

# Great Lakes Center: Informative report on religious charters weakened by key omissions

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**Key Takeaway:** Recent Manhattan Institute report is useful in clearly identifying the main issues to be resolved regarding religious charter schools, but its conclusions and proposals lack an adequate foundation upon which states should act.

**EAST LANSING, MI (January 26, 2021)** -The Manhattan Institute recently published a report concluding that the Supreme Court's 2020 decision in *Espinoza v. Montana Department of Revenue* requires states to grant charters to religious organizations, including those that intend to deliver an explicitly religious curriculum that teaches religion as truth.

Derek Black of the University of South Carolina School of Law reviewed *Religious Charter Schools: Legally Permissible? Constitutionally Required?* He determined that the report is useful in identifying the key issues to be resolved regarding religious charter schools, but its conclusions lack an adequate foundation to guide states in policymaking.

The report reasons that the logic of *Espinoza*, which struck down the exclusion of religious schools from a publicly financed private school voucher program, applies in full force to charter schools as well. That outcome is certainly possible, given the current make-up of the U.S. Supreme Court. And Professor Black praises the report for raising an important question and for identifying the essential issues for answering it.

But Black points to several weaknesses in the report's legal arguments, including the omission of key federal and state case law. Similarly, the report fails to acknowledge extensive key expert analysis on matters left unresolved by courts. The result, Professor Black concludes, is a one-sided analysis of the issue that is not a reliable basis for state action.

Find the review, by Derek Black, at:

<https://www.greatlakescenter.org/>

Find Religious Charter Schools: Legally Permissible? Constitutionally Required?, written Nicole Stelle Garnett and published by the Manhattan Institute, at:

<https://media4.manhattan-institute.org/sites/default/files/religious-charter--schools-legally-permissible-NSG.pdf>

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