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The price of freedom is eternal vigilance.  
Thomas Jefferson

AACS Seeks Repeal of Overreaching Regulation

As the Trump Administration and Congress work to rescind overbearing regulations, the AACS has sent an issue brief to federal leaders regarding an overreaching regulation from the Child Care Development Block Grant program (CCDBG). The CCDBG program was created in 1990 to improve access to quality child care services for low-income families through grant monies issued to the states. The program allows the states flexibility to distribute the funds in a way that best meets the needs of parents and also allows parents to have a myriad of options when choosing child care services, including religious providers. The program was last reauthorized in 2014, and the Obama Administration finalized the regulations in 2016. The regulations include a mandate to states requiring all child care centers and facilities to follow a federal standard for background checks for child care workers, whether or not they receive vouchers funded by the federal program. States that do not comply risk losing a percentage of their federal funding. This has the potential for great impact on religious schools that operate early childhood education programs, whether or not the schools serve children receiving government subsidies from this program. While most states already require an FBI fingerprint check for child care center providers, some states limit this requirement to licensed providers, and many states maintain exemptions from licensing for religious child care centers. These exemptions contain provisions for health and safety but are carefully limited in their scope in order to maintain the principles of religious liberty. However, in order to meet the new comprehensive background check provision required by the new CCDBG regulation, many states will need to reopen their already established statutes for regulating child care centers. This reopening of state statutes opens the door for further governmental regulation of all child care centers. An example of this type of overreach is already occurring in Virginia where legislation was recently passed requiring all registered child care centers to comply with the new mandate for a federal fingerprint background check, whether or not the center is licensed or receives government funding. Dan Zacharias, executive director of the Old Dominion Association of Church Schools, explained the problematic precedent such an action presents: “It’s placing a requirement on nonrecipients of federal funding as a condition to federal funding for those who want it. . . . It’s a dangerous new principle.” In the issue brief, the AACS notes that “this broad application of the background check requirement goes beyond the statutory authority of the CCDGB and creates a serious 10th Amendment issue.” The AACS further explains, “We recognize the importance of ensuring the safety of children, and we are committed to supporting efforts that help schools protect their students. As states already require specific safety standards and background checks for child care centers, this additional federal requirement serves to supersede state authority and create burdensome issues of governmental overreach.”

School Choice Advances in New Hampshire

Last Thursday, the New Hampshire State Senate passed several education bills supporting school choice and local control. One bill, SB 193, would launch a new program, the Education Freedom Savings Accounts, which would allow parents to access funds which they could then use towards tuition at any school, including religious
schools and home schooling expenses. Senate Majority Leader Jeb Bradley hailed the bill as a way to help children reach their full potential, stating that the bill is “what’s in the best interest of our kids.” The Senate also passed SB 44, a measure barring the state from dictating that schools use the Common Core Standards. Democrats argued that such a bill was unnecessary because there is no state statute that requires the use of the standards. Majority Leader Bradley, however, disagreed, stating, “This bill is a local control bill and that’s why we should pass it. We do not want Washington or national standards dictated to local school boards. Let’s pass this bill and make sure that parents and local school boards are running our state’s schools.” The measures now head to the State House for further evaluation.

**Supreme Court Returns Transgender Case to Lower Court**

On Monday, the Supreme Court decided not to hear the case regarding a Virginia transgender student’s bathroom access and instead sent the case back to the lower court. Following the withdrawal of support by the Trump Administration for the transgender mandate issued by former President Obama, the High Court decided not to rule on whether or not Title IX—a law barring sex discrimination—gives transgender students the right to use the bathroom of their choice regardless of their natural biology. The case deals with a dispute between a 17-year-old biological female, Gavin Grimm, who is attempting to identify as male. The dispute began in 2014 after several parents complained to the Gloucester Country school board after Gavin was allowed to use the boys’ restroom. After the complaints, the school board adopted a policy requiring students to use the bathroom that corresponds with their biological gender, or a single stall restroom. The case was brought before the 4th U.S. Circuit Court of Appeals in Richmond, and the court sided with Grimm. The justices of the Supreme Court provided no comment outside of ordering the case back down to the appeals court for reevaluation.

**In Case You Missed It:**

- [Weekly Market Update](#) provided by Jeff Beach of the AACS Investment Team at Merrill Lynch
- [Defending Life: Opportunities for the 115th Congress](#)
- [Conservative Leaders Ask President Trump to Sign Religious Liberty Executive Order](#)
- [Two British Street Preachers Charged, Tried, and Convicted](#)