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“Resistance to tyranny becomes the Christian and social duty of each individual. . . . Continue steadfast and, with a proper sense of your dependence on God, nobly defend those rights which heaven gave, and no man ought to take from us.”

John Hancock

Private Schools Filing Lawsuits Against Governments that Keep Them Closed

Several private schools across the country are challenging the authority of state and local governments to make mandates regarding whether or not they can reopen this fall. In [Wisconsin](#), the Wisconsin Institute for Law & Liberty (WILL) filed an original action on behalf of several private schools and families with the Wisconsin Supreme Court, asking the court to review the Dane county health officials’ order that all schools, including private, close for grades 3–12. The county’s order, issued August 21, took effect August 24. All private schools in the county had planned to reopen, and one school had even completed a week of school. The petition asks whether the county health department has the legal authority to close private schools, whether the order is even necessary given the very low risk of children with COVID-19, whether the order infringes on parental rights to direct their children’s education, and whether the order infringes on parents’ religious liberty to choose a religious education for their children. In [California](#), private schools have been joined by some parents and teachers in filing a federal lawsuit against Governor Newsom, charging that his plan for school reopening, which is keeping most schools closed, violates their constitutional right to free exercise of religion as their faith dictates that they provide religious education to their children. Their claim cites the fact that while schools were ordered to close, camps and day care centers were permitted to continue functioning. In [Texas](#), two private schools have threatened to sue the Cameron county government which announced that public and private schools must delay reopening until September 28. The schools charge that the decision violates Governor Abbott’s July order, which stated that health officials could not shut down schools, and also violates the religious liberty of faith-based schools by not allowing them to meet.

In a recent [podcast](#), AACCS Legislative Director Jamison Coppola and AACCS Mid-South Regional Director Matt Ticzkus discussed the growing concern of overreaching government regulations for Christian schools stemming from COVID-19 restrictions. Mr. Coppola noted that the U.S. Constitution guarantees protection for our God-given rights, and that “one of these is the right to religious liberty and education . . . one of the outgrowths of our religious opinion.” Their discussion emphasized that because private schools are private, they should have guaranteed protection not just for their freedom of religion, but also for their freedom of assembly and freedom of property, enabling them to operate without having to submit to government regulations. They also pointed to the fact that while public schools will continue to be funded regardless of whether they reopen, private schools risk permanent closure if they are forced to close. Referencing a phrase in the [Declaration of Independence](#) in which the founders charged that the king was using measures “for the sole purpose of fatiguing them into compliance,” Mr. Coppola pointed out that many of the overreaching restrictions could be an effort to “fatigue” Christian schools into compliance, and he encouraged Christian schools to “move forward with hope” in God.

NC School Choice Program Under Fire

North Carolina Christian schools have recently come under attack for maintaining biblical standards while participating in a state voucher program. The recent controversy is reminiscent of the *Orlando Sentinel's* [targeting](#) of Christian schools participating in Florida's scholarship program earlier this year simply for holding traditional Christian beliefs about sexuality and marriage. In North Carolina, a group of parents and the North Carolina Association of Educators, representing public school teachers, is [suing the state](#) for allowing "schools that discriminate against students and parents based on who they love of the gender they know themselves to be" to participate in the Opportunity Scholarship Program (OSP). Paul Smith, a lawyer representing the parents and public school teachers, claimed that the OSP discriminates against families' religious rights, stating that "no child . . . should fear that if they stay true to their religious beliefs or sexual orientation, their school could discipline them, ridicule them, or expel them." In 2015, the North Carolina Supreme Court ruled that the OSP was constitutional. Nothing about the nature of the schools or the program has changed in the five years since. In fact, the program has grown in popularity, awarding 12,284 scholarships worth \$4,200 per student last year, and an overwhelming majority of parents (97%) were satisfied with the school of their choice. The Institute for Justice, which is [defending the OSP](#) in court, recently won a monumental religious freedom and school choice case in *Espinoza v. Montana Department of Revenue*.

Survey Shows Support for School Choice Is Strong

EdChoice has released the results of its 2020 Schooling in America survey in a report titled [K-12 Education and School Choice Reforms](#), and the statistics show growing, strong support for school choice. The survey, conducted between May 22 and June 2, questioned parents and the general public regarding their views on types of school choice programs, reasons for and satisfaction with their current educational choice, and education funding. Survey results show support for school choice programs is at an all-time high. When asked about support for each of the different types of school choice programs, 78% of the respondents supported education savings accounts, 69% supported a tax credit scholarship program, 65% supported vouchers, and 64% supported charter schools. Regarding the reasons for parents' choosing a private school, the top three factors were a safe environment (34%), quality academics (34%), and values and moral instruction (32%). In fact, a safe environment was also a primary reason for those choosing charter schools (32%) and home school (50%); for those in public schools, 41% of parents listed the proximity of the school as a top factor. Interestingly, when asked whether they thought K-12 education was on the right track, 50% of parents responded that it was not, but 40% (a 16 point increase since 2016) responded they thought it was on the right track. EdChoice [plans to conduct](#) a second wave of its 2020 survey during the winter months to assess whether the schooling changes for this semester affected parents' views and opinions.

In Case You Missed It:

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

[AACCS Legislative Director Interview on Stand in the Gap: "Fatigue Compliance"](#)

[Betsy Devos Back to School Letter to Parents](#)

[School Choice Shines at RNC Convention](#)