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### **MANS Joins Member Schools and Families in Lawsuit Filed Today Seeking Injunction to Allow Nonpublic High Schools to Remain Open**

The Michigan Association of Nonpublic Schools (MANS) joins three of its member high schools and several families in filing suit today in federal court in the Western District of Michigan against the Michigan Department of Health and Human Services (MDHHS) Director Robert Gordon claiming that the December 7, 2020 order closing religious high schools is not supported by evidence of safety and violates the First Amendment right to practice religion.

Executive Director Brian Broderick stated MANS involvement in the court action is “to allow MANS and member schools to continue with their COVID-19 preparedness and safety plans – which have been effective - to safely educate and form their students consistent with their constitutional religious liberties.”

Over the past eight months, MANS member schools have followed the required measures put forth by the State in order to ensure the health of students, staff and their families, resulting in minimal risk of infection or need for hospitalization. These safety measures have proven effective as the number of cases in MANS member schools is significantly low. Until the ‘Pause to Save Lives’ order was issued three weeks ago, Michigan’s nonpublic schools have been able to determine the safest course of action on the local level. For example, the Catholic Diocese of Lansing reports the infection rate **is less than 1.6%** for all thirty five of its schools across ten counties since August 24, 2020. In the Archdiocese of Detroit, the infection rate among its student population through December 7<sup>th</sup> is **1.1%**.

Dr. William Chavey, parent at Father Gabriel Richard High School in Ann Arbor said, “As a physician, I have taken care of many patients with COVID and I have great respect for the significance of this pandemic. However, closing schools is aimed narrowly only at physical health. Flourishing is a state at which all aspects of a person’s life are good. Adolescents cannot flourish --- physically, emotionally, academically, or spiritually when isolated and relegated to online learning. Further, those who have chosen religious schools have done so in an effort to develop their spirituality and that cannot be done in isolation. Blunting development in these formative years may be irreversible.”

The most recent emergency order issued by MDHHS to extend the closure of all Michigan high schools disregards the efforts schools have taken to keep students and staff safe. MANS member schools created extensive safety plans prior to opening, submitting plans to the state as directed, and have faithfully adhered to these mitigation strategies. They have used data to determine the best form of instruction given each local community's infection data, with the goal of being in-person when it is safe to do so.

"MANS member high schools have proven it is possible to educate students in-person in a safe manner, when appropriate." said Executive Director Brian Broderick. "The state's latest order inhibits the faith formation of students and violates their constitutional right to practice religion while leaving open secular businesses where transmission of COVID-19 is more likely to occur. While faith is integrated into curriculum, physical presence at a faith-based school allows for additional, unique integration beyond classroom instruction. This includes religious services, participation in the sacraments and the overall Christian community."

Parents and students at Lansing Catholic High School, Father Gabriel Richard High School in Ann Arbor, and Everest Collegiate Academy in Clarkston are the MANS member schools named as plaintiffs in the suit filed today.

"It has not been an easy decision for MANS to go to court over this matter. It's not our preferred means of advocacy. In fact, our instinct and track-record is always to work collaboratively with the state whenever we can," said Tom Maloney, Superintendent of Schools for the Diocese of Lansing and a member of the MANS Board. "However, the benefit of safe, in-person religious education is of such monumental importance that we felt it necessary to challenge the orders, both for now and for the future. Listening to Governor Whitmer and Director Gordon, our great concern is that high school closures will continue to be extended indefinitely, and without considering the success of our safety plans or acknowledging the uniqueness of our mission-focused programs. Our schools do so much more than pass on knowledge. Our families choose our schools because of the formation of the entire person; spiritually, intellectually, and socially. That cannot be replicated on-line."

*The Michigan Association of Non-public Schools is an organization serving more than 400 schools and 90,000 students from the Catholic Schools of the seven diocese of Michigan, The Michigan District of the Lutheran Church – Missouri Synod and the Michigan Region of Christian Schools International.*

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