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“He therefore is the truest friend to the liberty of this country who tries most to promote its virtue, and who, so far as his power and influence extend, will not suffer a man to be chosen into any office of power and trust who is not a wise and virtuous man. . . . The sum of all is, if we would most truly enjoy this gift of Heaven, let us become a virtuous people.”

Samuel Adams

AACS Offers Comments on New Education Law

Last week, AACS Legislative Director Mr. Jamison Coppola participated in a listening session for the implementation of the Every Student Succeeds Act. The new education law reauthorized ESEA (formerly known as No Child Left Behind) and was signed by President Obama in December 2015. Hosted by the Office of Non-Public Education in the Department of Education, the purpose of the listening session was to give private school leaders the opportunity to speak to education officials and offer suggestions regarding the implementation of the equitable services portion of the new law. Representing AACS, Mr. Coppola urged Department officials to “work diligently to make sure regulations carry out the intent and letter of the law as passed,” reminding them that the “bipartisan nature of this bill speaks convincingly of the will of the people in its passage and should be honored by the Department.” Regarding the equitable services portion of the law, the comments noted that AACS is pleased with the improvements made to Title I. He explained, “In the past, many of our students have found it difficult to participate in equitable services—sometimes because LEA’s [Local Educational Agencies] were unclear about how the law should be implemented. We believe the new language and improvements to Title I will enable our students to take advantage of the important services provided under this section.” The comments also emphasized the need to protect the autonomy of private schools in order to allow for educational diversity and educational liberty and also the need to follow the intent of the law to drive decision-making back to the local level, and especially to the parents. Mr. Coppola stated, “Our families and schools value above most other considerations their independent decision-making ability. We are thankful the Every Student Succeeds Act recognizes this important aspect of educational liberty by specifically excluding private school and home school students from the bill’s requirements. We firmly believe in the right of the parents to choose a private or religious education for their children.”

Senator Lankford Challenges the Department of Education

Last week, Senator James Lankford (OK) [sent a letter](#) to Acting Education Secretary John King in which he charged that the Department of Education (DOE) overstepped its authority when issuing guidance for colleges regarding Title IX requirements for bullying and sexual harassment charges. Back in 2010 and 2011, the DOE issued “Dear Colleague” guidance letters which “appeared to advance substantive policies in circumvention of the Administrative Procedure’s Act’s [APA] rulemaking requirements.” (The APA requires that any new rules and regulations must be based on existing law and go through a rigorous process which includes a notice-and-comment period.) In January, Sen. Lankford sent a letter to the DOE asking for the statutory language that was the basis for the policies set forth in the 2010 and 2011 letters, but the Department’s reply in February offered language from other guidance letters and pamphlets. In last week’s letter, Sen. Lankford expressed dismay at the lack of “governing statutory or regulatory language requiring the policies” and called for a clarification that

the guidance letters “would not be the basis for inquiry, investigation, adverse finding, rescission of federal funding, or any other enforcement action.” He further asked that Mr. King “immediately rein in the regulatory abuses within the Department of Education and take measures to ensure that all existing and future guidance documents issued by your agency are clearly and firmly rooted in statutory authority.”

Charter School Forces Kindergarteners to Accommodate Transgender Student

Last October, the principal of Nova Classical Academy—a Minnesota charter elementary school—[sent an email](#) to parents stating that the school would begin to “support a student who is gender nonconforming.” Parents were also told that students as early as kindergarten will begin to be read books such as *My Princess Boy*, a story about a boy who likes to dress as a girl and do other feminine things, along with other “various books that celebrate differences and will be teaching children about the beauty of being themselves.” Shortly after receiving the email, parents discovered that the child in question was in kindergarten. Since then, more than ten students have been transferred by their parents to other schools with one mother citing the “traumatic affect” the gender confused classmate was having on her daughter. Another parent also commented on how “they’re really doing it up on him . . . with all the accessories.” The new policies have caused a decided rift in the community with many parents raising concerns over what harmful impact this material could have on their 5- and 6-year-old children. Questions have also been raised on practical issues such as what the bathroom policies will be moving forward. “We are in a K-12 school, and that bothers me—there are some bathrooms that are shared. So I could have my daughter in the bathroom and a senior,” one mother commented. As of yet, no new bathroom policies have been rolled out by the administrators who explain that “no student or family has made that request.”

In Case You Missed It:

[Weekly Market Update](#) provided by Jeff Beach of the [AACCS Investment Team at Merrill Lynch](#)

[FRC Action Presidential Voter Guide](#)

[Big Businesses Side with LGBT Activists Against Georgia's Religious Liberty Bill](#)

[Louisiana Governor: I'm Holding Firm Against Gay Marriage](#)

[Nevada Claims Irreparable Harm From Injunction Blocking School Choice](#)

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