

June 30, 2020

Word Count: 369

Attention editors
and producers:

Cascade Commentaries are provided for reprint in newspapers and other publications, with credit given to author(s) and Cascade. Contact Cascade to arrange print or broadcast interviews on this commentary topic.

Please contact:

Cascade Policy Institute
4850 SW Scholls Ferry Rd.
Suite 103
Portland, Oregon 97225

Phone: (503) 242-0900
Fax: (503) 242-3822

www.cascadepolicy.org
info@cascadepolicy.org

4850 SW Scholls Ferry Road
Suite 103
Portland, Oregon 97225

t: 503.242.0900
f: 503.242.3822
info@cascadepolicy.org
www.cascadepolicy.org

QuickPoint! - Supreme Court Upholds Parents' Right to Choose Religious Schools

By Kathryn Hickok

The U.S. Supreme Court ruled June 30 in [Espinoza v. Montana Department of Revenue](#) that states' school choice laws may not discriminate against religiously affiliated schools.

Montana's tax credit scholarship program, passed in 2015, enabled families to send their children to the private schools of their choice. The program was ruled unconstitutional by the Montana Supreme Court because some participating students wanted to apply their scholarships to religious schools, which the Department of Revenue argued violated the state's Blaine Amendment. The Institute for Justice (IJ) [appealed this decision on behalf of parents](#), arguing that the Court's decision violated the Free Exercise, Equal Protection, and Establishment Clauses of the U.S. Constitution.

The [Supreme Court decided in favor of the Montana parents](#), stating that "[a] State need not subsidize private education. But once a State decides to do so, it cannot disqualify some private schools solely because they are religious."

Reacting to the Court's ruling, IJ's president and general counsel Scott Bullock commented:

The Montana high court claimed, as [educational] choice opponents have for decades, that allowing parents like Kendra [Espinoza] to [use a tax credit scholarship at a religious school] violated the state constitution's Blaine Amendment—which forbids state funding of so-called sectarian institutions. The U.S. Supreme Court made clear in its ruling today that **it was wrong**. As Chief Justice Roberts wrote in the majority opinion, "Drawing on 'enduring American tradition,'" the Court has long recognized the rights of parents to direct the upbringing of their children.

(over)



Back in 1926, another private school controversy made it all the way to the Supreme Court. With the goal of preventing students from choosing a Catholic education, the state of Oregon had outlawed all private schools. In the landmark ruling [Pierce v. Society of Sisters](#), the Supreme Court wrote that “[t]he fundamental theory of liberty...excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only.”

Parents have a right to direct the education of their children—they did in 1926 and they still do today. The Supreme Court’s ruling in *Espinoza v. Montana* upholds parental choice in education by ensuring that state-run school choice programs don’t discriminate on the basis of religion.

Kathryn Hickok is Executive Vice President at [Cascade Policy Institute](#), Oregon’s free market public policy research organization. She is also Director of Cascade’s [Children’s Scholarship Fund-Oregon](#) program, which provides privately funded scholarships to lower-income Oregon children to help them attend the tuition-based schools of their choice.