

The *Tree of Life Christian Schools* Case

Case Name: *Tree of Life Christian Schools v. City of Upper Arlington*

Current Status: On Jan. 16, Alliance Defending Freedom filed a petition to the U.S. Supreme Court asking for review of a lower court ruling.

Significance: Whether a city can discriminate against a religious group in violation of federal law.



Background: In 2010, Tree of Life purchased a vacant AOL/Time Warner building in Upper Arlington, minutes from Ohio State University in Columbus. Even though Upper Arlington’s zoning laws allow very similar facilities like daycare centers to operate in the building complex, it has prevented Tree of Life from serving its students in the same facility.

Upper Arlington’s actions aren’t just problematic, they also violate a federal law specifically designed to prevent this kind of discrimination. The Religious Land Use and Institutionalized Persons Act (RLUIPA), which was passed unanimously in the House and Senate and signed into law by President Clinton, prohibits the government from using zoning codes to discriminate against churches and religious schools. Lower courts have misinterpreted federal law as written, leading to the current appeal before the U.S. Supreme Court.

Key Points

- People of faith shouldn’t be treated like second-class citizens. Students who attend a religiously-affiliated school deserve the same opportunities as their peers.
- Unequal treatment of a religious school and its students is unconstitutional and unjust.
- Signed into law federal law by President Clinton, RLUIPA prohibits the government from treating religious groups worse than others.

Key Facts

- By denying Tree of Life use of its own building for eight years, Upper Arlington has already forfeited roughly \$1 million in tax revenue.
- Tree of Life would generate roughly the same level of tax revenue to Upper Arlington as a secular nonprofit organization of the same size.
- As the only Christian pre-K to high school in the Columbus city limits, Tree of Life serves a unique population:
 - Its nearly 600 students are from 18 nations—31 including parents’ country of origin;
 - 44% of its students are from minority populations;
 - 25% of its students receive financial aid through the school’s “Evergreen” program;
 - 39% of parents use Ohio’s “Ed Choice” voucher program (recipients are low income and reside near a failing local school);
 - An astounding 99% of Tree of Life’s high school graduates go to college.
- Due to space restrictions, Tree of Life has had to turn away students.

The Bottom Line: The government isn’t being neutral when it treats religious organizations worse than everyone else.