



A Publication of the American Association of Christian Schools

The Washington Flyer
January 24, 2020

*“The proper function of a government is to make it easy for the people to do good,
and difficult for them to do evil.”*

Daniel Webster

Watch Live Today: The National March for Life in Washington, D.C.

Today at noon the National March for Life will take place in Washington, D.C., to commemorate the anniversary of the infamous *Roe v. Wade* case which legalized abortion in 1973. To watch the rally live and the march, click [here](#).

Religious Freedom Day Brings Efforts to Protect Religious Freedom

Last week, President Trump issued a [proclamation](#) recognizing last Thursday, January 16, 2020, as Religious Freedom Day. The proclamation expressed the President’s “commitment to protecting the precious and fundamental right of religious freedom, both at home and abroad” and recognized the “foundational link between freedom and faith in our country.” On Religious Freedom Day, President Trump hosted an [event in the Oval Office](#) in which he and Secretary Betsy DeVos announced [updated Federal guidance](#) which will ensure protection for prayer in public schools. According to the Elementary and Secondary Education Act, this guidance is to be updated every two years, yet it has not been done since 2003. The DOE’s guidance affirms that prayer is “constitutionally protected” in public schools and instructs states and localities to report any actions which violate this freedom for students and teachers. In addition, the White House announced steps the administration will be taking to ensure that religious freedom is protected for religious service organizations. The Office of Management and Budget issued a memo which ordered that federal grant programs not discriminate against religious service organizations when determining grant recipients, in accordance with the Supreme Court’s [Trinity Lutheran](#) decision and the [guidance](#) previously issued by the U.S. Attorney General. Additionally, [nine different federal agencies](#), including the U.S. Department of Education (DOE), released proposed regulations which will remove burdensome requirements for religious service organizations receiving federal funds in order to ensure these institutions are treated the same as secular organizations. The regulations are intended to overturn Obama-era rules which placed extra demands on these faith-based groups, such as the requirement to offer a referral to people who may not want to be served by a religious organization and also to post a statement regarding this policy. Specifically, the proposed regulations by the DOE will ensure that faith-based organizations at public higher education institutions are not denied “any of the rights, benefits, or privileges otherwise afforded to non-faith-based student organizations.” In a White House [fact sheet](#), President Trump stated, “Our Founders understood that no right is more fundamental to a peaceful, prosperous, and virtuous society than the right to follow one’s religious convictions.”

The Supreme Court Hears Oral Arguments in School Choice Case

On January 22, the Supreme Court heard [oral arguments](#) in a monumental school choice and religious freedom case, [Espinoza v. Montana](#). In *Espinoza*, three families are suing the Montana Department of Revenue for

eliminating a state tax credit scholarship program after the department prohibited scholarship funds from being used at religious schools. In the oral arguments, petitioners basically argued that the Montana Supreme Court's decision to eliminate the program violated the Free Exercise clause of the U.S. Constitution. Using *Trinity Lutheran* as support, petitioners argued that Montana could not deny a generally available scholarship program to religious families or schools. Lawyers argued that although the state eliminated the program, the state is still guilty of "mistakenly believing that this Blaine Amendment . . . did not violate the Federal Constitution." The liberal-leaning justices questioned heavily on the differences between this case and *Trinity Lutheran* and conveyed their belief that by eliminating the program, Montana was treating religious and secular families equally. Conservative-leaning justices' questions centered on religious discrimination, with Justice Kavanaugh stating that Montana's Blaine Amendment was "rooted in . . . grotesque religious bigotry against Catholics" and asking how the exclusion of religious schools from the program did not amount to "a straight violation of the Trinity Lutheran principle." Additionally, Justice Kavanaugh mentioned the amicus brief that the AACS joined as he drew a distinction between *Espinoza* and *Locke v. Davey*, which denied funding of religious education on narrow grounds. It is unclear how justices will vote; however, based upon questioning and previous opinions in *Trinity Lutheran*, the case could be decided by a thin margin. Justices will likely issue a decision by summer.

National School Choice Week is Just Around the Corner

[Preparations](#) are underway for thousands of events across the country which will celebrate National School Choice Week (NSCW) next week, January 26–February 1. NSCW began in 2011 with just 150 events, and has grown to [51,300 events](#) planned for this year's NSCW. The purpose is 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. This week, several media outlets, including the [liberal-leaning Washington Post](#), have published articles and op-eds discussing the benefits of school choice programs as the Supreme Court heard oral arguments on the *Espinoza* case (see previous article). Several governors have already [issued proclamations](#) declaring the week to be school choice week for their states, and hundreds of state and local leaders have also issued statements supporting the endeavor and recognizing the importance of school choice. On Thursday of this week, Secretary of Education Betsy DeVos hosted an event attended by AACS at the U.S. Department of Education to present a screening of the movie "[Miss Virginia](#)" which highlights the efforts of one mom, Virginia Walden Ford, to get school choice for her son and the children in her community in Washington, D.C. Support for school choice is indeed growing as more and more people realize the incredible benefits that educational freedom offers children, families, and society as a whole. To receive more information about National School Choice Week or register your participation, click [here](#).

In Case You Missed It:

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

[Presidential Proclamation on National Sanctity of Human Life Day, 2020](#)

[Secretary of Education Betsy DeVos: Religious Liberty in our Schools Must Be Protected](#)

[The Democrats' Child-Care Chicanery](#)

[Al Mohler, The Briefing: National Media Blasts Christian Academy for Acting Upon Biblical Conviction](#)