



**The Washington Flyer**  
**May 7, 2021**

*“Let the pulpit resound with the doctrine and sentiments of religious liberty. Let us hear of the dignity of man’s nature, and the noble rank he holds among the works of God...Let it be known that British liberties are not the grants of princes and parliaments.”*

*John Adams*

**Biden Introduces Plan to Expand Federal Role in Education**

President Biden’s education agenda includes substantial expansion of the federal role in education from early childcare and education to higher education. In his [State of the Union address](#) last week, President Biden introduced the American Families Plan and described it as a necessary “once-in-a-generation investment in our families and our children” that would address four “challenges facing American families.” The most significant component of the plan includes an expansion of free public education to include two years of publicly funded preschool and two years of free college education, effectively ensuring a total of 16 years of free public education for every child and student in America (including those who are not citizens). The other three areas included expanding access to childcare, increasing the requirement for paid family sick leave, and making permanent the [child tax credit](#) that was included in the recently passed American Rescue Plan. President Biden claimed that offering free public preschool and free college is necessary for America to compete in a global economy; however, many conservatives view federal expansion in education as an infringement on the family unit and an intrusion on personal freedom. Senator Tim Scott, in his [response to the State of the Union](#), charged the proposed American Families Plan actually would mean “even more taxing, even more spending, to put Washington even more in the middle of your life—from the cradle, to college.” He added, “The beauty of the American Dream is that families get to define it for themselves.”

The proposed budget [released by the White House](#) this week also reveals President Biden’s intent to expand federal funding, and therefore control, in education in all areas, including preschool, early childhood care, higher education, and other existing K–12 programs. The proposed budget calls for a 41% increase in funding for education, a request totaling almost \$103 billion. This includes a request to double the funding for Title 1 which is supposed to help low-income families, an almost \$3 billion increase for the Individuals with Disabilities Education Act, an increase of \$1.2 billion for the Head Start Program and \$1.5 billion for Child Care Development and Block Grant, a request for \$1 billion for mental health professionals, counselors, and nurses in K–12 schools, and an increase of funding for the Pell Grant program. The Heritage Foundation recently released an [article](#) which offers an analysis of this education agenda, noting that this massive request for education funding is in addition to the [\\$282 billion](#) of education funding (much of which still has not been spent) which was appropriated through the stimulus packages passed by Congress since March 2020. Furthermore, author Jude Schwalbach points out that the Biden administration’s proposal for education would actually send the funds to educational programs and institutions rather than to the students that need the help the most. He further references studies that show when monies were portable, meaning the money followed the student rather than funding a program or school, the students achieved more success. He charges, “Instead of increasing spending (and by extension federal control over education), Congress should give families control over existing education spending.”

## **AACS Submits Public Comments on EANS**

Last week, the AACS submitted public comments to the Department of Education concerning the [Emergency Assistance to Non-Public Schools](#) (EANS) program that received additional funding under President Biden’s American Rescue Plan (ARP). The ARP allocated an additional [\\$2.75 billion](#) to EANS, which was originally passed in a coronavirus relief package in 2020 to provide funding for private schools affected by COVID-19. The public comments focused on one important change in the ARP that could greatly affect the number of Christian schools that could participate in the EANS program. In the ARP, EANS funding can only go toward schools that enroll a “significant percentage of low-income students,” but the law does not define “significant percentage,” leaving confusion for the regulators, state education officials, and private schools that want to participate in the program. The AACS comments urged the Department to give schools that do want to participate the freedom to assert that they serve a significant percentage of low-income students without having to calculate burdensome percentages. By giving schools and states flexibility, more students can benefit from EANS and get a quality education in a difficult year for many families. We conclude our comments by writing, “To provide the best education for the most students, the Department should develop implementation plans for ARP EANS broadly, taking into account the unique situation of each school and allowing each school the most freedom to determine whether it enrolls a ‘significant percentage’ of low-income students.” Our public comments can be viewed [here](#).

## **Biden Administration Denies Petition to Define Sex as “Biological” in Title IX**

The U.S. Department of Education (DOE) has [denied a request](#) to interpret “sex” to mean biological sex under Title IX, the law which prohibits discrimination on the basis of sex in education programs. The petition was sent to the DOE by the feminist group Women’s Liberation Front (WoLF) which has actively been fighting the participation of transgender students in women’s sports. WoLF sent the [petition](#) after President Biden’s January 20th executive order which instructed federal agencies to review all policies, regulations, and guidelines to combat any perceived discrimination on the basis of sexual orientation and gender identity. In a [letter last month](#), Suzanne Goldberg, serving as Acting Assistant Secretary for Civil Rights in the DOE, responded to WoLF that the DOE “respectfully denies your request,” citing President Biden’s executive order from January 20th, and then an additional executive order, [issued March 8](#), which specifically instructs the DOE to examine educational policies and work to eliminate perceived LGBT discrimination. The letter also states that the DOE is planning to conduct a “public hearing in which students, educators, and others with interest and expertise in Title IX will be able to participate by offering oral comments and written submissions.” The hearing will be followed by a release of proposed new regulations for Title IX. Although the DOE denied their petition, WoLF noted that the department did not dismiss any of the legal arguments they presented, and they are, therefore, encouraged that there might be an opportunity for continued pressure for “common-sense regulations during the review process.”

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

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

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

[States Introduced over 500 Pro-Life Bills in 2021 in “Pro-Life Surge”](#)

[Teaching Critical Race Theory to End in Arkansas Agencies Without the Governor’s Signature](#)