NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

BOARD OF EDUCATION OF KIRYAS JOEL VILLAGE SCHOOL DISTRICT *v.* GRUMET

CERTIORARI TO THE COURT OF APPEALS OF NEW YORK

No. 93–517. Argued March 30, 1994—Decided June 27, 1994[1]

The New York Village of Kiryas Joel is a religious enclave of Satmar Hasidim, practitioners of a strict form of Judaism. Its incorporators intentionally drew its boundaries under the State's general village incorporation law to exclude all but Satmars. The village fell within the Monroe-Woodbury Central School District until a special state statute, 1989 N. Y. Laws, ch. 748, carved out a separate district that follows village lines. Although the statute gives a locally elected school board plenary authority over primary and secondary education in the village, the board currently runs only a special education program for handicapped children; other village children attend private religious schools, which do not offer special educational services. Shortly before the new district began operations, respondents and others brought this action claiming, *inter alia,* that Chapter 748 violates the Establishment Clause of the First Amendment. The state trial court granted summary judgment for respondents, and both the intermediate appellate court and the New York Court of Appeals affirmed, ruling that Chapter 748's primary effect was impermissibly to advance religion.

Held: The judgment is affirmed.

81 N. Y. 2d 518, 618 N. E. 2d 94, affirmed.

JUSTICE SOUTER delivered the opinion of the Court with respect to Parts II–B, II–C, and III, concluding that Chapter 748 violates the Establishment Clause. Pp. 14–22.

(a) Because the Kiryas Joel Village School District did not

---

[1]Together with No. 93–527, *Board of Education of Monroe-Woodbury Central School District* v. *Grumet et al.,* and No. 93–539, *Attorney General of New York* v. *Grumet et al.,* also on certiorari to the same court.

receive its new governmental authority simply as one of many communities eligible for equal treatment under a general law, there is no assurance that the next religious community seeking a school district of its own will receive one. The anomalously case-specific creation of this district for a religious community leaves the Court without any way to review such state action for the purpose of safeguarding the principle that government should not prefer one religion to another, or religion to irreligion. Nor can the historical context furnish any reason to suppose that the Satmars are merely one in a series of similarly benefited communities, the special Act in this case being entirely at odds with New York's historical trend. Pp. 14–17.

(b) Although the Constitution allows the State to accommodate religious needs by alleviating special burdens, Chapter 748 crosses the line from permissible accommodation to impermissible establishment. There are, however, several alternatives for providing bilingual and bicultural special education to Satmar children that do not implicate the Establishment Clause. The Monroe-Woodbury school district could offer an educationally appropriate program at one of its public schools or at a neutral site near one of the village's parochial schools, and if the state legislature should remain dissatisfied with the local district's responsiveness, it could enact general legislation tightening the mandate to school districts on matters of special education or bilingual and bicultural offerings. Pp. 17–20.

JUSTICE SOUTER, joined by JUSTICE BLACKMUN, JUSTICE STEVENS, and JUSTICE GINSBURG, concluded in Part II–A that by delegating the State's discretionary authority over public schools to a group defined by its common religion, Chapter 748 brings about an impermissible ``fusion'' of governmental and religious functions. See *Larkin* v. *Grendel's Den, Inc.,* 459 U. S. 116, 126, 127. That a religious criterion was the defining test is shown by the legislature's undisputed knowledge that the village was exclusively Satmar when the statute was adopted; by the fact that the creation of such a small and specialized school district ran uniquely counter to customary districting practices in the State; and by the district's origin in a special and unusual legislative Act rather than the State's general laws for school district organization. The result is that the legislature has delegated civic authority on the basis of religious belief rather than on neutral principles. Pp. 7–14.

BOARD OF ED. OF KIRYAS JOEL *v.* GRUMET

Syllabus

JUSTICE KENNEDY, agreeing that the Kiryas Joel Village School District violates the Establishment Clause, concluded that the school district's real vice is that New York created it by drawing political boundaries on the basis of religion. See, *e.g., Shaw* v. *Reno,* 509 U. S. ___, ___–___. There is more than a fine line between the voluntary association that leads to a political community comprised of people who share a common religious faith, and the forced separation that occurs when the government draws explicit political boundaries on the basis of peoples' faith. In creating the district in question, New York crossed that line. Pp. 8–10.

SOUTER, J., announced the judgment of the Court and delivered the opinion of the Court with respect to Parts I, II–B, II–C, and III, in which BLACKMUN, STEVENS, O'CONNOR, and GINSBURG, JJ., joined, and an opinion with respect to Parts II (introduction) and II–A, in which BLACKMUN, STEVENS, and GINSBURG, JJ., joined. BLACKMUN, J., filed a concurring opinion. STEVENS, J., filed a concurring opinion, in which BLACKMUN and GINSBURG, JJ., joined. O'CONNOR, J., filed an opinion concurring in part and concurring in the judgment. KENNEDY, J., filed an opinion concurring in the judgment. SCALIA, J., filed a dissenting opinion, in which REHNQUIST, C. J., and THOMAS, J., joined.