



Written by [Raven Clabough](#) on October 22, 2020

Oregon Christian School Sues Governor Over Discriminatory COVID Restrictions

A Christian school in Oregon is suing Governor Kate Brown for keeping it closed while allowing a nearby public school in the same county to open for in-person learning, the [Daily Wire](#) reports.

The Alliance Defending Freedom (ADF) has filed a [lawsuit](#) on behalf of Hermiston Christian School (HCS) in Umatilla County, claiming the state is discriminatorily applying COVID restrictions.

“Defendants’ COVID-19 orders and guidance generally prohibit in-person instruction but grant a ‘small school’ exception to public schools while denying the same exception to private religious schools (‘Religious School Closure’) in Umatilla County,” the lawsuit reads.



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State guidelines offer exceptions for in-person learning to public schools with 75 students or fewer. Violators face a potential 30-day imprisonment and fines up to \$1,250. Yet, even with a student body of just 51 students, Hermiston Christian School is entitled to no such exception under the state’s policies, which have delineated between public and private schools. Public schools have been assigned to a preferred category of schools permitted to invoke exceptions for in-person learning while private schools have been placed in a non-preferred category for which the exceptions do not apply, the lawsuit explains.

The distinction hurts all religious schools, as they make up 100 percent of the private schools in the county and the majority of private schools statewide.

“The Religious School Closure is unconstitutional and makes no sense,” the suit outlines. “The virus does not discriminate between public and religious schools; neither should the government. There is no basis for Defendants to grant a special exception for public schools while denying the same treatment to religious schools.”

The lawsuit accuses Governor Brown of making exceptions for public schools out of fear of a massive decline in public-school enrollment.

The lawsuit states, “The reason for Defendants’ discriminatory treatment is clear: on the very same day that Defendants continued their prohibition of in-person instruction for religious schools, a policy advisor and liaison for Governor Brown discussed the potential for a ‘mass exodus’ of children from public schools and emphasized that public schools could suffer a reduction in funding if students disenrolled to obtain education elsewhere.”

The lawsuit also observes the Religious School Closure violates guidance from the Centers for Disease



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Control and Prevention and the American Academy of Pediatrics, both of which are recommending in-person learning coupled with safety protocols.

What's more, the lawsuit is accusing state officials of intensifying the school's financial burdens by continually misleading HCS with assurances that in-person learning would be permitted at the school starting in the fall. HCS states the Oregon Department of Education told the school it would be able to reopen in the fall so long as it complied with health protocols. As such, the school made "significant investments" to do so, including retraining teachers and staff and making efforts to ensure it complied with the health and safety protocols outlined in the state's guidance. But all of that suddenly changed on July 29 with the introduction of a new section to the guidance that prohibited religious schools from providing in-person learning until their county meets certain "community health metrics."

The lawsuit also observes that the Religious School Closure serves no scientific purpose in stemming COVID-19 transmission in the community served by HCS, since HCS is located just eight miles from the border of Washington State, where in-person learning has resumed. And parents who are unable to enroll their children for in-person learning at HCS have already begun the paperwork to move their children to a Washington school, placing HCS at risk for closing permanently.

Meanwhile, public schools have been able to secure funding from the state to ensure their survival during the public-health crisis and enable their ability to comply with the state's frequently changing demands, but religious schools suffer the same financial burdens without any financial support from the state.

The state's treatment of religious schools is also hurting low-income families.

"Most distance-learning models rely on increased levels of parental involvement, which imposes unique burdens upon single parents or low-income families with two working parents," the complaint reads.

The lawsuit contends the state is acting in violation of the First and 14th Amendments.

"Crises do not suspend the Constitution and there is no legitimate, much less compelling, justification for suddenly prohibiting in-person religious instruction for religious schools — without financial support to carry the burden of such restrictions — while granting secular public schools exceptions and more lenient treatment," it reads.

Unfortunately, states across the country have [used](#) the pandemic to [attack](#) religious institutions and gatherings, and the ramifications are enormous. According to David Kinnaman, president of the Christian research organization Barna Group, one in five churches could [permanently close](#) as a result of shutdowns.



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