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"At what point then is the approach of danger to be expected? I answer if it ever reach us, it must spring up among us. It cannot come from abroad. If destruction be our lot, we must ourselves be its author and finisher. As a nation of freemen, we must live through all time, or die by suicide."
Abraham Lincoln

New York Supreme Court Ruling Protects Autonomy of Private Schools

The New York State Supreme Court issued a ruling last week which struck down new guidelines concerning private schools. Issued last November by State Education Commissioner Mary Ellen Elia, the New Guidelines for Non-Public Schools were intended to address a concern that certain Orthodox Jewish yeshivas were not including enough instruction in the areas of English and math to educate their students adequately. New York state law has long required that local public officials ensure that the education private schools students receive is "substantially equivalent" to that of public schools. Prior to the release of the new guidelines, this was determined simply by a letter from new private schools to the local public school superintendent that provided assurance of a safe school building, the names of students and their districts, the school calendar, and the list of grades with enrollment for each. However, the new guidelines increased the requirements, including a mandate that every private school be visited and undergo an extensive review by a local education agency official. The guidelines include certain curriculum mandates that have made some private schools concerned about how they might be applied by the LEA officials. The guidelines also threatened loss of public funds for textbooks, transportation, and other services if a private school did not meet a requirement of at least 36 hours of instruction each week in the areas of English, math, science, and social studies. In response to these requirements, three different lawsuits were filed by private school groups, charging that the new guidelines were not lawful because the requirements were such that could only be mandated through the legal rulemaking process. Last week, Judge Christina Ryba ruled that the guidelines be nullified, calling them "an unlawful circumvention of the legal rulemaking process." Her decision pointed to the fact that the guidelines included mandatory language and a requirement that all private schools be visited and reviewed; therefore, they met the qualifications of "rules" without following the process for establishing rules in the State Administrative Procedures Act. While the decision was based on the process and not on the content, private school groups see this ruling as a victory for educational freedom and religious liberty as it stops the state government from intrusive oversight into the operational and curriculum decisions of private schools. A spokesperson for the state education department has stated the department is "reviewing the court's decision and will determine the appropriate next steps." Tom Stiles, executive director of the New York Association of Christian Schools, has followed this issue closely to ensure protection of religious freedom and parental rights for Christian schools and the families they serve. It is important to note that religious liberty is explicitly protected by both the New York Constitution and the U.S. Constitution. Additionally, parental rights are protected under the New York Constitution as well as under the original guidelines which first established the "substantial equivalency" rule.

Hannah DeBruler: Legislative Assistant
Legislative Office, 119 C Street SE, Washington, DC 20003
Phone: 202.547.2991 Fax: 202.547.2992

Federal Judges Block Pro-Life Rule from Taking Effect

Two federal judges have ruled to block the new Title X pro-life regulations from taking effect as scheduled on May 3. Title X is the federal grant program which provides preventive health care and family planning services to low-income families. Federal law prohibits federal funds from paying for abortion, yet approximately $50–$60 million a year of Title X grant money goes to Planned Parenthood, which claims the funds are not used for abortion services but other operational and health care issues. The new regulations, often called the Protect Life Rule, prohibit Title X funds from going to any organization that performs or promotes abortion and also require health care clinics that receive Title X funds to be financially and physically separated from places that offer abortions. This would effectively defund Planned Parenthood. After the rule was finalized in March, 21 states and the District of Columbia, along with abortion rights groups such as Planned Parenthood, filed lawsuits, charging the rule would keep thousands of low-income women from receiving necessary health care. Both U.S. District Court Judge Stanley Bastian (Washington state) and U.S. District Judge Michael McShane (Oregon) have ruled in favor of these complaints, blocking the rule from moving forward. Ironically, Judge McShane said last week he did not want to enact "national health care" policy from a single judicial bench, yet he did not limit the scope of his decision to the states that filed suit, thereby ensuring that the injunction applied in all states.

Equality Act Receives a Mark-Up in House Judiciary Committee

This Wednesday, the House Judiciary Committee held a mark-up of H.R. 5, the Equality Act. The mark-up allowed an additional hour of debate split between Republican and Democrat committee members on the bill, which would mandate one ideological viewpoint of human sexuality across America. The Equality Act would radically transform federal civil rights laws concerning employment, public accommodations, and education. Startlingly, the Equality Act lacks any form of religious protection and explicitly excludes any appeal to the federal law passed with nearly unanimous bipartisan support in 1993 known as the Religious Freedom Restoration Act (RFRA). Without any religious protections, Christian schools and even churches would be forced under penalty of law to affirm a sexual ideology that their religion forbids. During the mark-up, Democratic members of Congress, in an attempt to justify the glaring inconsistency in their changing stance on religious liberty, argued RFRA was being used as a "sword" instead of a "shield" for religious people. While some members argued that religious people would be adequately protected under the Equality Act, a plain reading of the text makes clear that religious people have much to lose in their ability to practice the tenets of their belief if this bill becomes law. Despite the many concerns conservative groups have voiced over the blatantly unconstitutional threat this bill poses to religious freedom, this mark-up indicates that a floor vote is imminent and will likely take place within the next two weeks. The AACS has issued letters of opposition to the Equality Act to members of the House Education and Labor Committee and the House Judiciary Committee.

In Case You Missed It:

Weekly Market Update provided by Jeff Beach of the AACS Investment Team at Merrill Lynch

May 4 - Alive From New York - 4D Ultrasound in Time Square

A Spiritual Crisis on the National Day of Prayer

'Frontal Assault on Religious Liberty': Why Religious Liberty Advocates Are So Alarmed by the Equality Act