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**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON**

SUMMIT CHRISTIAN ACADEMY and  
WHITWORTH UNIVERSITY YOUNG  
AMERICANS FOR FREEDOM CHAPTER,

Plaintiffs,

v.

MICHAEL MEOTTI, in his official capacity as  
executive director of the Washington Student  
Achievement Council, and BECKY  
THOMPSON, in her official capacity as  
director of the Office of Student Financial  
Assistance,

Defendants.

No. \_\_\_\_\_

**PLAINTIFFS' CIVIL RIGHTS  
COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF**

**INTRODUCTION**

1. This case is a federal constitutional challenge to the exclusion of so-called “sectarian” options from Washington’s State Work-Study Program: a financial-aid program designed to help post-secondary students earn money for college and gain real-world work experience. Under the program, students may work for the government, for-profit corporations, or non-profit organizations, but they may not work for employers or in jobs that the State deems

**CIVIL RIGHTS COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF - 1**

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1 “sectarian.” This prohibition on sectarian options violates the Free Exercise, Equal Protection,  
2 and Establishment Clauses of the U.S. Constitution.

3 **PARTIES, JURISDICTION, AND VENUE**

4 2. Plaintiff Summit Christian Academy is a private, non-profit kindergarten-  
5 through-12th-grade school located in Spokane, Washington. It is approved by Washington’s  
6 Office of Superintendent of Public Instruction and accredited by AdvancED, a non-profit  
7 accrediting organization for religious and non-religious schools alike. Summit Christian  
8 Academy was previously incorporated as “Northwest Christian Education” but filed  
9 amendments with the Washington Secretary of State to change its name to Summit Christian  
10 Academy in January 2018. All references in this complaint, whether before or after that change,  
11 are to “Summit Christian Academy.”

12 3. Plaintiff Whitworth University Young Americans for Freedom Chapter  
13 (hereinafter “WU-YAF”) is a chartered club at Whitworth University in Spokane, Washington,  
14 and a chapter of Young Americans for Freedom: a national, non-profit youth activism  
15 organization. WU-YAF advocates for limited government and individual freedom, including  
16 religious freedom. It has members who are eligible for the State Work-Study Program and who  
17 desire the option to work for “sectarian” employers, or to perform “sectarian related” work,  
18 under the program.

19 4. Defendant Michael Meotti is the executive director of the Washington Student  
20 Achievement Council (hereinafter “WSAC”). WSAC is an agency of the State of Washington,  
21 created and empowered under Title 28B, Chapter 77, of the Revised Code of Washington, and  
22 headquartered in Olympia, Thurston County, Washington. Powers, duties, and functions that

1 previously rested in Washington’s Higher Education Coordinating Board, including the power  
2 and duty to administer the State Work-Study Program, now rest in WSAC. As executive  
3 director of WSAC, Mr. Meotti has the responsibility and practical ability to ensure that the State  
4 Work-Study Program, including the regulations, policies, and practices concerning the Program,  
5 are implemented and administered in accordance with the U.S. Constitution. Director Meotti is  
6 sued in his official capacity only.

7 5. Defendant Becky Thompson is the director of the Office of Student Financial  
8 Assistance, an office within and under the direction of the WSAC that is charged with  
9 administering state financial aid programs, including the State Work-Study Program. As  
10 director of the Office of Student Financial Assistance, Ms. Thompson has the responsibility and  
11 practical ability to ensure that the State Work-Study Program, including the regulations,  
12 policies, and practices concerning the program, are implemented and administered in accordance  
13 with the U.S. Constitution. Ms. Thompson is sued in her official capacity only.

14 6. Plaintiffs’ action, filed pursuant to 42 U.S.C. § 1983, as well as 28 U.S.C. §§  
15 2201(a) and 2202, seeks a declaration that the State Work-Study Program’s exclusion of  
16 “sectarian” options is unconstitutional on its face and as applied, as well as an injunction  
17 enjoining the exclusion’s enforcement. Under 28 U.S.C. §§ 1331 and 1343(a)(3), this Court  
18 possesses jurisdiction over the action.

