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Supreme Court

The U.S. Supreme Court in Washington is seen June 18, 2026. The U.S. Conference of Catholic Bishops has filed an amicus brief with the high court in support of a challenge from Catholic preschools regarding their ability to participate in Colorado's universal preschool program. The court is scheduled to hear the case Nov. 3. (OSV News/Reuters/Elizabeth Frantz)



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The U.S. Conference of Catholic Bishops has filed an amicus brief with the U.S. Supreme Court in support of a challenge from Catholic preschools regarding their ability to participate in Colorado's universal preschool program.

In April, the high court agreed to hear the case after two Catholic parishes with preschools in the Archdiocese of Denver – St. Bernadette in Lakewood and St. Mary in Littleton – alleged the state of Colorado excluded them from participating in the program due to their religious beliefs.

The case, *St. Mary Catholic Parish v. Roy*, concerns a state program that provides funds – up to about \$6,000 – to parents to send their child to the preschool of their choice, public or private, including faith-based schools.

However, Colorado has argued the Catholic preschools ran afoul of a nondiscrimination rule in the program that prohibits participating schools from

refusing admission to any child on the basis of the sexual orientation and gender identity of the child or the child's family.

In an amicus brief published on the conference's website Sept. 23, the USCCB argued, "The government may not deny religious entities the right to participate in an otherwise generally available public program because of their religious character or exercise."

"This case is just the latest example of a disturbing trend — states and cities across the country using nondiscrimination requirements to 'covert(ly) suppress particular religious beliefs,' " it argued, quoting a 1993 Supreme Court ruling in *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*.

"If this trend continues, it will impair the ability of Catholic organizations and other faith-based service providers to partner with state and local governments to serve the public. The resulting harm to the nation's social support infrastructure would be immense. Catholic charitable organizations are a profound force for good. They provide excellent education, heal the sick, care for the vulnerable, and feed the hungry. These and other faith-based organizations collectively provide billions of dollars in services to those in need every year," the USCCB argued.

Reversing a lower court's ruling, it continued, would be "a clear instruction to courts across the country that religious organizations cannot be barred from participation in public life merely because they live out their sincerely held religious beliefs" and would "ensure that these organizations can continue providing vital, irreplaceable services in partnership with the states while freely exercising their faith."

A competing amicus brief from Interfaith Alliance in support of Colorado's program argued that "at every stage of designing and implementing its universal preschool program, Colorado sought out faith-based providers, and it wrote and enforced its rules to keep families of every faith from being turned away."

The Supreme Court is scheduled to hear the case Nov. 3, the same date as Election Day for the 2026 midterms.

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