



Catholic Diocese of Saginaw

12/8/20

Dear Catholic School Families,

On Monday, 12/7/20, the Michigan Association of Nonpublic Schools (MANS), along with three Catholic high schools and a number of individual families, filed a lawsuit in response to the recent Michigan Department of Health and Human Services (MDHHS) order that, in part, extended the restriction of in-person learning at the high school level. Today, 12/8/20, the plaintiffs submitted a motion for injunctive relief to the recent order. Neither the Diocese of Saginaw nor any of our schools are plaintiffs in this case. A copy of the press release associated with this action is attached.

The lawsuit is being filed on the basis of a first amendment violation. The plaintiffs argue that when parents choose faith-based education, it is an extension of worship for their children to learn about their faith/be formed in the faith. It is the plaintiff's contention that the recent extension of the MDHHS order infringes on the free exercise of religion.

If the suit results in faith-based schools being able to offer in-person learning at the high school level, our schools will continue to evaluate local and building conditions to determine the most appropriate course of action for each individual school. Key building metrics, such as the presence of epidemiologically linked cases in the building (i.e. an outbreak), student attendance levels at the building and classroom level, and staffing capacity due to COVID-19 diagnosis and or quarantines, would be a part of this process. There is no specific "number" in each category or collectively that will result in an automatic transition to in-person or remote learning. Every case is unique and will be evaluated independently by school leadership to determine the most appropriate course of action.

In the Diocese of Saginaw, our Catholic Schools remain focused and committed to the health and safety of our students, staff, faculty, families, and surrounding community. Each of our schools meets, and in many cases exceeds, the standards for in-person instruction established by various state orders. The Office of Catholic Schools, as well as every individual Catholic school, has created and implemented a COVID-19 Preparedness and Response Plan. (The Diocese of Saginaw plan can be found [here](#). Individual school plans can be found on school websites.)

Our Catholic schools also meet or exceed the COVID reporting requirements established by the MDHHS. The rate of positivity, including some cases that exceed MDHHS reporting requirements, among our entire student population preschool through 12th grade is 1.6%. The rate increases to 2.4% when including staff and faculty. In our high schools specifically, the student positivity rate is 3.9%. Rate of infection among high school staff is approximately 4.0% (Some staff are shared among elementary, middle and/or high school.)

Any questions or concerns can be directed to the Office of Catholic Schools at the number below. We continue to pray for all who are affected in any way by COVID-19. ([USCCB: COVID-19 Prayer of Solidarity](#))

Respectfully,

Cormac Lynn

Superintendent of Schools

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FOR IMMEDIATE RELEASE
December 7, 2020

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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 7th 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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