19 7. Pursuant to 28 U.S.C. § 1391(b)(1) and (2), venue is proper in this judicial  
20 district because the Defendants reside within it and a substantial part of the events giving rise to  
21 Plaintiffs’ claims occurred within it.

22 8. Pursuant to Local Civil Rule 3(e), assignment is proper in the Tacoma division

1 because the Defendants have their principal place of business in Thurston County and Plaintiffs’  
2 claims arose within Thurston County.

3 **STATEMENT OF FACTS**

4 **THE STATE WORK-STUDY PROGRAM**

5 9. The State Work-Study Program is a post-secondary financial aid program  
6 through which the State of Washington pays a portion of a student’s wages for work with a  
7 participating employer, usually in a field related to the student’s major or course of graduate  
8 study.

9 10. The State Work-Study Program’s primary purpose is “to provide financial  
10 assistance to needy students, including needy students from middle-income families, attending  
11 eligible post-secondary institutions in the state of Washington by stimulating and promoting  
12 their employment, thereby enabling them to pursue courses of study at such institutions.” Wash.  
13 Rev. Code § 28B.12.020.

14 11. “An additional purpose of th[e] program [is] to provide such needy students,  
15 wherever possible, with employment related to their academic or vocational pursuits.” Wash.  
16 Rev. Code § 28B.12.020.

17 12. By paying a portion of student wages, the State Work-Study Program provides an  
18 incentive for employers to hire work-study students, thereby enabling students to gain valuable  
19 job experience while earning money to meet the cost of college and defray reliance on student  
20 loans.

21 13. The State Work-Study Program is valuable in other ways, as well. For example,  
22 “[s]tudents may receive academic credit for experience gained through state work-study

1 employment.” Wash. Admin. Code § 250-40-050(6). Moreover, according to WSAC, nearly  
2 one in five State Work-Study Program positions leads to a permanent job after graduation.

3 **MECHANICS OF THE STATE WORK-STUDY PROGRAM**

4 14. By May 1 of each year, WSAC establishes, for the upcoming academic year, a  
5 reserve of funds for the student body at each college or university participating in the State  
6 Work-Study Program. *See* Wash. Admin. Code § 250-40-060(2).

7 15. These funds, in turn, are used to reimburse participating employers, who pay  
8 students out-of-pocket, then submit student timesheets to obtain reimbursement.

9 16. Public colleges and universities administer reimbursements themselves, while  
10 reimbursements for students at private institutions are handled by WSAC.

11 17. Reimbursement is set at a rate between 40 and 70 percent, with 70 percent  
12 available when a student works for: a public school district; a nonprofit community service  
13 provider; or a business whose primary business activity is in the fields of science, technology,  
14 engineering, and/or mathematics.

15 18. The State Work-Study Program is a program of genuine private choice. Eligible  
16 students choose whether to participate and, if they do opt to participate, choose the employers  
17 for which they will work. No public funds reach any participating employer but for the genuine  
18 and independent choices of private individuals.

19 19. After being notified of eligibility for the State Work-Study Program as part of her  
20 financial aid award, the eligible student may search for a job. This can involve browsing a  
21 school-maintained list of job postings from employers that have already been approved to  
22 participate in the program. Alternatively, the student may approach a non-participating

1 employer and ask whether it would be willing to apply to participate and hire her.

2 20. The State Work-Study Program is open to almost every type of employer,  
3 whether public or private, for-profit or not-for-profit.

4 21. Employers participating in the State Work-Study Program have included public  
5 agencies (*e.g.*, City of Seattle, Spokane Public School District); non-profit organizations (*e.g.*,  
6 Boys & Girls Club of Pierce County, Fred Hutchison Cancer Research Center); small businesses  
7 (*e.g.*, Basillio’s Italian Restaurant, Bonney Lake Dental); and large, international corporations  
8 (*e.g.*, Costco, Weyerhaeuser, American Express Financial, Amazon.com).

