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“Those who expect to reap the blessings of freedom, must, like men, undergo the fatigues of supporting it.”
Thomas Paine

U.S. Department of Education Releases Guidance for Equitable Services for Private Schools

The U.S. Department of Education (DOE) has released [guidance](#) to provide information for private schools and state and local education agencies regarding the provision of equitable services through the CARES Act. Signed into law in late March, the CARES Act includes funding for educational costs incurred by the adjustments that have been made to combat the coronavirus. For K–12 education costs, the law appropriated \$16.5 billion to be provided through two funding streams: the Governor’s Emergency Education Relief Fund (GEER, \$3 billion), and the Elementary and Secondary School Emergency Relief Fund (ESSER, \$16.5 billion). Both of these programs are [required to provide equitable services](#) to nonpublic schools in the same manner that equitable services are provided for under the Every Student Succeeds Act (ESSA). As such, any private school wishing to participate and receive services will maintain its autonomy. The funding for the GEER can be used for higher education institutions, local education agencies, or any “education-related entity within the State,” allowing great flexibility for governors in their use of the funds. Some private school advocates have suggested that governors could distribute funds to private schools or even any nonprofit organization that delivers assistance to students attending private schools. The money from the ESSER Fund can be put towards twelve uses, including services and activities for special needs students under IDEA, the purchase of education technology to aid in distance learning, supplies to sanitize and clean facilities, and other activities that are necessary to maintain the continuity of educational services.

The guidance document, “[Providing Equitable Services to Students and Teachers in Non-Public Schools Under the CARES Act Programs](#),” serves as reference point for nonpublic schools and the state and local education agencies as decisions are made for the distribution of services. Of specific interest to private, faith-based schools is the specific clarification that private schools are *not* considered recipients of federal funds if they choose to participate in any of the equitable services. This ensures protection of the autonomy and mission of private schools. The guidance also explains that participation in equitable services does not mean that a private school receives public funds, but rather that a private school will receive services, materials, equipment, or assistance which is provided and funded by the public agency. The guidance also emphasizes that services are available to all students and schools (not just those in low-income or low-achieving areas), provides assurance that private schools can participate even if they have not previously participated in other equitable services programs, and clarifies the role of the local education agency in contacting and communicating with private school officials. For further information, the AACCS has provided a [summary](#) of the educational services and equitable services for private schools available through the CARES Act.

DOJ Files Statement of Interest in VA Church Lawsuit

The [Department of Justice \(DOJ\) has filed a statement of interest](#) in a Virginia religious liberty case that challenges Governor Ralph Northam's executive order banning in-person religious services. The pastor of Lighthouse Fellowship Church in Chincoteague Island, Virginia, was issued a criminal citation and summons by the local police department for hosting a Palm Sunday church service with sixteen congregants present, six people above Gov. Northam's ten-person limit. Mat Staver of [Liberty Counsel](#), which represents Lighthouse Fellowship, stated that the church serves many broken and impoverished people in the community, many of whom rely on the church for basic needs and transportation. The church lacks internet and cannot minister to its congregation virtually like many other churches are able to do. Instead of a blanket ban of religious meetings, Staver notes, the state should "balance the First Amendment with protecting the health and welfare of people." In its statement of interest, the DOJ [defended](#) the religious liberty of Lighthouse Fellowship, stating that "there is no pandemic exception to the Constitution and its Bill of Rights." The DOJ further argued that Gov. Northam unfairly targeted religious activities by prohibiting religious gatherings but not prohibiting secular gatherings at a host of non-retail businesses. Unless the state can show that its ban on religious gatherings furthers a compelling government interest by the least restrictive means, the DOJ concludes, "the Commonwealth's Orders must yield to the church's sincerely held religious exercise."

States Face Immense Costs if Private School Students Return to Public Schools

A new [EdChoice report](#) shows the immense costs states would incur if private school students were forced to return to traditional public schools. With over 30 million Americans [filing for unemployment](#) since March, representing nearly 20% of the American workforce, economic uncertainty has shaken private schooling in America. School choice advocates at EdChoice developed the report to show what the effect on states would be if students were unable to attend their private school due to a parent's job loss or the school's inability to keep its doors open due to loss of revenue. The report finds that with high average costs of public education per pupil, a sudden influx of 10% or 30% of private school children into the public system would cost up to \$20 billion, with nearly half that amount falling directly to the states. High cost states like New York, California, Connecticut, and New Jersey, which spend upwards of \$20,000 per pupil, would see increases of hundreds of millions or even billions of dollars if private school students were to migrate into the public system. But even lower cost states like Arizona, North Carolina, and Florida would see dramatic increases because those states have high numbers of private school students. School choice advocates emphasize statistics like those shown in the EdChoice report to push for greater inclusion of private education in public policy, not only because private schools meet the needs of millions of America's children, but also because they alleviate the financial burden of public education.

In Case You Missed It:

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

[AACS Resource Page to Help Christian Schools Responding to COVID Crisis](#)

[Romanian Pastors Who Lived Under Communism Declare to IL Governor - They Will Open May 10](#)

[Kansas City Mayor Repeals Order That Forced Churches to Record Churchgoers' Information](#)

[Senate Letter to Treasury to Ensure Protections for Faith-based Entities](#)

[Harvard Hosts Pro-Homeschooling Event in Response to Backlash Over Previous Attack on Homeschooling](#)