



**The Washington Flyer**  
**February 17, 2017**

*I shall allow no man to belittle my soul by making me hate him.*  
**Booker T. Washington**

**Trump Administration Drops Defense of Transgender Mandate**

The U.S. Department of Justice has announced that it is [withdrawing its defense](#) of the transgender mandate the Obama Administration issued last spring. The mandate, released by the Department of Education (DOE) as a guidance letter, instructed all public schools to implement a policy that would allow students to use the bathroom or locker room of their chosen gender identity, regardless of safety and privacy concerns from parents or other students. The administration claimed the guidance was not a mandate; however, a bold implication was made that federal funding could be tied to school compliance with the new policy. The administration used Title IX, the education law that prohibits sex discrimination, as the basis for its new nondiscrimination policy, claiming the term *sex* now included gender identity. Shortly after the mandate was issued, thirteen states filed suit, charging that the administration had imposed a new substantive rule without going through the proper procedures required by law. In August, U.S. District Judge Reed O'Connor ruled that the Obama Administration did indeed overstep its authority and issued a nationwide injunction against the policy. His ruling also limited the administration, specifically the Departments of Education and Justice, from continuing or initiating any investigation into discrimination claims under Title IX. The judge also explicitly stated that *sex* in Title IX meant the biological and anatomical distinctions of male and female. The Obama Administration appealed the decision, claiming the injunction should be applied only to the 13 suing states, and a hearing was scheduled for this week. However, last Friday, the Department of Justice dropped its defense of the mandate, leaving in place Judge O'Connor's nationwide injunction. Conservatives are [praising](#) this decision but are also hoping for the complete dismissal of the transgender mandate by the Trump Administration. Another closely watched case that will address the transgender mandate is before the Supreme Court. The case, *Gloucester County School Board v. G.G.*, involves transgender student Gavin Grimm, who sued her county school board for prohibiting her from using the boys' bathrooms and other sex-segregated school facilities. In hearing the [case](#), the Court will determine whether or not the initial guidance letter that announced the new policy carries the force of law, and whether or not the DOE's new interpretation of Title IX is valid. Oral arguments on this case are scheduled for the end of March this year.

**Trump Extends Obama's LGBT Executive Order**

Social conservatives have voiced [disappointment](#) with President Trump's decision to extend former President Obama's executive order relating to federal contracting and LGBT anti-discrimination policies. In 2014, President Obama signed an executive order prohibiting federal contractors from discriminating in their employment practices on the basis of sexual orientation or gender identity. The order includes a narrow religious exemption that allows religiously affiliated contractors to hire according to their specific faith, but does not provide any exception for those who have a religious belief regarding sexual orientation and gender identity. Mat Staver, President of Liberty Council, expressed disappointment with President Trump's decision to extend the executive order, stating, "President Trump should not continue to impose Obama's bad executive

order that goes far beyond federal law. The fluid and subjective term ‘gender identity’ does not prevent discrimination in the work place but rather injects in the workplace an agenda that is harmful to businesses and to other employees.” Despite disappointment that the order was not rescinded, some social conservatives are hopeful that President Trump will sign a companion religious liberty [executive order](#), which would return strong religious liberty protections to those who have moral or religious convictions related to sex and marriage and are seeking contracts or grants with the federal government. A draft of this order was leaked from the White House in an apparent attempt to kill the order. So far the preemptive leak has at least delayed its implementation.

### **Report Shows Billions of Dollars Spent to Fix Failing Schools Didn’t Work**

A recently released [report](#) shows that the key educational improvement program of the Obama Administration did not produce any meaningful results for students in failing public schools. The School Improvement Grant (SIG) program was established under President Bush, but under President Obama the program received \$7 billion between 2010 and 2015 (\$3 billion more than Race to the Top). Former Education Secretary Arne Duncan had called it the administration’s “biggest bet” in its efforts to turn around failing public schools. Under the Obama Administration’s SIG program, states could receive up to \$2 million for three years with the only condition being that they implement one of four changes prescribed by the Department of Education: replace the principal and half the teachers; convert to a charter school; undergo a transformation that included a new principal, new instructional methods, and a longer school day; or close the school and enroll the students in higher-achieving schools. The schools only had to report which path they would follow, not how the money was spent. However, a federal analysis shows that despite the large amount of money funneled into the program, no significant improvement in math or reading test scores, graduation rates, or college enrollment can be attributed to the SIG program.

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

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

[How to Think about Sexual Orientation and Gender Identity Policies and Religious Freedom](#)

[Senate Confirms Pro-life Rep. Tom Price as HHS Secretary](#)

[Breathtaking New 20-week MRI Scan Gives Parents a Full View of Baby Movement](#)

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