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*"In all my perplexities and distresses, the Bible has never failed to give me light and strength."*

**Robert E. Lee**

### **The Battle over the President's Transgender Bathroom Policy for Schools**

Last week, the Departments of Education and Justice issued a joint guidance [letter](#) that directs all public schools to allow students to use the bathroom, locker room, and changing room that corresponds with their chosen gender identity. The directive states this action must be taken regardless of the biological sex of the students for schools to be in compliance with federal law called Title IX. Title IX, first passed in 1972, prohibits discrimination on the basis of sex in areas such as housing, admissions, and athletic opportunities. The plain sense of the law relates to discrimination based on biological sex; however, in 2014, the Department of Education expanded its interpretation of the word *sex* to include gender identity. This new directive attempts to enforce this understanding by dictating new specific actions all schools that accept federal funds must take in order to accommodate transgender students. The guidance letter specifically states that all public schools must make allowance for every student claiming a transgender identity without any questions or medical diagnosis and the accommodations must include sleeping arrangements on school overnight trips. The guidance also makes it clear that these accommodations should be followed "even in circumstances in which other students, parents, or community members raise objections or concerns. As is consistently recognized in civil rights cases, the desire to accommodate others' discomfort cannot justify a policy that singles out and disadvantages a particular class of students." While the letter technically does not carry the force of law, the Departments indicated that federal aid would be tied to compliance. The letter was released the same day the Administration issued [new Obamacare regulations](#) regarding the services to be provided for transgender individuals and announced the [appointment of a transgender](#) to the President's faith advisory council. Although all of these policies advance the President's agenda, the education guidance letter seems to have garnered the most national attention. The reaction has been a firestorm of criticism and pushback from lawmakers and parents concerned about the overreaching action of the executive branch and the safety ramifications for children. [Twelve states](#) have indicated that they will fight against the directive through the courts. National leaders of conservative groups sent a letter to Congressional leadership urging action against the policy including a hearing and legislation to rollback the initiative. Thousands of people signed petitions to [Congressional leadership](#) stating opposition and urging action to repeal the policy and to [governors and state leaders](#) across the country requesting them to ignore the guidance. A Rasmussen [poll](#) from this week shows that among parents of school aged children, 55% oppose the Administration's bathroom policy while only 32% support it. On Monday, President Obama [indicated](#) that he expected the courts eventually to rule regarding how schools should treat transgender students but that this was the Administration's view and policy until that point.

## **Supreme Court Punts on Religious Liberty Health Care Decision**

This week, the Supreme Court declined to [issue a ruling](#) in the case of *Zubik v. Burwell*—the case involving the Little Sisters of the Poor and other faith-based organizations that opposed the Obamacare requirement that they cover contraception and abortion-inducing drugs in their employee health care plans. Rather than rule on the case, the High Court chose to send the cases back to the various federal courts with the explanation that the criteria laid out in the Religious Freedom Restoration Act (RFRA) were not met: “In particular, the Court does not decide whether petitioners’ religious exercise has been substantially burdened, whether the government has a compelling interest, or whether the current regulations are the least restrictive means of serving that interest.” The terms in RFRA were the legal basis for the plaintiffs’ challenges to the Obamacare mandate “accommodation,” which required organizations to sign a form that obligated someone else to provide health care coverage for abortions. However, contained in the decision were some partial [victories](#). First, the decision vacated all earlier decisions of the lower courts on the case, many of which were decided against the faith-based employers. Secondly, the Court ordered that no fines be imposed by the Obama administration on the Little Sisters or any other faith-based employers involved in these challenges while the litigation is ongoing.

## **Pro-Life Victories in South Carolina and Louisiana**

South Carolina Governor Nikki Haley has indicated that she [will sign into law](#) the Pain-Capable Unborn Child Protection Act, which would ban abortions in the state after 20 weeks. South Carolina now joins twelve other states that have similar laws banning late-term abortions. The legislation allows exceptions when the life of the mother is in danger or when the unborn baby has a fatal defect and could not survive outside the womb and also includes a penalty of up to \$10,000 in fines or 3 years in prison for doctors who violate the law. The [Louisiana legislature](#) also passed legislation to protect unborn babies through the Unborn Child Protection from Dismemberment Act, a bill which specifically prohibits the dismemberment abortion technique. Five other states have a similar law that protects an unborn baby from being aborted while still alive in the womb. These laws are based on scientific information that has proved unborn babies actually do feel pain. Internal medicine physician Dr. Steven Zielinski has offered testimony before the U.S. Congress that unborn babies can feel pain at “eight-and-a-half weeks and possibly earlier” and in some cases are actually capable of crying. According to a national poll, 64% of Americans support a ban on late-term abortions when given the scientific evidence that an unborn baby feels pain by 20 weeks.

### **In Case You Missed It:**

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

[Utah School Board Approves Repeal of Common Core Test](#)

[The Transgender Law Broke the Camel’s Back: It’s Time to Declare Independence from Public Schools](#)

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