



**The Washington Flyer**  
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*“Jesus said unto her, I am the resurrection, and the life: he that believeth in me, though he were dead, yet shall he live: And whosoever liveth and believeth in me shall never die. Believest thou this?”*  
**John 11:25–26**

**School Choice Victories in West Virginia and Kentucky**

West Virginia and Kentucky, two states which have not enacted any school choice programs before this year, passed laws last week that will establish some of the most expansive school choice programs in the country. The West Virginia Hope Scholarship Program, signed into law by Governor Jim Justice on Saturday, is an [education savings account \(ESA\) program](#) which will allow eligible parents to access scholarships of approximately \$4600 to be used for educational expenses that best meet the needs of their children, including tuition for private school, therapies, tutoring, transportation needs, and other educational options. The program will launch in 2022 for students in public schools, and private school and home school students will be eligible to receive scholarships by the year 2026. The scholarship amount is equivalent to the amount of state funding per student, making this program the most expansive ESA program in the nation, available to approximately 94% of West Virginia’s families. The successful passage of the bill is [significant](#) because past attempts to pass school choice have fallen under the strong, aggressive opposition of teachers’ unions. In 2018 and 2019, the national and state teachers’ union organized teacher strikes over legislation that would have established a school choice program and supported charter schools while also giving public school teachers a pay raise. The 2020 elections gave the state legislature a Republican super-majority which allowed the education savings account program to pass both chambers easily. Dr. Dan Brokke, executive director of the West Virginia Christian Education Association, praised the passage of the program and the difference it will make for children in the state: “This program is a game changer. It will allow parents the opportunity to choose an education for their children that supports the values taught in their home and church, and will allow thousands of children the opportunity to receive a Christian education.”

In [Kentucky](#), the state legislature voted late Monday night to override Governor Andy Beshear’s veto of a bill that establishes an expansive tax-credit scholarship program for low- and middle-income families. The bill allows for up to \$25 million in tax credits for donations to scholarship granting organizations which in turn provide scholarships for families to use for the education that best meets their child’s needs. The new law also allows for public school choice, allowing parents to transfer their children to a different public school if they are not satisfied with the one in their district. Unsurprisingly, the measure received vehement opposition from the teachers’ union, again making the charge that public schools will lose money through the program. However, [support for the law](#) in the chambers actually increased after Gov. Beshear vetoed the bill. The first vote in the House chamber two weeks ago passed the bill 48-47, but the vote to override his veto was 51-42. The Senate voted 23-14 to override the veto. One lawmaker, Rep. Regina Huff, is a middle school special education teacher who originally voted against the bill, but changed her vote in order for the bill to garner the support needed to override the governor’s veto. Governor Beshear has indicated the school choice law will likely be challenged in court; however, the Institute for Justice, which successfully defended school choice before the Supreme Court in the [Espinoza case](#), has vowed to defend the program.

## **Court Victory for Religious Liberty and Free Speech**

The Sixth Circuit Court of Appeals recently ruled [in favor](#) of a Christian college professor whose belief about human sexuality prevented him from referring to a transgender student by his preferred pronouns. The case began in 2018, when a transgender student demanded that Professor Nicholas Meriwether use his preferred pronouns in class. Meriwether declined based on his religious beliefs about human sexuality, and the college retorted with a threat of suspension or dismissal and launched a formal Title IX investigation. Although the student continued to excel in the class, the investigation determined that Meriwether had caused a “hostile environment” for his student. Meriwether, represented by [Alliance Defending Freedom](#), argued that his First Amendment freedoms of speech and religion protected him from being coerced into affirming through his speech the transgender lifestyle of one of his students. Judge Amul Thapar, a Trump appointee, wrote in the [majority opinion](#) that “traditionally, American universities have been beacons of intellectual diversity and academic freedom. . . . But Shawnee State chose a different route: It punished a professor for his speech on a hotly contested issue. And it did so despite the constitutional protections afforded by the First Amendment.” He went on to say, “If professors lacked free-speech protections when teaching, a university would wield alarming power to compel ideological conformity.” The court’s ruling is a victory for the fundamental rights to believe and speak freely even if those beliefs conflict with popular opinion.

## **Save Girls’ Sports**

In 2021 alone, [thirty states](#) have introduced or passed a version of Save Women’s Sports, laws that protect women’s and girls’ sports by preventing men and boys who identify as women from competing on female teams. These [bills](#) are being introduced from Maine to Washington as the Equality Act threatens the privacy, safety, and level playing field of women and girls by forcing schools and universities to allow transgender students access to these female-only spaces. Three states (Arkansas, Mississippi, and Tennessee) have passed a Save Women’s Sports bill into law. A fourth state, Idaho, was the first state to pass this law last year, although it was subsequently challenged in court. Six states (Alabama, Kansas, North Dakota, Montana, New Jersey, and West Virginia) have passed a version of the bill in one chamber and await a vote by the second chamber. South Dakota Governor [Kristi Noem](#) was recently [criticized](#) for vetoing a Save Women’s Sports bill in her state despite wide support by the legislature. Noem’s veto contained [recommendations](#) to alter the language of the bill based on her concerns about the bill’s “vague and overly broad language” that she believes would lead to lawsuits and “unworkable administrative burden(s).” Because the state legislature rejected Noem’s proposed changes, Noem will likely call the legislature into a special session to renegotiate the bill. Despite this setback in South Dakota, the momentum for passing these laws to protect the competitive nature of sports and maintain the biological differences between men and women continues to build throughout the nation.

## **In Case You Missed It:**

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

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

[Resource: America’s First Freedom Curriculum](#)

[Improving Civics Means Preserving America's Character](#)

[America’s Current Civil War Rages Over Judeo-Christian Values](#)