

The *Church of Compassion* Case

Case Name: *Church of Compassion v. Johnson*

Case Status: Amended complaint and motion for preliminary injunction filed on June 2, 2023

Significance: Whether the state and federal government may remove religious schools from federal programs based on religious belief and affiliation.



Background: For nearly twenty years, Church of Compassion's Preschool and daycare program, Dayspring Christian Learning Center, has participated in a federal food program that provides reimbursements for meals and snacks to eligible children. And as a food program provider, the Preschool had an agreement with the California Department of Social Services (CDSS), the state agency responsible for administering the federal program. The CDSS was told to comply with a 2022 directive from the U.S. Department of Agriculture (USDA), which manages food and nutrition service programs, that redefines "sex" in Title IX to include gender identity and sexual orientation. They insisted that Dayspring bring all school operations, not just the lunch line, into alignment with the new mandates. In December 2022, the CDSS terminated the Food Program agreement with Dayspring because the Preschool would not agree with the language in the application. The new language would have prevented the Preschool from hiring those who share its faith and from aligning its internal policies on restroom usage, dress codes, and pronouns with its religious beliefs about human sexuality. So even though the Church and Preschool welcome all children and families, the CDSS and USDA excluded them from the Food Program because of their religious beliefs. This not only violates federal law and the U.S. Constitution, but it hurts needy children and families. Alliance Defending Freedom is representing Church of Compassion and its Preschool for the right to remain faithful to their religious beliefs while serving children.

Key Points

- Government agencies cannot tell religious organizations, like Church of Compassion and its Preschool, whom they can or cannot hire.
- Church of Compassion should not be forced to give up its religious beliefs, nor compromise its beliefs and practices about human sexuality, in order to continue serving its community.
- Federal law prohibits government agencies from discriminating against religious organizations because of their convictions and affiliations.
- The government should not prioritize its political aims over the needs of children.

Key Facts

- The Dayspring preschool is licensed to serve up to 112 children in the community.
- Approximately 40% of the students attending the preschool qualify for free meals under the Food Program.
- The preschool welcomes and serves any family, and the statement of faith is clear to everyone.

The Bottom Line: The government should not withhold food from kids because they attend a Christian school.