News



The U.S. Supreme Court is seen Friday, April 17, 2026, in Washington. (AP/Mariam Zuhaib)

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The Supreme Court on Monday agreed to hear from Catholic preschools that say it's unconstitutional to exclude them from a state-funded program because they won't admit kids from LGBTQ+ families.

In the latest religious rights case for the conservative-majority court, the justices will hear from Colorado's St. Mary Catholic Parish and the Archdiocese of Denver, which are supported by the Republican Trump administration.

The schools argue that Colorado is violating their religious rights by barring them from the taxpayer-funded universal preschool program over their faith-based admission policies. They say the state has allowed other preschools to prioritize children with disabilities or those from low-income families, so admission based on religious beliefs about gender and same-sex marriage should be allowed, too.

The state said that religious schools are welcome to participate but are required to follow nondiscrimination laws. Income and disability decisions are in line with those rules, Colorado said. The program was created by a 2020 ballot measure and provides public funding for preschool at schools selected by parents.

The plaintiffs are represented by the group Becket Fund for Religious Liberty, which applauded the high court's decision to take up the case.

"The Supreme Court has repeatedly held that states cannot exclude families from government benefits because of their faith. We're confident the Court will say the same thing here and put a stop to Colorado's no-Catholics-need-apply rules," said Nicholas Reaves, a senior counsel at Becket.

As part of the case, which will be heard in the fall, the court will consider narrowing a landmark 1990 decision over the spiritual use of peyote, a cactus that contains a hallucinogen called mescaline. That opinion, written by conservative icon Justice Antonin Scalia, found religious practices don't create exemptions from broadly applicable laws.

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The justices declined a push from the schools, along with a Catholic family in Colorado, to overturn the ruling.

The high court recently has backed other claims of religious discrimination while taking a more skeptical view of LGBTQ+ rights.

The justices last month ruled against another law in Colorado that banned "conversion therapy" for LGBTQ+ kids after the measure was challenged by a Christian counselor.

Last year, the justices found that parents who have religious objections can pull their children from Maryland public school lessons that use LGBTQ+ storybooks. In 2022, the court found a high school football coach who knelt and prayed on the field after games was protected by the Constitution.

The court deadlocked, though, over a plan to establish a publicly funded Catholic charter school after Justice Amy Coney Barrett recused herself.