

March 20, 2023

Dear Education Finance Committee Chair Youakim and Members of the Committee:

I'm writing in concern over the amendment of HF-1269, specifically lines 19.8-19.11. To exclude schools with statements of faith from participating in PSEO is a violation of First Amendment rights and will invite legal action against the State:

1. Supreme Court decisions: *Carson v. Makin* (2022) and *Espinoza v. Montana* (2020) have clarified that withholding public benefits from religious schools is a violation of Free Expression. Further, they have clarified that programs do *not* violate the Anti-establishment clause when *funds from a neutral benefit program flow through the choices of the citizens*. If Minnesota is going to offer the PSEO benefit, it cannot disallow religious institutions.
2. Statements of faith: Statements of faith define a religious institution. A religious institution without its statement of faith ceases to be one. To disallow statements of faith is to disallow a religious school; and to disallow a religious school on the basis of its beliefs is a violation of First Amendment as shown above.

I urge you to take the long view regarding these differences of belief. Democracy ought not punish people or institutions for their beliefs. Please strike lines 19.8-19.11 from HF-1269.

I request that this letter be included in written testimony.

Respectfully,
Kristen Marsan
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