



## *Hunter v. U.S. Department of Education Case*

**Case Name:** *Hunter, et al. v. U.S. Department of Education, et al.*

**Case Action:** Motion to intervene granted on October 8, 2021.

**Significance:** Ensuring that religious schools can survive and continue receiving generally-available public funds and operate in accordance with their beliefs.

**Background:** Title IX generally prohibits sex discrimination, but the law provides an exemption when such a requirement would violate a school's religious convictions. An LGBT activist group filed a lawsuit seeking to eliminate this exemption and strip public funding from schools that hold Christian views on sex, marriage, and gender. Alliance Defending Freedom represents three schools, Phoenix Seminary, Corban University and William Jessup University, who have intervened to defend their rights to practice—and to speak about—their Christian beliefs. The Constitution and Title IX protect students from being stripped of a public funding benefit for attending a religious school.

### **Key Points**

- People choose which college to attend based on the best experience and education for themselves. Religious schools should not have to change to cater to every person's desires. People often choose religious schools because they share the same values.
- Title IX has a religious exemption for a reason. The First Amendment prevents the government from interfering with religious exercise, and the Supreme Court recently held in *Espinoza v. Montana Department of Revenue* that the government cannot discriminate against religious schools in the funding context.
- This is a public benefit that should be given to every person despite their religious affiliation.

### **Key Facts**

- Title IX allows students to use federal financial aid at private religious schools that operate according to their beliefs.
- Schools should be allowed to exercise their religion without being discriminated against by the government.

**The Bottom Line:** Financial aid should not be stripped from students just because they choose to attend a religious school.