



Written by [Raven Clabough](#) on January 5, 2021

Appeals Court Allows Ohio Christian Schools to Resume In-person Learning

In light of *Roman Catholic Diocese of Brooklyn v. Cuomo* and *Agudath Israel v. Cuomo*, the Sixth Circuit Court of Appeals has granted an injunction to allow the Monclova Christian Academy, a private Christian school in Monclova, Ohio, and several others, to resume in-school learning on campus, [Life News reports](#).

The ruling is in response to a lawsuit filed by Monclova Christian Academy and two other Christian schools — Emmanuel Christian and St. John’s Jesuit — as well as Citizens for Community Values (CCV) against the Toledo County Health Department over a December 4 resolution that closed every school in the county for grades 7-12. The lawsuit claimed the resolution was discriminatory because it allowed county gyms, offices, and a large casino to remain open. Specifically, the plaintiffs claimed the closure of their schools was a violation of First Amendment-protected rights.

A lower court ruled against the schools, prompting an emergency appeal to the Sixth Circuit late last week.

Ohio Attorney General Dave Yost filed an amicus brief in support of the plaintiffs, asserting the closures violated the Free Exercise Clause of the First Amendment.

“Attorney General Dave Yost has taken a stand against senseless government orders and for religious freedom for all. He’s standing with the science that says it’s safe for children to be in school and with the Constitution that ensures government cannot haplessly burden our free exercise of religion,” Aaron Baer, CCV president, said. “Christians and all people of faith should thank AG Yost for standing at such a crucial moment.”

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The court determined that the resolution could not be upheld in light of the rulings in the [combined case](#) of *Roman Catholic Diocese of Brooklyn v. Cuomo* and *Agudath Israel v. Cuomo*, wherein the U.S. Supreme Court ruled that COVID-19 restrictions that “single out houses of worship for especially harsh treatment” could not be deemed “neutral.”

“In Lucas County, the plaintiffs’ schools are closed, while gyms, tanning salons, office buildings, and the Hollywood Casino remain open,” the Sixth Circuit panel [wrote](#) in its order. “The resolution’s restrictions therefore impose greater burdens on the plaintiffs’ conduct than on secular conduct.”



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The Roman Catholic Diocese of Brooklyn filed suit against the state of New York in October after the state's COVID restrictions limited indoor religious gatherings in certain areas to just 10 people while allowing other venues to open and operate under less-stringent restrictions. The Diocese argued in the lawsuit that it had worked with public-health officials to establish the necessary safety protocols at indoor masses and had not contributed to any outbreaks. The Diocese was joined by Orthodox Jewish congregations in its appeal to the Supreme Court.

The High Court ruled against the state of New York on November 25, noting that the COVID restrictions in New York were being discriminatorily applied, and [granted](#) the Diocese injunctive relief.

"Members of this Court are not public health experts, and we should respect the judgment of those with special expertise and responsibility in this area. But even in a pandemic, the Constitution cannot be put away and forgotten," [stated the per curiam ruling](#).

Justice Neil Gorsuch added an opinion on the treatment of religious versus secular institutions.

"It is time — past time — to make plain that, while the pandemic poses many grave challenges, there is no world in which the Constitution tolerates color-coded executive edicts that reopen liquor stores and bike shops but shutter churches, synagogues, and mosques," wrote Gorsuch, a Trump appointee.

In *Monclava's* case, the court also found that the school's safety protocols, which include "strict social distancing and hygiene standards," and the lack of documentation of "in-school transmission" undermined any need for the resolution.

CCV President Aaron Baer celebrated the court's ruling in a [press release](#) published on the organization's website:

The First Amendment does not take a holiday break. It was clear from the outset that the Lucas County Health Board's order closing schools violated the Constitution. It is indefensible and irrational to block children from accessing in-person instruction while allowing casinos, gyms, liquor stores, and other public places to remain open.

Lucas County families have suffered plenty through this pandemic, and to unreasonably deny their children in-person education is unconscionable. Today's order is a victory for families, for religious freedom, and for all those willing to courageously stand up against unnecessary and overreaching government orders.

The Toledo-Lucas County school shutdown is scheduled to expire on January 11. There is no word yet on whether the county plans to appeal the Sixth Circuit's ruling.



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