



A Publication of the American Association of Christian Schools

The Washington Flyer
June 19, 2020

Words have meaning. And their meaning doesn't change.
Antonin Scalia, New York Magazine Interview, October 4, 2013

Supreme Court Rules in Favor of LGBT Rights

This week, in a deeply disappointing and surprising [decision](#) to conservatives, the Supreme Court ruled 6-3 that Title VII, the federal employment law, prohibits discrimination on the basis of sexual orientation and gender identity. In *Bostock v. Clayton*, the Supreme Court broke with over fifty years of lower court decisions, long-standing policy at the Equal Employment Opportunity Commission, and federal law, which has repeatedly rejected bills to expand civil rights to include sexual orientation and gender identity. Despite the overwhelming evidence that Title VII applies only to discrimination based on biological sex, the majority of the court redefined “sex” to create new rights for LGBT individuals. Writing for the court, Justice Neil Gorsuch stated that the word “sex,” when written in civil rights law in 1964, also means sexual orientation and gender identity “because it is impossible to discriminate against a person for being homosexual or transgender without discriminating against that individual based on sex.”

Justice Samuel Alito wrote a strong dissent from the majority opinion, stating, “The arrogance of this argument is breathtaking.” Justice Alito chided the court for rewriting laws “so that they better reflect the current values of society,” writing that “usurping the constitutional authority of the other branches, the Court has essentially taken H.R. 5’s [the Equality Act’s] provision on employment discrimination and issued it under the guise of statutory interpretation. A more brazen abuse of our authority to interpret the statutes is hard to recall.” Justice Alito explains that virtually no one in 1964 would have thought that the word “sex” also means sexual orientation and gender identity; sexual orientation was considered by many to be sinful or at least controversial, and the term “transgender” was not invented until the early 1970s. The job of the court is not to determine “whether discrimination because of sexual orientation or gender identity *should be* outlawed. The question is *whether Congress did that in 1964.*” Further, Justice Alito explores the ramifications this case could have on religious freedom, particularly the right of religious schools to hire according to their beliefs. It is uncertain how far the ministerial exception will go to protect teachers of the faith, let alone other employees such as janitors and coaches. Other concerns are quickly apparent, in areas such as health care, freedom of speech, housing, women’s sports, and private settings like locker rooms and bathrooms. Conservatives have overwhelmingly decried the decision. [Ryan Anderson](#), senior research fellow at the Heritage Foundation, wrote that Justice Gorsuch’s reasoning was “simplistic,” a “misguided theory” that “will have far-reaching negative consequences down the road.” However, Anderson states that Congress can still take action by reasserting the biological definition of “sex” in civil rights law, by strengthening religious liberty protections, and by clarifying that sex-separate facilities or activities are not discriminatory. Although the court’s decision is devastating to religious liberty, Congress can still act to protect our most precious constitutional right.

Christian School Teachers Coming Out of COVID-19 Stronger

The COVID-19 pandemic, at its peak, affected [55.1 million students](#) across the U.S. Brian Mark Zockoll Jr. conducted a [recent study](#) to “seek out the ways Christian school teachers believed COVID-19 strengthened them.” In his study, Zockoll surveyed 140 Christian school teachers from twenty U.S. states as well as Guam. He found that persistent communication was the greatest contributing success factor for these teachers in transitioning to an online platform. Additionally, these Christian school teachers were strengthened in their knowledge of technology, and many look forward to implementing more technology use in their classrooms in the fall. Most importantly, during these unprecedented times, these Christian school teachers were able to grow in their personal spiritual lives, as they solely depended on God and His strength for His glory. A silver lining to the COVID-19 pandemic is that the gospel message could be heard by the families of the students as they listened to the lessons being taught. As Job so beautifully states, “But He knoweth the way that I take: when He hath tried me, I shall come forth as gold.” Christian school teachers are now better equipped mentally, physically, and spiritually to successfully implement new communication methods, enhanced technology knowledge, and innovative methods of learning to make the classroom the best learning environment for their students. *By Ariana, AACS Summer Intern*

CATO Holds Discussion on Education Freedom

In the wake of Harvard Magazine’s provocative [article](#), “The Risks of Homeschooling” by Erin O’Donnell, the CATO Institute held an [online discussion](#) titled “Homeschooling: Protecting Freedom, Protecting Children.” Professor Elizabeth Bartholet of Harvard Law (whose work was featured in O’Donnell’s article), repeatedly asserted that homeschooling is essentially unregulated, and the public cannot truly know whether homeschooling is safe and effective until all homeschoolers are under close government watch. Both Professor Milton Gaither of Messiah College and Neal McCluskey of the CATO Institute see the need for some regulation of homeschooling. Gaither advocates for parental education requirements and background checks, and McCluskey suggests yearly home visits and standardized testing participation. Kerry McDonald of the CATO Institute, who has [written on](#) the diverse reasons families choose to homeschool, drew parallels between Bartholet’s mischaracterization of homeschooling families—who allegedly isolate and indoctrinate their children—and the beginning of compulsory government schooling in the United States, rooted in religious discrimination against Catholics, who set up parochial schools in objection to Protestant religious education in government schools. She believes Child Protective Services, not homeschooling regulation, should be reformed to protect children, noting research finding that school districts have weaponized Child Protective Services against noncompliant families. McDonald, a homeschooling parent, emphasized the quintessence of the discussion with the question, “Who is presumed to be better suited to [protect children], the parents or the state?” *By Allison, AACS Summer Intern*

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](#)

[President Trump Finalizes Rule Stopping Obamacare from Forcing Doctors to Do Abortions](#)

[Illinois Churches and Businesses Seek Religious Liberty Through Lawsuit](#)

[Senator Hawley: Was It All for This? The Failure of the Conservative Legal Movement](#)

Jamison Coppola: Legislative Director

Maureen Van Den Berg: Policy Analyst

Hannah DeBruler: Legislative Assistant

Legislative Office, 119 C Street SE, Washington, DC 20003

Phone: 202.547.2991