



E.W. v. French

Case Name: *E.W. v. French*

Case Action: Case settled on November 30, 2022

Significance: Whether families who choose to send their children to religious schools will be treated equally by Vermont government officials.

Background: In Vermont, there are small towns without public schools that provide families with tuition benefits to attend the school of their choice. Alliance Defending Freedom attorneys represented the Williams family who attended Mount St. Joseph, a Catholic school under the Diocese of Burlington. Government officials in Vermont initially excluded the Williams family from the public benefit altogether because the school they chose was religious. After the family was refused equal access to the program, ADF filed a federal lawsuit on their behalf. The lawsuit emphasized that government officials have an obligation to grant public benefits to all families, regardless of the children's schools' religious status, beliefs, and activities. A settlement was reached in November 2022, in which Vermont officials finally agreed to apply the state's tuition benefits fairly. Under the First Amendment, school districts in Vermont are required to treat tuition requests for religious schools the same as secular school tuition requests.

Key Points

- Parents should have the choice to send their children to the school that's the best fit for their family.
- Every person should have equal access to public benefits no matter their religious beliefs or activities.

Key Facts

- Vermont's Town Tuition Program unlawfully discriminated against religious families and schools.
- The Williams family believes that their Catholic faith is part of their everyday lives, which is why they wanted to send their children to a school founded in their faith.
- These families are willing to pay out of pocket for the best school for their children even if it's not approved by the Town Tuition Program.
- On June 30, 2020, the United States Supreme Court issued its opinion in *Espinoza v. Montana Department of Revenue*, reminding government officials that states cannot deny students public education benefits because their school is religious, which reaffirms that families like the Williamses should not be denied this public benefit.
- The U.S. Court of Appeals for the 2nd Circuit halted similar discrimination against another Vermont Catholic high school in *A.H. v. French*.
- In 2022, the United Supreme Court in *Carson v. Makin* again reiterated the principle that states cannot exclude religious schools from public education benefits even if those schools use the funds for religious education.

The Bottom Line: At the end of the day, this affects these children's future. They should be allowed to attend the school that is the best fit for them, no matter their religious beliefs.