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*The moral principles and precepts found in the Scriptures
ought to form the basis of all our civil constitutions and laws.*
Noah Webster

DOJ Releases Memorandum Declaring the Government Cannot Restrict Funding Based on Religion

The U.S. Department of Justice Office of Legal Counsel has released a [legal memorandum](#) that declares that federal funding cannot be restricted on the basis of the religious nature or activities of an organization. The memorandum is a response to an inquiry from the Department of Health and Human Services (HHS) on whether the framework for determining grant recipients should be updated based on recent Supreme Court decisions such as [Espinoza v. Montana](#), [Kennedy v. Bremerton](#), and [Carson v. Makin](#), all of which uphold the religious liberty of participants in public service programs. The HHS identified three specific programs that currently restrict participation access based on religious status or activities, including the Responsibility and Work Opportunity Act, the Public Health Service Act, and the Child Care Development Block Grant Act. Examples of the restrictions imposed on participants include limiting religious decisions in hiring and admissions, and also “use-based” limitations (i.e., funds cannot be used for any activities connected to worship and religious instruction).

Relying heavily on the *Espinoza*, *Kennedy*, and *Carson* decisions by the Supreme Court, the memorandum presents a thorough legal analysis that concludes that lifting these restrictions would not violate the Establishment Clause; furthermore, not lifting these restrictions would violate the Free Exercise Clause. The memorandum analyzed how *Kennedy* invalidated the “[Lemon test](#),” which was often used to determine whether a government action violated the Establishment Clause, and also analyzed how *Espinoza* and *Carson* overturned the [Locke v. Davey](#) decision, which upheld the denial of scholarships to students pursuing religious degrees while still allowing them to attend religious schools for secular studies. Additionally, the memorandum cited the Supreme Court decision in [Trinity Lutheran Church v. Comer](#), which ruled that the religious nature of a school could not be grounds for exclusion from a public benefit and cited the unconstitutionality of the [Blaine amendments](#) that have been used to block school choice expansion in some states.

The memorandum carries significant weight in the effort to protect religious liberty and ensure equal access in programs created to provide public services. First Liberty Institute, which argued victoriously in the *Kennedy* and *Carson* cases, [hailed](#) the memorandum as a “landmark legal opinion that fundamentally changes how the federal government interacts with faith-based organizations.” The group further explained that opinions from the Office of Legal Counsel “serve as binding legal guidance for the executive branch,” and thus, “this memo effectively instructs all federal agencies to rewrite their grant-making rules to align with this new standard.” As the principles could be applied to programs in other departments, advocacy groups (including the AACCS DC office) are considering what implications this could have for education programs and equitable service opportunities.

Georgia Family Files Lawsuit Over Requirements of Scholarship Program

A Georgia family has filed a [lawsuit](#) against the Georgia Promise Scholarship Program, claiming that its eligibility requirements violate their religious beliefs. Established in 2024, the [school choice program](#) provides \$6,500 scholarships to eligible families for educational expenses, including private school tuition, curriculum, tutoring, therapies, and other education-related costs. To qualify, students must have attended a low-performing public school for at least two semesters or be in the district of a low-performing school if they are entering kindergarten. Three families are challenging the requirement, arguing that forcing religious families to attend public school conflicts with their Catholic faith. Joyce McCall, one of the parents, [described](#) her daughter's experience, saying she "hid her faith just to fit in," struggled socially "because her peers didn't share her values," and returned home too exhausted to continue her religious development. The Thomas More Society, which is representing the families, explained in a press release that the program's "eligibility rules unconstitutionally force religious families to set aside their beliefs to receive that funding." Staff counsel Nathan Loyd [noted](#) that the program provides exemptions to groups like the military and recent adoptees and argues that religious families should receive the same consideration. "These families aren't asking for special treatment. They're asking Georgia to stop punishing them for their faith," Loyd [said](#). "The Supreme Court has held time and again that a state can't condition public benefits on a person's willingness to forfeit their religious exercise first. But that's exactly what Georgia does here."

Education Department Issues Guidance on Use of Technology in Education

The Education Department has released a [Dear Colleague Letter](#) with guidance for schools to use when evaluating educational technology in the classroom. The letter encourages schools to differentiate between screen time for recreation and education, despite the [movement](#) to completely ban screen time in schools. "The question should not be whether teachers and students use technology," [said](#) Kirsten Baesler, assistant secretary in the Office of Elementary and Secondary Education. "The question should be whether the technology we ask teachers and students to use improves learning and students' academic outcomes." Baesler outlined a list of goals for educators to consider when using technology. For instance, technology should have an educational value and be used as a tool, not a distraction. The technology should also be backed by research and evidence of its effectiveness. Educators should build trust with their communities through collaboration with the state, families, and technology partners. The Department highlighted states and local communities as the best authority to determine educational technology policies. "Technology should expand learning, strengthen instruction, and demonstrate educational value," said Baesler. "By focusing on outcomes rather than inputs, states can continue fostering innovation while maintaining the confidence of parents, educators, and communities."

In Case You Missed It:

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

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

[Register Now for the AACS National Legislative Conference in Washington, D.C.—September 14-16, 2026](#)

[Study Shows Young People Are Seeking Faith in the Media-Saturated Digital Age](#)

[Poll Shows that Most American Churchgoers Say Their Clergy Address Political Issues](#)

[Meta Agrees to Pay \\$18 Billion to Settle U.S. Lawsuits over Children's Social Media Addictions](#)

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