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“Children should be educated and instructed in the principles of freedom.”
John Adams

Emergency Assistance Available for Private Schools Through COVID-19 Relief Bill

The latest COVID-19 relief bill [includes specific funding for private schools](#) struggling financially due to COVID-19. Called the Emergency Assistance to Non-Public Schools (EANS), this new program provides funding and reimbursements for a variety of expenses, including cleaning supplies, air purification systems, COVID-19 testing, and technology to provide distance or hybrid learning. Funds are available through the Governor’s Emergency Education Relief Fund (GEER) grants and will be distributed by the state education agency (SEA) to ensure that Christian schools are not considered direct recipients of federal financial assistance. Unfortunately, a gray area in the bill could allow a governor to convert the private school funding into a supplemental fund by deliberately slowing down the process of delivering reimbursements to schools. The communication of private school leaders to the governor’s office, urging participation in the EANS program, is vital to ensure that the benefits actually reach the Christian schools that need assistance. The AACCS has developed a [new white paper](#) to help our ministries understand the program and to provide steps for schools wishing to participate. The AACCS will send out updates as new guidance becomes available.

Department of Education Memorandum Ensures Protection of Religious Liberty in Title IX

The Department of Education (DOE) released this week a [memorandum offering guidance](#) on how the Supreme Court’s ruling in *Bostock v. Clayton County* affects Title IX, the law which prohibits discrimination based on a person’s sex in federally funded educational programs. In the *Bostock* decision, the High Court [ruled](#) that Title VII, the federal employment law, prohibits discrimination on the basis of sexual orientation and gender identity, effectively redefining the word “sex” to include these classifications. The DOE memorandum was in response to a series of questions, posed by acting Assistant Secretary Kimberly Richey for the DOE’s Office of Civil Rights, which sought guidance as to whether the *Bostock* decision should affect the DOE’s response to allegations of sexual harassment and discrimination, and whether it changes the application of Title IX in athletics, intimate areas such as bathrooms and locker rooms, and sex-segregated programs. Reed Rubenstein, Principal Deputy Counsel for the DOE, provided answers with a thorough examination of the *Bostock* ruling, Title IX regulations as finalized last May, and other related court decisions. The overriding conclusion is that the *Bostock* decision does not apply to Title IX because “the Court decided the [*Bostock*] case narrowly, specifically refusing to extend its holding to Title IX and other differently drafted statutes.” Of particular interest to faith-based institutions, the memorandum specifically addressed the religious exemption in Title IX, citing three reasons which ensure the Title IX religious exemption is not affected: the *Bostock* ruling cited the importance of protecting the Title VII religious exemption, the DOE’s regulations for Title IX do not allow the restriction of First Amendment rights of an institution, and the Religious Freedom Restoration Act provides further protection of the free exercise of religion. The memorandum concludes with the definitive statement that the “Department’s longstanding construction of the term ‘sex’ in Title IX to mean biological sex, male or female, is the only construction consistent with the ordinary public meaning of ‘sex’ at the time of Title IX’s enactment.”

Department of Education Issues Final Rule to Protect Faith-Based Organizations

On December 17, 2020, the Department of Education along with eight other federal agencies published a [joint final rule](#) to ensure equal treatment of faith-based organizations that participate in federally funded programs. The rule reiterates the protections that faith-based organizations, including Christian colleges and universities, are guaranteed through the Constitution and the federal Religious Freedom Restoration Act (RFRA). Importantly, the final rule states that Christian institutions do not lose their First Amendment freedoms simply by choosing to participate in a program that is federally funded. The rule also removes burdensome requirements that were placed exclusively on religious organizations during the Obama administration. This final rule fully implements President Trump's 2018 Executive Order on the Establishment of a White House Faith and Opportunity Initiative, which called for greater religious freedom protections across all federal agencies. The Department of Education issued a proposed rule on this executive order in January 2020, to which the [AACCS submitted public comments](#) in support of religious liberty protections. The final rule goes into effect on January 19, 2021.

National School Choice Week is Just Around the Corner

[National School Choice Week \(NSCW\) begins January 25, 2021](#), providing families and schools an opportunity to highlight the positive impact that school choice has had in the lives of thousands of students. While NSCW usually sees thousands of events across the country, with last year seeing a record of 51,300 events, this year the organizers are encouraging participants to creatively [find virtual ways to celebrate](#) in an effort to help stop the spread of COVID-19. For materials and ideas, please [click here](#).

Coming Up—March for Life, January 29, 2021

The [March for Life](#) will take place in Washington, D.C., on January 29, 2021, to mark the anniversary of the *Roe v. Wade* Supreme Court decision which legalized abortion and bring awareness to pro-life efforts to save lives by ending the practice of abortion. The annual event has never been canceled, and this year's organizers are encouraging supporters to come but take [certain precautions](#) in light of COVID-19 concerns. For more information, please [click here](#).

In Case You Missed It:

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

[Practical Legal Help for Christian Schools: ADF Ministry Alliance](#)

[Missouri Is First Abortion-Free State](#)

[Wallbuilders Offers Unique Teachers Conference for History Teachers](#)

[Pro-life Students Win Lawsuit, Ending Restricted Speech Zones on Oregon College Campus](#)