



The Washington Flyer
November 7, 2025

“My reading of history convinces me that most bad government results from too much government.”
Attributed to Thomas Jefferson

AACS Letter Urging Passage of the SOAR Act

The AACS sent a [joint letter](#) to House Speaker Mike Johnson, urging the passage of the SOAR Act Improvements Act (H.R. 5181), which will allow growth for the school choice program in Washington, D.C. The Opportunity Scholarship Program (OSP) has offered educational options for over 12,000 students in our nation’s capitol, most of whom are from low-income families making less than \$28,000 a year. The OSP was first created in 2004 and was last reauthorized by Congress in 2017. H.R. 5181 will make necessary improvements to the OSP that will expand the scope of opportunities available to families. These improvements include updating the list of approved school accreditors to allow more schools to participate and also to encourage more schools to open. Additionally, the bill will improve the allocations of funding for the program, which in turn will allow for more families to access the scholarships. Last month, the House Oversight and Government Reform Committee approved H.R. 5181, sending it to the full House for consideration. The AACS joined the Association of Christian Schools International in a joint letter to the Speaker, encouraging him to bring the bill to the full House floor for a vote. “At a time when academic declines and widening achievement gaps demand urgent attention, preserving and expanding proven education options is not only prudent—it is essential,” the letter [states](#). “Families in D.C. deserve more than symbolic support; they deserve policies that prioritize students over systems and opportunity over geography.” Rep. Virginia Foxx (NC), the bill’s sponsor, noted the success of the OSP, pointing out that “Washington, D.C. is a prime example of where school choice is working in our nation, and countless young men and women from low-income families are receiving a quality education that will propel them to new heights.” Passing H.R. 5181, she said, “is an opportunity to do the right things for the right reasons, and I look forward to this legislation’s full consideration in the House.”

Education Department Explores Alternate Housing for IDEA Programs

The Department of Education is considering moving the governance of IDEA programs (Individuals with Disabilities in Education Act) to the Department of Health and Human Services (HHS). Dissolving the Department of Education has been a priority of the Trump administration, and Education Secretary Linda McMahon has been vocal about her desire to relocate essential educational programs to other federal agencies. The \$15 billion IDEA program offers services and assistance to students with disabilities in public schools, and many of the services are also available to private school students through equitable services provisions. Last month, Education Department spokesperson Madi Biedermann [indicated](#) that “the Department is exploring additional partnerships with federal agencies to support special education programs without any interruption or impact on students with disabilities.” McMahon [stated](#) last March that IDEA was initially operated out of what is currently HHS: “IDEA funding for our children with disabilities and special needs was in place before there was a Department of Education and it managed to work incredibly well.” Also, last month, the Education Department laid off 465 employees, including 121 out of the Office of Special Education and Rehabilitation Services. In her communication, Biedermann [emphasized](#) that McMahon is “fully committed to protecting the federal funding streams that support our nation’s students with disabilities.”

Religious Liberty Victory in Texas

The Texas Supreme Court unanimously decided to [update](#) the Texas Code of Judicial Conduct with a comment that ensures state judges have the freedom to refuse a same-sex marriage. The comment simply [states](#), “It is not in violation of these canons for a judge to publicly refrain from performing a wedding ceremony based upon a sincerely held religious belief.” The court also directed the clerk to file the order with the Secretary of State, to inform members of the Texas bar through the *Texas Bar Journal*, to publish the information in the *Texas Register*, and to inform the governor, lieutenant governor, and all state legislators. The decision stems from a case in which Judge Brian Umphress sued the State Commission on Judicial Conduct after it sanctioned McClennan County Justice of the Peace Dianne Hensley because she refused to officiate a same-sex wedding because of her religious beliefs. Umphress filed the lawsuit out of concern that such an action of the Commission violate the religious liberty of judges. The U.S. 5th Circuit Court of Appeals referred to the state supreme court for clarification. The update to the ethics rule appears to provide the necessary resolution for the case. A similar case out of Kentucky has been filed with the U.S. Supreme Court. In this [case](#), county clerk Kim Davis refused to issue a marriage license to a same-sex couple based on her religious beliefs and was consequently jailed for six days and fined \$100,000. She has appealed to the U.S. Supreme Court, which issued the *Obergefell* decision in 2015 that legalized same-sex marriage nationwide and subsequently created these legal issues for government officiants who have sincerely held religious beliefs about marriage. The Supreme Court [is meeting today](#), November 7, to determine whether it will take up a challenge to the 2015 *Obergefell*.

Trump Administration Issues Compact for Academic Excellence in Higher Education

The Trump administration has released the [Compact for Academic Excellence in Higher Education](#), a compact with major implications for colleges and universities. The administration promised multiple [positive benefits](#), such as priority for grants, for universities that sign onto the compact’s provisions. Most of the provisions could broadly be defined as merit-based and nondiscrimination requirements. For example, signatories must ensure equality in admissions and nondiscrimination in faculty and administrative hiring, and ensure women are protected through female-only intimate spaces and sports teams. Importantly, the compact exempts institutions that wish to maintain a religious preference in hiring and admissions. The compact also includes institutional neutrality provisions such as ensuring institutions will create an environment that does not “purposefully punish, belittle, and even spark violence against conservative ideas.” On the financial side, institutions must promise to freeze tuition for five years. The compact also caps the percentage of foreign students at 15% on undergraduate campuses. Colleges that fail their contractual obligations could lose the contract’s benefits and potentially have to return all federal aid and private donations. The administration initially offered the compact to nine universities and then expanded the offer to any college. To date, only two universities wish to sign the compact—the [New College of Florida](#) and the [Valley Forge Military College](#). For more information, we invite you to listen to Jamison Coppola and Matt Ticzkus discuss this issue on this week’s [AACCS Today podcast](#).

In Case You Missed It:

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

[Practical Legal Help for Christian Schools: ADF Ministry Alliance](#)

[Parents Know Best – Let’s Start Listening to Them](#)

[FRC Tony Perkins: Tucker Carlson’s Mockery and God’s Irrevocable Call](#)

[Reversing a Decades-Long Trend, Men Are Returning to Church](#)

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