9 **THE “SECTARIAN” EXCLUSION**

10 22. To participate in the State Work-Study Program, however, an employer must be  
11 “nonsectarian.” Specifically, Wash. Admin. Code § 250-40-030(6) defines “eligible employer”  
12 as “any eligible public institution of postsecondary education; any other nonprofit organization  
13 which is *nonsectarian*; or any profit-making *nonsectarian* employer producing a good or  
14 providing a service for sale or resale to others, which can and agrees to provide employment of a  
15 demonstrable benefit related to the student’s postsecondary educational pursuits and which  
16 conducts business within the state of Washington; or any other employer approved by the  
17 [WSAC].” (Emphasis added).

18 23. Like the employer, the job itself also must not be “sectarian.” Specifically,  
19 Wash. Admin. Code § 250-40-050(8) provides, in relevant part, that “[w]ork performed by a  
20 student under the state work-study program shall not be sectarian related.”

21 24. The statutes and regulations governing the State Work-Study Program do not  
22 define the terms “sectarian,” “sectarian related,” and “nonsectarian.”

1           25.     To assess a prospective employer’s eligibility—that is, to ensure that “sectarian”  
2 employers are excluded—WSAC requires the prospective employer to complete an “Employer  
3 Business Profile.” It asks, “Does your organization . . . have a religious affiliation?”

4           26.     If the prospective employer answers “Yes,” it must complete another form, a  
5 “Religious Affiliation Questionnaire,” which consists of ten questions:

- 6           •        “What is the nature and purpose of the business/organization?”
- 7           •        “Is the work performed free from sectarian interest? If not, explain.”
- 8           •        “What is the legal ownership of the business/organization?”
- 9           •        “What are the primary sources for funding of the business/organization?”
- 10          •        “What is the flow of money? (For example: *from* the parent business/organization  
11           **or to** the parent business/organization?)”
- 12          •        “Who are the members of the Board of Directors, and is their selection or  
13           appointment conditioned by religious creed or commitment?”
- 14          •        “Is there any sponsorship by a religious body, or is there a direct association with  
15           a controlling sectarian organization? If yes, explain.”
- 16          •        “Where is the business/organization housed? If housed in a church, what amount  
17           of rent is paid each month?”
- 18          •        “Is a person’s faith considered before they are approved to receive services? If  
19           yes, explain.”
- 20          •        “Is a person’s faith considered before they are employed? If yes, explain.”

21          27.     The prospective employer may also be requested to provide a copy of its articles  
22 of incorporation and bylaws with the completed questionnaire.

1 28. A WSAC staff member then reviews the materials to determine whether the  
2 prospective employer is “sectarian” and, thus, ineligible to participate in the program.

3 29. In determining whether a prospective employer is “sectarian,” the WSAC staff  
4 member reviewing the materials completes a matrix titled, “State Work Study Eligibility  
5 Determination for Religiously Affiliated Organizations.” The matrix contains the following 11  
6 questions:

- 7 • “Is the purpose of the organization primarily sectarian in nature?”
- 8 • “Does the organization have a direct association with a controlling sectarian  
9 organization?”
- 10 • “Are funds received from or provided to a controlling sectarian organization?”
- 11 • “Is the organization’s operations [*sic*] primary funding by a controlling sectarian  
12 organization?”
- 13 • “Does the organization receive funding from any government sources?”
- 14 • “Are any of the organization[’s] facilities owned by a controlling sectarian  
15 organization?”
- 16 • “Is membership on the board of directors conditioned on an individual’s faith?”
- 17 • “Is the work performed by the organization free of sectarian interest?”
- 18 • “Are services provided to the public free of sectarian interests?”
- 19 • “Are the services provided to the public conditioned on [an] individual’s religious  
20 faith?”
- 21 • “Is employment within the organization conditioned on an individual’s religious  
22 faith?”



1           30.     The WSAC staff member, presumably based on her review and interpretation of  
2 the materials submitted by the prospective employer, checks “Yes” or “No” after each question.

3           31.     According to instructions on the matrix, the answer to some of these questions  
4 can be dispositive as to a prospective employer’s “sectarian” status and, thus, ineligibility for  
5 participation in the State Work-Study Program. For example, if an employer receives a “No”  
6 answer to the question “Is the work performed by the organization free of sectarian interest?,”  
7 the matrix provides that “the employer is ineligible.” For other questions, the answer may be a  
8 “positive” or “negative” “factor” or “indicator” for the prospective employer’s eligibility.

