



Presidential Religious Liberty Commission

Written Testimony

Religious Liberty in Education Hearing

September 29, 2025

The following is written testimony which was presented by Mr. Nick Reaves on behalf of Ms. Laura Wolk Slavis and the Loffman, Taxon, and Peretses families.

Testimony of Laura Wolk Slavis, Counsel, The Becket Fund for Religious Liberty, before the Religious Liberty Commission

(delivered by Mr. Nick Reaves)

Mr. Chairman and members of the Commission, thank you for the opportunity to speak today.

As an attorney with the Becket Fund for Religious Liberty, I represent a group of Jewish families, all who have a child with disabilities, who were forced to sue the State of California in order to get equal access to the same federal and state special education funding as everyone else. I want to share their story with you today so that it may inform your work as a Commission and help ensure that public benefits are not withheld from families in the future because of religious discrimination.

All parents try to find the best educational fit for their children, but when children have disabilities, an added layer of resources and support is required. That's why Congress passed the Individuals with Disabilities Education Act, or IDEA, which provides grants to states that help pay for the technology, staff training, and special education programs that students with disabilities need. If a public school cannot offer this support, IDEA provides for students to be placed in private schools that can.

The Loffmans, the Taxons, and the Peretses are three Jewish families in California raising children with disabilities alongside their nondisabled siblings. As Jewish parents, these families have a religious requirement to provide all of their children with an education that reflects their religious values and that is structured around the Jewish tradition. The IDEA program should have been an incredible opportunity for these families to equip their children with the tools necessary to flourish both spiritually and academically. However, all three families were completely prevented from seeking the school placement that was best for their child solely because the schools best able to meet the totality of their children's needs were Jewish.

The reason for this discriminatory treatment, even in 2025, is because the California state legislature had prohibited religious parents and schools from asking their child to be placed in a religious school. California enforced this restriction even where a public school could not adequately meet their child's needs and the religious school can. That leaves families like the Loffmans, Taxons, and Peretses with an impossible choice: compromise your family's religious identity to receive special education services critical to helping your children grow and thrive, or preserve your child's religious development at the expense of their learning.

Forcing a Jewish child into public school because of his or her disability has costs even beyond the lost religious education. It also creates division and inequality within the family. While parents and siblings have a shared bonding experience in their religious education, the disabled child is unable to participate purely because of their additional needs and support. California's policy is therefore not only unconstitutional, it promotes inequity by separating a child from their religious community simply because of their disability.

With nowhere left to turn, and in partnership with Becket and Orthodox Union, the nation's largest Orthodox Jewish umbrella organization, these families were forced into federal court to defend their religious and parental rights against California's discriminatory policy. We argued that, under the Supreme Court's precedent in *Trinity Lutheran*, *Carson*, and *Espinoza*, the Free Exercise Clause of the United States Constitution prohibits the categorical exclusion of religious communities from publicly available benefits.

A Los Angeles federal district court disagreed, ruling that California was free to discriminate against religious families and schools because no public benefit existed.

But these brave parents didn't give up. We appealed their case and, in a unanimous decision, the Ninth Circuit Court of Appeals "easily concluded" that California's prohibition was unlawful because it "on its face burdens the free exercise rights of parents."

This is an important victory that will have beneficial impacts for others across the country. But the fight isn't over. This case involved just one unconstitutional prohibition on access to just one set of public benefits in just one state. It is not an isolated issue—it is replicated in other benefit programs and in other states.

The Constitution promises go much further. Our Constitution prohibits this kind of rank discrimination against religion. And yet, families like the Loffmans, the Taxons, and the Peretses are forced to spend years litigating in federal court in order to protect rights they already had and that the Supreme Court has already reinforced.

So what recommendations can this Commission make to ensure that government actors don't continue to thwart clear constitutional protections and Supreme Court precedent?

First, the Commissioners should urge the President to make clear in Department of Education regulations that religious schools are eligible for all IDEA programs and that parents have the right to access those funds on the same footing with secular parents.

Second, the Commission should recommend a comprehensive review of restrictions like California's that exist across the country—including the notorious "Blaine Amendments"—and urge the Department of Justice to actively challenge their legality, bringing the states in line with a developing and strengthening series of federal case precedents protecting the First Amendment.

Finally, the federal government should repeal arbitrary rules that restrict its ability to partner with faith-based organizations. It should explicitly offer religious protection in regulations for faith-based organizations, including schools, so they can feel confident they will not be punished for living out their authentic religious beliefs.

If we want to live up to the ideals and promises of our Constitution, we must recognize and respect the religious identities of all our citizens, especially the children who need us most.

Thank you for your time and commitment to religious liberty for all Americans and for the opportunity to share my clients' story. I look forward to your questions.