



A Publication of the American Association of Christian Schools

The Washington Flyer
January 17, 2020

“All men shall be free to profess, and by argument to maintain, their opinions in matters of Religion, and that the same shall in no wise diminish, enlarge or affect their civil capacities.”

Thomas Jefferson

AACS Submits Public Comments on Religious Liberty and Student Loan Regs

The AACS legislative office submitted public comments for [proposed regulations](#) published by the U.S. Department of Education (DOE) that are intended to strengthen religious liberty rights for students and institutions in higher education. The DOE proposed the regulations as part of its response to the 2017 Guidance by the Attorney General and President Trump’s executive order mandating regulations be reevaluated for religious liberty violations. All bureaucratic departments were instructed to ensure their policies were in keeping with federal civil rights law protecting religious freedom and the Supreme Court ruling in *Trinity Lutheran Church of Columbia, Inc. v. Comer* in which the Court ruled that it was unconstitutional to discriminate against religious organizations in programs that are generally available to the public. The regulations address changes to be made to the federal student loan programs in order to ensure that religious students or students at religious institutions are not discriminated against simply on the basis of religion when seeking federal student aid under the Title IV programs of the Higher Education Act. In the public comments, the AACS applauds the DOE for proposing revisions that will ensure faith-based entities and members of a religious order are eligible to participate in federal student aid programs. The comments note, “We believe these changes will ensure that no student is discriminated against because of his or her religion by prohibiting the use of a benefit that is otherwise generally available to the public.”

The AACS also provided feedback on two specific areas which could be strengthened in order to ensure the greatest protection of religious freedom for students. In both instances, the proposed regulations limit the religious activity allowed for either the borrowers who receive aid and do volunteer work under the Federal Family Education Loan (FFEL) or the public service organizations providing service opportunities under the Public Loan Forgiveness Program. While the regulations allow for engagement in religious activities in both programs, involvement in worship services, religious instruction, and proselytizing is excluded from the activities that qualify for loan deferment opportunities. The AACS comments explain that “the services provided by these [religious] organizations and volunteers are directly tied to the tenets, mission, and faith of the volunteers. Any effort to force a separation between the secular and sacred aspects of the services denies the volunteers and organizations the ability to exercise the religious motivations inherent in their decision to help others, and thereby, violates their free exercise of religion.” The comments point out that this requirement to exclude certain religious activities creates a substantial burden for the borrower, and therefore, violates the [Religious Freedom Restoration Act](#). The AACS comments further expound that “the Department incorrectly attempts to establish religion by defining what they believe to be prohibited religious acts and then by excluding those acts from service opportunities.”

Supreme Court to Hear Oral Arguments in Pro-Life Case

Forty-six years after *Roe v. Wade*, the Supreme Court will hear oral arguments in a case that could curtail the disastrous effects of America's abortion industry. In *June Medical Services v. Gee*, the high court will decide if a Louisiana law requiring that abortionists have admitting rights at a nearby hospital constitutes an undue burden on a woman's [supposedly constitutional right](#) to an abortion, as determined by the Court in *Planned Parenthood v. Casey* (1992) and *Whole Women's Health v. Hellerstedt* (2016). This case concerns a law that is similar to one in Texas that the Supreme Court struck down as unconstitutional only a few years ago, reflecting the turbulent decisions that have swirled around the abortion debate since abortion was legalized in 1973. Indeed, in the past several decades, the Court has overturned and upheld various limits on abortion, leaving open the question of how far states can go to regulate the practice. Some pro-life supporters anticipate that the outcome of this case could overturn *Roe v. Wade*. In an [amicus brief](#) submitted by over 200 members of Congress, pro-life members ask that the Supreme Court reevaluate the "unworkability of the 'right to abortion' found in *Roe v. Wade* . . . and the need for the Court to again take up the issue of whether *Roe* and *Casey* should be reconsidered and, if appropriate, overruled." Oral arguments will take place on March 4.

National School Choice Week is Just Around the Corner

National School Choice Week (NSCW), January 26 through February 1, will be celebrated across the country as families and schools seek to highlight the positive impact that school choice has had in the lives of thousands of students. NSCW began in 2011 with just 150 events, and has grown to [51,300 events](#) planned for this year's NSCW. The week is intended to celebrate all forms of school choice and educational options, and private schools are encouraged to highlight the benefits and successes of the school choice programs in their areas. To receive more information or register your participation, click [here](#).

Coming Soon—National March for Life on January 24, 2020

The National March for Life will take place in Washington, D.C., on January 24, to commemorate the anniversary of the infamous *Roe v. Wade* case which legalized abortion in 1973. This year's event will follow the [theme](#) "Life Empowers: Pro-Life is Pro-Woman," recognizing the 100th anniversary of the 19th Amendment and "the original feminist leaders who recognized the inherent dignity of the unborn and that abortion not only ended a life but harmed women." For more information on participating in state-level marches or the National March for Life, click [here](#).

In Case You Missed It:

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

[President Trump Issues Proclamation for Religious Freedom Day, 2020](#)

[6 Supreme Court Cases to Watch in 2020](#)

[The Supreme Court Should Protect Religious Liberty](#)

[Should It Be Illegal for Fuller Theological Seminary to Turn Away Gay Students?](#)