9           32.     According to instructions on the matrix, “If the preponderance of evidences [*sic*]  
10 doesn’t clearly indicate whether the organization is eligible or not, the evaluation should be  
11 informed by additional review by any of the following: SFA Division Director, WSAC senior  
12 management, AAG’s Office, or SFA workgroup.” “SFA” stands for “Student Financial  
13 Assistance”; “AAG” stands for “Assistant Attorney General.”

14           33.     WSAC’s Program Manual provides examples of ineligible employers. They  
15 include “church sponsored daycare centers or educational institutions” and, at least in certain  
16 circumstances, “religiously affiliated hospitals.”

17           34.     If the prospective employer is deemed eligible to participate, it must then execute  
18 an “Employer Contract” with either WSAC or a public college or university acting as WSAC’s  
19 agent.

20           35.     By signing the contract, the employer certifies that: (1) it “is a non-profit  
21 organization or a profit-making business entity which does not have a direct association with a  
22 controlling sectarian organization”; and (2) and will “[e]mploy students to perform only work

1 which will not . . . [b]e sectarian-related.”

2 36. The reason for the “sectarian” exclusion—that is, the exclusion of “sectarian”  
3 employers and “sectarian related” work from the State Work-Study Program—is, according to  
4 WSAC, the Washington Constitution. According to WSAC’s *Work Study Program Employer*  
5 *Handbook*, “the state constitution prevents any business or organization involved in or with a  
6 controlling interest in . . . religious activity from participating in the program.”

7 37. Many fields of work are traditionally occupied by religious employers, including  
8 education (*e.g.*, diocesan schools), social services (*e.g.*, church-run soup kitchens), and medicine  
9 (*e.g.*, hospitals owned and operated by religious orders). The “sectarian” exclusion restricts the  
10 opportunities available to work-study students who wish to work in such fields.

11 38. In sum, under the State Work-Study Program, a student may work for the  
12 government, a non-sectarian non-profit organization, or an international for-profit corporation  
13 (even in one of its international offices), but she may not feed the homeless at a church’s soup  
14 kitchen or tutor a child at a church-run school.

15 **THE “SECTARIAN” EXCLUSION’S IMPACT ON PLAINTIFFS**

16 ***Summit Christian Academy***

17 39. In August 2015, Plaintiff Summit Christian Academy applied to participate in the  
18 State Work-Study Program as an employer after a student from Spokane Community College  
19 expressed a desire to work as a tutor at Summit Christian during the 2015-16 school year.

20 40. Representatives of Summit Christian Academy and Spokane Community  
21 College—which, as a public college, can enter into contracts with State Work-Study Program  
22 employers—executed an Employer Contract on August 11, 2015. Spokane Community College

1 did not request a Religious Affiliation Questionnaire from Summit Christian Academy. As it  
2 later explained in an email to WSAC, “We were not aware that was necessary (the employer is  
3 religiously affiliated, but we were told that the job itself would be as a Math Tutor, and would in  
4 no way promote religion).”

5 41. On August 17, 2015, however, after having been forwarded a copy of the  
6 contract, WSAC requested that Summit Christian Academy complete a Religious Affiliation  
7 Questionnaire and provide copies of its articles of incorporation and bylaws.

8 42. The same day, Summit Christian Academy completed the Religious Affiliation  
9 Questionnaire. It forwarded the questionnaire, along with supporting documentation, to WSAC.

10 43. On August 27, 2015, a WSAC staff member, Marlena Rae Robbins, reviewed the  
11 materials and completed the “State Work Study Eligibility Determination for Religiously  
12 Affiliated Organizations” matrix described in paragraph 29, above. For each of the questions  
13 the answer to which can be dispositive as to a prospective employer’s “sectarian” status, Ms.  
14 Robbins checked the answer that would render Summit Christian Academy ineligible for the  
15 State Work-Study Program. Based on her assessment, Ms. Robbins concluded that Summit  
16 Christian Academy was, in fact, ineligible for the program.

17 44. Another WSAC staff member, Jeffrey N. Powell, conducted a “secondary  
18 review” the same day and likewise concluded that Summit Christian Academy was not eligible  
19 for the State Work-Study Program.

