

Law barring religious colleges from program challenged

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MINNEAPOLIS (BP)—Some Minnesota Christian parents are challenging a state law that blocks certain Christian colleges from a program that allows colleges to enroll high schoolers in tuition-free college credit courses.

Through Minnesota's Post Secondary Enrollment Options program, 10th through 12th graders have been able to take college credit courses tuition-free at state colleges since 1985, according to attorneys at Becket Law.

But the state changed the program in 2023, blocking Crown College and the University of Northwestern at St. Paul from participation because the schools require on-campus students to sign statements of faith.

"We raise our children to put their faith at the center of everything they do," parents Mark and Melinda Loe, plaintiffs in the suit, said in a Dec. 9 press release.

"Unfortunately, Minnesota is depriving kids like ours of the opportunity to get a head start on college at schools that embrace their faith. We hope the court will strike this law down and protect all religious students and the schools they want to attend."

The Loes have 16-year-old and 13-year-old children. Dawn Erickson, also a plaintiff in the case, has a 16-year-old child.

Historically, Becket Law said, secular and religious schools qualified for participation in the Post Secondary Enrollment Options program, although courses that were "sectarian in nature" were excluded from course offerings.

Program requirements amended

But in 2023, Minnesota amended the program to stipulate, “An eligible institution must not require a faith statement from a secondary student seeking to enroll in a postsecondary course under this section during the application process or base any part of the admission decision on a student’s race, creed, ethnicity, disability, gender, or sexual orientation or religious beliefs or affiliations,” according to the text of the adopted bill available on the Minnesota Legislature’s website.

“The state of Minnesota has a fundamental right to protect its students from discrimination,” Assistant Attorney General Jeff Timmerman argued at a Dec. 9 hearing in U.S. District Court in Minneapolis, CBS News reported

Becket Law first challenged the new rule in May 2023 in *Loe v. Walz*, securing a preliminary injunction the following month blocking the rule’s enforcement while the lawsuit is active. The case continues as *Loe v. Jett*.

“The legislative history confirms that amendment’s point was to single out these religious institutions,” Becket wrote in its original complaint, referencing Minnesota House sessions where the bill’s author, “explained that both the faith-statement provision and the antidiscrimination provision were included in the amendment to force schools to admit students without regard to their religious beliefs.”

Crown College, aligned with the Christian and Missionary Alliance denomination, and the University of Northwestern at St. Paul, confirmed as a “Christian community,” are also plaintiffs in the case.

Crown College President Andrew Denton expressed appreciation for the decades the school has participated in the Post Secondary Enrollment Options program.

“Crown College is committed to providing all our students the tools they need to excel intellectually and spiritually through our biblically-integrated education,” Denton said in the Becket press release.

“We pray that the court will continue to allow every student in Minnesota to use PSEO funds at the school that best meets their needs and matches their values.”

University of Northwestern-St. Paul President Corbin Hoornbeek issued a similar plea.

“For over a century, Northwestern has existed to offer students a Christ-centered education that prepares them to serve in the home, church, community and the world,” Hoornbeek said. “Minnesota wants to single out our university because of this unique campus culture which integrates faith and learning. We pray the court will recognize that and continue to allow us to help on-campus PSEO students flourish in their faith and education.”

Becket bases its case on the Free Exercise Clause of the First Amendment of the U.S. Constitution, accusing Minnesota’s law of five violations including religious targeting, and the unconstitutional conditions doctrine of the First Amendment, saying the schools must give up their religious identity to participate.

Becket also accuses Minnesota of violating the schools’ freedom of speech and of discriminating against the schools based on the schools’ religion. Becket expects a ruling in the coming months.