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FREE EXPRESSION

Why Colorado Catholics Are Going to Court

For three years, my children have been denied a tuition-free education. Soon, the Supreme Court will hear our case.

By Lisa Sheley

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St. Mary Catholic Parish PHOTO: BECKET

Colorado Gov. Jared Polis boasted this summer that he brought "free universal preschool to every Colorado family." He apparently forgot about mine.

Colorado has excluded my family from its "universal" preschool program for one simple reason: We send our children to Catholic school, and Colorado treats our faith as disqualifying.

On Nov. 3, the Supreme Court will hear *St. Mary Catholic Parish v. Roy* and decide

whether a state may withhold a public benefit from families that won't set their faith aside. Because we deeply believe in the value of Catholic education, we didn't hesitate when asked if we'd join this case as plaintiffs.

When my son turned 4, there was no doubt about where he'd attend preschool. Down the road from our Denver-area home is a place that feels like a second one: St. Mary Catholic Parish. It's where my husband and I were married, where I work and where our family of nine has worshipped for 17 years.

The parish's school provides the same education as any other, while also shaping the Catholic values we hope to pass on to our children. I've seen that formation pay off for our older children. Naturally, we wanted our young son to receive the same education.

Preschool is expensive, so we were relieved to learn about Colorado's Universal Preschool Program. Launched in 2023, UPK promised all families up to 15 hours of tuition-free preschool per week at the public, private or faith-based school of their choice. For a family on a tight budget like ours, it seemed like a godsend.

But when UPK began, Colorado banned St. Mary from the program along with the 33 other Catholic preschools overseen by the Archdiocese of Denver. The state argued that these Catholic schools couldn't receive funding because they violated an "equal opportunity" mandate prohibiting discrimination. In other words, because Catholic schools accept only families who agree with Catholic teachings, they're disqualified. That logic is ridiculous.

Like Catholic schools nationwide, St. Mary maintains policies to preserve its Catholic character. That includes requiring all families to support Church teaching on marriage and gender. What good is a Catholic school that fails to cultivate a Catholic environment? Yet Colorado treated these policies as grounds for exile, banishing the schools who uphold them.

Meanwhile, Colorado bends the rules for everyone else, handing out antidiscrimination exemptions like candy. The state allows secular preschools to serve only low-income families, families receiving housing vouchers, and children

with disabilities. One state official even conceded that UPK would cover preschools catering to LGBT families, gender nonconforming children or children of a specific race. But there's no flexibility for Catholic schools.

Colorado's Catholics-need-not-apply rule has had its predictable effect. More than 1,500 families like mine have been forced to pay thousands out of pocket for Catholic preschool. Those who can't afford tuition have had to withdraw their children from these schools. Since UPK began, preschool enrollment is down roughly 20% across the archdiocese and two preschools have closed.

In court, the state has accused Catholic schools of seeking "permission to discriminate." Yet despite decades of operation, not one archdiocesan preschool has ever faced a complaint alleging LGBT discrimination. Nor is there evidence that any family who opposes the Catholic Church's teachings has been unable to access free UPK preschool elsewhere. If Colorado wants to find instances of discrimination, the state should look in the mirror.

My husband and I have been seeking justice in court for more than three years. In that time, three of our children have missed out on a benefit enjoyed by 80,000 other Colorado preschoolers. On Nov. 3, our attorneys at the Becket Fund for Religious Liberty will ask the Supreme Court to end that unfair treatment.

When I drop two of my little ones off at preschool each morning, I pray they have fun with friends, learn new things and enjoy the innocence of childhood. I also pray they someday live in a state where their faith is not treated as a barrier to entry. The Supreme Court can ensure that day comes soon.

Ms. Sheley is a mother of seven and is among the petitioners in St. Mary Catholic Parish v. Roy.

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