20 45. On August 28, 2015, WSAC’s Program Coordinator for the State Work-Study  
21 Program, Jaclyn Molloy, sent emails to Summit Christian Academy and Spokane Community  
22 College stating, “[W]e have determined that they [Summit Christian Academy] are not eligible

1 for the State Work Study (SWS) Program. We find the organization religiously affiliated, which  
2 makes them an ineligible employer for the program . . . .”

3 46. The August 28, 2015 letter also provided an illustrative “list of ineligible  
4 employers” from WSAC’s program manual. The list included “[a]ny church or entity which has  
5 a direct association with a controlling sectarian organization (i.e. church sponsored day-care or  
6 educational institutions).”

7 47. Because of its religious affiliation, Summit Christian Academy was denied the  
8 ability to serve as a State Work-Study Program employer for a postsecondary student whose  
9 private and independent choice was to work for the school.

10 48. Because of its religious affiliation, Summit Christian Academy was denied the  
11 opportunity to provide mentorship and training that “nonsectarian” employers are permitted to  
12 provide.

13 49. Summit Christian Academy continues to desire to participate as a State Work-  
14 Study Program employer—for example, to employ students as tutors or in information  
15 technology (IT) positions. Because of the program’s “sectarian” exclusion, however, the school  
16 remains ineligible.

17 *Whitworth University Young Americans for Freedom Chapter*

18 50. WU-YAF is a recognized student club at Whitworth University, a private liberal  
19 arts institution.

20 51. A primary institutional purpose of WU-YAF is to advocate for individual  
21 freedom, including the religious freedom of its own members and other students at Whitworth  
22 University.

1 52. WU-YAF has members who are eligible for the State Work-Study Program and  
2 who desire the opportunity to choose “sectarian” options under it. Because of the “sectarian”  
3 exclusion in the State Work-Study Program, however, they are precluded from doing so.

4 53. The “sectarian” exclusion in the State Work-Study Program restricts, based on  
5 religion, the employers that WU-YAF members and other Whitworth students may choose to  
6 work for under the program.

7 54. The “sectarian” exclusion in the State Work-Study Program restricts, based on  
8 religion, the types of work that WU-YAF members and other Whitworth students may choose to  
9 perform under the program.

10 55. For example, WU-YAF members and other Whitworth students cannot undertake  
11 State Work-Study employment for Whitworth University itself, because the university is an  
12 evangelical, Presbyterian institution.

13 56. Instead, WU-YAF members and other Whitworth students must travel off  
14 campus to pursue State Work-Study employment. Students attending non-sectarian private  
15 colleges and universities, by contrast, are free to undertake State Work-Study employment for  
16 their own colleges and universities.

17 57. Even off campus, WU-YAF members and other Whitworth students may only  
18 undertake employment for “nonsectarian” employers, and may only perform work that is not  
19 “sectarian related,” under the State Work-Study Program.

20 58. The “sectarian” exclusion in the State Work-Study Program is particularly  
21 harmful to WU-YAF members and other Whitworth students majoring in fields that are  
22 traditionally occupied by religious employers, such as education, social services, and medicine,

1 and who wish to perform the types of work that such employers perform.

2 59. The “sectarian” exclusion in the State Work-Study Program is also harmful to  
3 WU-YAF members and other Whitworth students who simply desire the freedom to pursue  
4 State Work-Study employment with organizations affiliated with their own faith.

5 60. The “sectarian” exclusion in the State Work-Study Program abridges the  
6 religious freedom of WU-YAF members and other Whitworth students by forcing them to  
7 choose between receipt of an otherwise-available public benefit and their right to obtain work  
8 experience with a “sectarian” employer or through “sectarian related” work.

9 **CONSTITUTIONAL VIOLATIONS**

10 **CLAIM I: FREE EXERCISE CLAUSE**

11 61. By this reference, Plaintiffs incorporate each and every allegation set forth in  
12 paragraphs 1 through 60 of this Complaint as though fully set forth herein.

13 62. The Free Exercise Clause of the First Amendment to the U.S. Constitution  
14 provides, “Congress shall make no law . . . prohibiting the free exercise” of religion.

