renner", is written in a cursive style.

Dennis J. Renner, Veterans Education Advisor  
Division of Veterans and Military Education