

# Churches challenged on use of public schools

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Every Sunday morning, P.S. 144 elementary school in Queens, like dozens of schools in New York City and thousands more nationwide, is transformed into a house of worship for a few hours, hosting the Forest Hills Community Church with its prefab pulpit and portable baptistery.

There's

no tally of how many churches, synagogues and mosques convert public school spaces into prayer places. What's clear is that there has been a steady rise in numbers as congregations find schools to be available, affordable and accessible to families they want to reach.

Critics,

including some courts, are concerned that these arrangements are an unconstitutional entanglement of church and state. They say these bargain permits effectively subsidize religious congregations that would have to pay much higher prices on the open market. They also note that the practice appears to favor Christian groups, which worship on Sundays—when school spaces are most often available.

Caught in the

middle are congregations such as Forest Hills, which spent \$3,000 for a permit to use P.S. 144 from February through June and renewed for July and August. For September and beyond, however, nothing is certain.

The

city's Department of Education, which has been trying for a decade to oust the congregations from its schools and end the weekend worship practice, won the latest legal round in June. As the case winds its way through more appeals, an injunction allows about 60 congregations to

remain in place and the permit process to continue.

So the Forest

Hills church's evangelical founder and pastor, Jeremy Sweeten, still rises early each Sunday, hitches up a 20-foot trailer and tows it to the school. The trailer, packed by PortableChurch.com, has every bit of paraphernalia needed to create a sanctuary and children's Bible classes.

By

10 a.m., the Assemblies of God congregation of about 60 adults is raising its voice in song and prayer. Then about 1 p.m., as swiftly as they came, they're gone, with every offering basket stowed and every Bible stashed away.

It's a familiar scene in many communities across the nation:

- *USA Today* reported on the five largest and five fastest-growing school districts in the continental U.S. and found that all ten had granted permits for religious congregations to hold weekend worship. New York City, the largest, is typical: Christian churches are the primary clients because Muslims and Jews worship on Fridays and Saturdays, when school spaces usually are used for student activities.
- The Acts 29 Network, a Seattle-based evangelical coalition that has started 350 churches across the nation in the past five years, estimates that about 16 percent of these meet in school spaces. "We don't have a hidden agenda. Our heart is to serve the community just like schools serve the community. . . . They're designed for large groups, and they've got parking," says Scott Thomas, Acts 29 president.
- A 2007 national survey of newly established Protestant churches found that 12 percent met in schools, according to LifeWay, a Nashville, Tennessee-based Christian research agency. LifeWay Director Ed Stetzer said the major draw is that startup congregations and expanding multisite churches can offer worship close to families' homes for a fraction of the cost of creating their own building.

However, Stetzer, who also leads church-planting efforts, said he sees the constitutional dangers. Stetzer said he cautions school districts that they will have no control over the religious preaching and teaching. "So if a Wiccan coven [wanted a use permit], you would have to be as neutral as you would with an evangelical church. Even Westboro [the Topeka, Kansas, congregation that pickets funerals with signs denouncing gays] could move in and you would have no way to stop them," Stetzer said.

In the New York City case, the city school board's legal briefs argue that the practice "improperly advances religion" by, in effect, subsidizing the churches with facilities below market rate. It also shows "favoritism" to Christian churches as religions that don't worship on Sundays are generally shut out.

The Second U.S. Circuit Court of Appeals agreed. In his June ruling, Judge Pierre Leval wrote that the Bronx Household of Faith, ensconced since 2002 in P.S. 15, "has made the school the place for the performance of its rites, and might well appear to have established itself there. The place has, at least for a time, become the church."

The Bronx church is seeking a rehearing. Jordan Lorence, senior counsel for the Alliance Defense Fund, which represents the church, expects that the U.S. Supreme Court will overturn the ruling. "Religious groups, including churches, shouldn't be discriminated against simply because they want to rent a public building just like other groups can," Lorence said. —*USA Today*