15 63. The Free Exercise Clause applies to states and their subdivisions and  
16 municipalities through the Fourteenth Amendment to the U.S. Constitution.

17 64. The Free Exercise Clause protects against governmental hostility toward religion  
18 and requires neutrality toward religion.

19 65. Wash. Admin. Code §§ 250-40-030(6) and 250-40-050(8) are not neutral with  
20 respect to religion and are not laws of general applicability. Rather, they discriminate against  
21 religion on their face, in that they prohibit private “sectarian” options in the State Work-Study  
22 Program while allowing private “nonsectarian” options.

1           66.       On their face and as applied to Summit Christian Academy, Wash. Admin. Code  
2 §§ 250-40-030(6) and 250-40-050(8) require “sectarian” employers to forgo either the ability to  
3 participate in the State Work-Study Program or their right to be “sectarian” and perform  
4 “sectarian related” work.

5           67.       On their face and as applied to members of WU-YAF, Wash. Admin. Code §§  
6 250-40-530(6) and 250-40-050(8) require students to forgo either the receipt of an otherwise  
7 generally available public benefit or their right to pursue employment with a “sectarian”  
8 employer or perform “sectarian related” work.

9           68.       On their face and as applied to Plaintiffs, Wash. Admin. Code §§ 250-40-030(6)  
10 and 250-40-050(8) discriminate and impose special disabilities based on the religious status of:  
11 (a) the employers they bar from participating in the State Work-Study Program; and (b) the  
12 students whose religious beliefs motivate them to work for such employers.

13           69.       On their face and as applied to Plaintiffs, Wash. Admin. Code §§ 250-40-030(6)  
14 and 250-40-050(8) substantially burden the free exercise rights of students whose conviction is  
15 to work for a “sectarian” employer or perform “sectarian related” work, as well as the free  
16 exercise rights of the “sectarian” employers who are otherwise willing to provide employment  
17 opportunities to such students.

18           70.       Defendants have no compelling, substantial, or even legitimate interest in  
19 denying private “sectarian” options in the State Work-Study Program while allowing private  
20 “nonsectarian” options.

21           71.       Wash. Admin. Code §§ 250-40-030(6) and 250-40-050(8) are not narrowly  
22 tailored to achieve, nor are they rationally related to, any governmental interest Defendants

1 purport to have.

2 72. On their face and as applied to Plaintiffs, Wash. Admin. Code §§ 250-40-030(6)  
3 and 250-40-050(8) violate the Free Exercise Clause of the First Amendment to the U.S.  
4 Constitution insofar as they exclude “sectarian” options from the State Work-Study Program.

5 **CLAIM II: EQUAL PROTECTION CLAUSE**

6 73. By this reference, Plaintiffs incorporate each and every allegation set forth in  
7 paragraphs 1 through 72 of this Complaint as though fully set forth herein.

8 74. The Equal Protection Clause of the Fourteenth Amendment to the U.S.  
9 Constitution provides, “No State shall . . . deny to any person within its jurisdiction the equal  
10 protection of the laws.”

11 75. The Equal Protection Clause prohibits government from discriminating on the  
12 basis of religion, which is a suspect classification for equal protection purposes.

13 76. By denying private “sectarian” options in the State Work-Study Program while  
14 allowing private “nonsectarian” options, Wash. Admin. Code §§ 250-40-030(6) and 250-40-  
15 050(8) discriminate, facially and as applied to members of WU-YAF and Summit Christian  
16 Academy, on the basis of religion.

17 77. Defendants have no compelling, substantial, or even legitimate interest in  
18 denying private “sectarian” options in the State Work-Study Program while allowing private  
19 “nonsectarian” options.

20 78. Wash. Admin. Code §§ 250-40-030(6) and 250-40-050(8) are not narrowly  
21 tailored to achieve, nor are they rationally related to, any governmental interest Defendants  
22 purport to have.



1 79. By excluding private “sectarian” options from the State Work-Study Program,  
2 Wash. Admin. Code §§ 250-40-030(6) and 250-40-050(8) make it more difficult for one group  
3 of students than for all others to seek aid from the government.

