



News Release

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Court Hears Argument Challenging Maine Law Preventing Religious School Participation in School Choice Program

Attorneys argued for reversal of Maine's law passed to prevent religious schools from participating in the state's school choice program due to their religious beliefs.

Boston, MA—Today, on behalf of Crosspoint Church and Bangor Christian Schools (“BCS”), attorneys for First Liberty Institute and Consovoy McCarthy urged the U.S. Court of Appeals for the First Circuit during oral argument to reverse a lower court decision upholding a Maine law passed after Maine lost in *Carson v. Makin*, which the state designed to prevent religious schools from participating in its school choice program.

“Maine excluded religious schools from its school choice program for over 40 years, but the U.S. Supreme Court made it clear in *Carson v. Makin* that such religious discrimination is unconstitutional,” said Jeremy Dys, Senior Counsel for First Liberty Institute. “Now, our clients would be punished with heavy fines if they hold to their religious beliefs. We hope the court puts an end to Maine’s tactics, which are odious to our Constitution.”

Maine’s tuitioning program is the second oldest school choice program in the nation. It allows parents to send their children to the public or private school of their choice—something that is especially important in the rural areas of Maine. 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 striking down Maine’s religious discrimination, the Maine legislature changed the law, imposing its nondiscrimination laws on religious schools in such a way that would require BCS either to violate its sincerely held religious beliefs or face hefty fines for operating their school according to religious beliefs government officials believe to be discriminatory.

Attorneys asked the court today to reverse the lower court’s decision and uphold the principles articulated by the Supreme Court in *Carson v. Makin* where First Liberty successfully represented families against the State of Maine.

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About First Liberty Institute

[First Liberty Institute](https://www.firstliberty.org) 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 Peyton Drew at media@firstliberty.org or by calling 972-941-4453.