



A Publication of the American Association of Christian Schools

The Washington Flyer
February 1, 2019

“It is easier to build strong children than repair broken men.”
Frederick Douglas

New York Passes Extreme Abortion Law

On January 24, only a few days after Americans celebrated the unborn during the March for Life, New York state passed a law that nearly eliminates legal rights of unborn persons. The NY State Assembly passed the Orwellian named [Reproductive Health Act](#) (RHA) 92-47, and the State Senate, which was controlled by a Republican majority until last November’s election, passed the bill 38-24. The law establishes a fundamental right to abortion, expanding the previous limit of 24 weeks to include late term abortions if “there is an absence of fetal viability, or the abortion is necessary to protect the patient’s life or health.” The bill lacks a definition for *health*, presumably [adopting the Supreme Court’s definition](#) of the word in the case *Doe v. Bolton*, in which *health* was determined to include such concerns as “emotional, psychological, familial, and the woman’s age.” If so interpreted, the RHA goes far beyond Governor Cuomo’s stated purpose of simply updating New York law. The RHA effectively allows abortion up until a child’s birth for any reason that a practitioner would agree threatens a woman’s health. It also erases abortion from the NY penal code, meaning that the loss of an unborn child’s life cannot be considered homicide if a pregnant woman is murdered, and it further defines *person* in homicide cases to mean “a human being who has been born and is alive.” Along with these changes, the law allows licensed health practitioners who are not doctors to perform abortions, effectively ignoring the old pro-choice claim that prohibiting abortions would result in women seeking abortions from people other than doctors. In the wake of this new law, conservative journalists and life advocates erupted in a torrent of commentary pointing out logical and moral flaws within the legislation. Several commentators noted the [irony](#) contained in Governor Cuomo’s direction to light the World Trade Center’s spire in pink in a celebration of death, using the spire whose original purpose was meant to memorialize those lost to senseless murder. Other commentators were enraged that New York would allow for the death of children into the third trimester, a time period in pregnancy when doctors have said that [abortion is never required](#). Sadly, New York is not the only state to have such broad abortion laws. [Similar laws](#) exist in Alaska, Colorado, New Hampshire, New Jersey, New Mexico, Oregon, and Washington, D.C. Just this week, [Virginia](#) legislators proposed a bill which would allow abortion up until the moment a child is delivered, but a slim pro-life majority was able to defeat the bill in committee. But even as some states seem to be scrambling over each other to codify the most extreme abortion law, other states are standing firm on the value of every human life. [Ohio’s](#) new governor Mike DeWine has pledged to sign a bill that would protect unborn babies once their heartbeats have been detected. [Tennessee](#) is considering a similar heartbeat bill, and the [Alabama](#) Supreme Court recently ruled that an unborn baby is considered a person under state law. Despite being deeply disturbed by this new law, those like [New York Right to Life](#) remain dedicated in their work “to build a culture of Life in New York.”

AACS Submits Title IX Comments

This week the AACS Legislative Office submitted public comments regarding proposed regulations for Title IX, the 1972 law which prohibits discrimination on the basis of sex in schools which receive federal funds. Under the Obama administration, the Department of Education (DOE) had issued guidance letters which extended the scope of the law's influence to cover sexual orientation and gender identity issues, and also instructed schools on their policies regarding sexual harassment claims. Under the leadership of Secretary of Education Betsy DeVos, the DOE has spent over a year gathering information regarding Title IX policies from schools, students, Title IX coordinators, and other stakeholders. The proposed regulations are an effort to clarify how schools should respond to claims of sexual assault and harassment, ensuring protection for victims of assault and a fair process for those accused of misconduct. The new rule also clarifies that religious schools are not required to submit a written request to claim the religious exemption that is included in Title IX, something the Obama administration had required in an effort to [shame](#) the schools into compliance. The AACS public comments praised the Department for this strong support of religious freedom and confirmed the proposal's statement that the "Department should not impose confusing or burdensome requirements on religious institutions that qualify for the exemption." AACS also encouraged the DOE to allow for maximum flexibility for K-12 schools affected by the proposed rule, to state explicitly that the regulations do not apply to schools that do not receive federal funding, and to include a broad definition for what constitutes a "religious school."

Administration Moves to Protect Religious Liberty in South Carolina

The Department of Health and Human Services (HHS) has [granted a waiver](#) to a Christian organization that offers foster care services in South Carolina. Miracle Hill Ministries in Greenville, SC, offers a variety of services to help children and families, and partners specifically with Christian families who share their faith. The organization came under scrutiny after a Jewish couple charged discrimination based on an Obama-era regulation which prohibited discrimination on the basis of sexual orientation or religion for groups which receive federal funds. The regulation has caused multiple religious adoption and foster care agencies across the country to come under fire for adhering to a faith-based mission in their operations. After investigating the charge against Miracle Hill, South Carolina Governor Henry McMaster applied for a waiver on behalf of the organization, citing the Religious Freedom Restoration Act which protects the religious liberty of individuals and organizations from burdensome government interference. Last week, the Administration of Children and Families, a division of HHS, [announced the waiver](#) had been granted to all faith-based foster care programs in the state of South Carolina. Lynn Johnson, assistant HHS secretary for the Administration of Children and Families, stated, "The government should not be in the business of forcing foster care providers to close their doors because of their faith. Religious freedom is a fundamental human right." The decision was recognized as a victory for religious liberty across the country. Oklahoma Senator James Lankford [offered his praise for the decision](#), and added, "The government should not tell American organizations that the same faith that drives them to help vulnerable children and families also disqualifies them from providing those services."

In Case You Missed It:

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

[AACS Op-ed: School Choice Provides Opportunities to Students—and That's Worth Celebrating](#)

[Immanuel Christian School and the Cost of Discipleship](#)

[The ABC's of School Choice](#)

[Senator Ben Sasse Pushes Born-Alive Abortion Survivors Protection Act](#)