4 80. The Establishment Clause of the U.S. Constitution does not prohibit “sectarian”  
5 options in the State Work-Study Program.

6 81. A desire to achieve greater separation of church and state than is already ensured  
7 under the Establishment Clause of the U.S. Constitution cannot justify the exclusion of  
8 “sectarian” options from the State Work-Study Program.

9 82. Because the Establishment Clause does not prohibit “sectarian” options in the  
10 State Work-Study Program, and because a desire to achieve greater separation of church and  
11 state than is already ensured under the Establishment Clause cannot justify the exclusion of  
12 “sectarian” options from the State Work-Study Program, the exclusion of such options is  
13 inexplicable by anything other than animus against “sectarian” employers or students who  
14 would pursue employment with such employers.

15 83. On their face and as applied to Plaintiffs, Wash. Admin. Code §§ 250-40-030(6)  
16 and 250-40-050(8) discriminate on the basis of religion and therefore violate the Equal  
17 Protection Clause of the Fourteenth Amendment to the U.S. Constitution insofar as they exclude  
18 “sectarian” options from the State Work-Study Program.

19 **CLAIM III: ESTABLISHMENT CLAUSE**

20 84. By this reference, Plaintiffs incorporate each and every allegation set forth in  
21 paragraphs 1 through 83 of this Complaint as though fully set forth herein.

22 85. The Establishment Clause of the First Amendment to the U.S. Constitution

1 provides, “Congress shall make no law respecting an establishment of religion.”

2 86. The Establishment Clause applies to states through the Fourteenth Amendment to  
3 the U.S. Constitution.

4 87. The Establishment Clause requires neutrality toward religion. Accordingly,  
5 government may neither favor, nor disfavor, religion over non-religion.

6 88. By denying private “sectarian” options in the State Work-Study Program while  
7 allowing private “nonsectarian” options, Wash. Admin. Code §§ 250-40-030(6) and 250-40-  
8 050(8) are, facially and as applied to members of WU-YAF and Summit Christian Academy,  
9 hostile toward and disapproving of religion.

10 89. Defendants do not have a secular governmental purpose for denying private  
11 “sectarian” options in the State Work-Study Program while allowing private “nonsectarian”  
12 options.

13 90. On their face and as applied to Plaintiffs, Wash. Admin. Code §§ 250-40-030(6)  
14 and 250-40-050(8) have the principal and primary effect of inhibiting religion, in that they  
15 exclude “sectarian” employers from the State Work-Study Program and thereby deny  
16 opportunities for students who wish to work for “sectarian” employers, or perform “sectarian  
17 related” work, under the program.

18 91. By refusing to reimburse the wages of students who pursue “sectarian related”  
19 work or work for “sectarian” employers, Wash. Admin. Code §§ 250-40-030(6) and 250-40-  
20 050(8) create a substantial disincentive to work by and for “sectarian” employers.

1 92. On their face and as applied to Plaintiffs, Wash. Admin. Code §§ 250-40-030(6)  
2 and 250-40-050(8) violate the Establishment Clause of the U.S. Constitution insofar as they  
3 exclude “sectarian” options from the State Work-Study Program.

4 **PRAYER FOR RELIEF**

5 Plaintiffs respectfully request that the Court grant the following relief:

6 A. A declaratory judgment by the Court that Wash. Admin. Code §§ 250-40-030(6)  
7 and 250-40-050(8), on their face and as applied to Plaintiffs, violate the Free Exercise, Equal  
8 Protection, and Establishment Clauses of the U.S. Constitution insofar as they exclude  
9 “sectarian” options from the State Work-Study Program;

10 B. A preliminary and permanent injunction prohibiting Defendants from enforcing  
11 Wash. Admin. Code §§ 250-40-030(6) and 250-40-050(8) insofar as they exclude “sectarian”  
12 options from the State Work-Study Program;

13 C. An award of attorneys’ fees, costs, and expenses pursuant to 42 U.S.C. § 1988;  
14 and

15 D. Any other legal or equitable relief the Court may deem appropriate and just.

16 Dated: August 14, 2018

Respectfully submitted,

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