

BOARD OF EDUCATION OF KIRYAS JOEL VILLAGE SCHOOL DISTRICT v. GRUMET, ET AL. (1984)

Satmar Hasidic Jews are a conservative religious group. They speak Yiddish, follow strict customs, and try to isolate themselves from the surrounding world. In the 1970's, some Satmars moved to Monroe, New York, set up a religious community, and formed the Village of Kiryas Joel. The boundaries of the village were drawn to include only property owned by Satmar families.

Most of the 5,000 or so children of the village attend yeshivas, private Jewish schools that teach religious as well as regular academic subjects. But special-education programs for deaf, blind, and other learning-disabled Satmar students are too expensive for the yeshivas. For a while, the learning-disabled students from Kiryas Joel attended special-education classes in nearby Monroe public schools. But public school students often ridiculed and harassed the Satmar children. Moreover, the public school exposed Kiryas Joel students to cultural influences that Satmars wanted to avoid.

In 1989, Kiryas Joel parents petitioned the New York state legislature to pass a special law establishing a separate public school district to serve the Satmar learning-disabled children. The resulting Kiryas Joel Village School District consisted of one school with about 40 full-time and another 100 part time special-education students.

The new district's boundaries fell entirely inside the village boundaries of Kiryas Joel. Only Satmar students attended this public school district, which was governed by a school board made up solely of Satmar Hasidic Jews from the village. Nevertheless, neither the district superintendent nor any of the teachers were members of the Satmar religion (which forbids college education). Furthermore, none of the district's special-education classes included any religious instruction.

Question: Does the New York law setting up a public school district within the village of Kiryas Joel violate the first amendment's prohibition on laws "respecting an establishment of religion?"

Arguments

The New York State School Boards Association claimed that the special public school district created within the village of Kiryas Joel violated the Supreme Court's long-held "test of neutrality." This interprets the establishment clause of the First Amendment, the court (in an opinion by Justice Souter) agreed that the First Amendment allows the state to accommodate religion in certain situations (e.g. Allowing release time for public school students to receive religious instruction). But in this case, it said, the government went over the line of neutrality. Justice Souter suggested several alternatives for providing for the special-education needs of the Satmar children, including a school operated by the nearby Monroe school system that might be located near one of the

village yeshivas. In dissent, Justice Scalia found no evidence that the law favored the Satmar religion “as opposed to meeting distinctive secular [non-religious] needs or desires of citizens which happened to be Satmars.”