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“The only foundation for . . . a republic is to be laid in Religion. Without this there can be no virtue, and without virtue there can be no liberty, and liberty is the object and life of all republican governments.”
Benjamin Rush

Biden Administration Claims to Defend Religious Exemption in Education

The Department of Justice (DOJ) [recently argued](#) in a court filing that three Christian colleges and the Council for Christian Colleges and Universities (CCCCU) should not be allowed to intervene as parties in a recent lawsuit against the Department of Education. The lawsuit was filed by the Religious Exemption Accountability Project ([REAP](#)), an organization that targets Christian colleges for their biblical beliefs about God’s intention for marriage and sexuality. REAP, along with thirty-three current and former Christian college students who identify as LGBT, filed a lawsuit in March against the Department of Education. The case, [Hunter v. Department of Education](#), alleges that the religious exemption in Title IX of the Education Amendments of 1972 is unconstitutional because it allows Christian colleges to maintain biblical standards of human sexuality among their student body. Under the [religious exemption](#), provisions of Title IX do not apply to Christian colleges if they are not “consistent with the religious tenets of the organization.” The lawsuit targets twenty-five Christian colleges that participate in federal education programs such as Pell grants, claiming that the “oppression” these students experienced on campus was “fueled by government funding, and unrestrained by government intervention” and “persists with injurious consequences to mind, body, and soul.” In response to this lawsuit, the Alliance Defending Freedom and the CCCCU filed a motion to intervene in the case to better represent the Christian colleges attacked in the lawsuit.

The Department of Justice is responsible to defend all duly passed federal laws in the country, including the religious exemption in Title IX. When the DOJ first submitted the [filing](#) in court last week, the DOJ announced it would “vigorously” defend the law as written, barring the need for the Christian colleges to intervene. This language, however, drew [intense criticism](#) from progressive and LGBT activists, leading the DOJ to edit its filing to remove the word “vigorously.” Instead, the DOJ has emphasized that it will “represent those interests adequately.” This change is concerning to the Christian colleges implicated in the case because the Biden administration has already made clear its intention to elevate LGBT identities as a new class of civil rights. Both [conservative](#) and [progressive](#) commentators surmise that the DOJ’s efforts to defend the law and exclude CCCCU’s involvement will prevent the Christian colleges from making robust constitutional arguments that could threaten REAP’s success in overturning the exemption. Also concerning was the Department of Education’s [announcement](#) last week that it would reinterpret the word sex to mean sexual orientation and gender identity, placing the religious exemption in Title IX in direct conflict with the Department’s new goal of advancing LGBT rights. Christian colleges remain apprehensive that the DOJ will follow the Biden administration’s lead and fail to strongly defend the religious exemption, leaving Christian institutions vulnerable should the exemption be struck down by a court. The CCCCU called the lawsuit “[frivolous](#),” noting that the U.S. Supreme Court has issued multiple rulings protecting the religious liberty of Christian institutions to participate in generally available federal funding while maintaining their religious mission and policies. The colleges continue to argue that they have the right to intervene in the case.

New Poll Shows Strong Support for School Choice

A [recent poll](#) shows that a majority of voters, regardless of political party, support school choice. The poll surveyed 1,100 voters and found that 65% support the concept that “parents [should have] the right to use the tax dollars designated for their child’s education to send their child to the public or private school which best serves their needs.” Additionally, 55% supported the idea that some or all government education funds should be directed to parents, an idea that has gained popularity over the last year as many parents were dissatisfied with the response of public education during the pandemic shutdown and desire different options for their children. Interestingly, when broken down by political party, support for school choice is still very strong across party lines with 75% Republicans supporting, 61% Democrats, and 60% Independents. The poll also divided the information by ethnicity groups, finding that support was strongest amongst minority voters, with 69% black voters supporting, 68% Asian voters, 67% Hispanic voters, and 64% white voters. Tommy Schultz, president and CEO of the American Federation for Children [notes](#) that “public support for school choice is nothing new,” but also adds, “This year already, at least a dozen states have enacted new school choice programs or expanded existing programs because they’re recognizing just how popular this issue is amongst K-12 families. We are grateful that lawmakers are listening to the needs of families, but millions of children are still waiting for better options.”

School Choice in Indiana Saved the State Millions of Dollars

Indiana saved nearly \$90 million last year through school choice according to a [study](#) from Ball State University. Dagney Faulk, director of research at the Center for Business and Economic Research (CBER), who co-authored the study, [said](#) that “choice has resulted in savings to the state because more students transfer out of districts with the highest levels of per-student funding than into these districts.” By students moving to different school districts and attending private and charter schools, the state spent \$788.5 million instead of the \$877 million it would have spent if students went to schools in their home districts. Interestingly, Michael Hicks, director of CBER [commented](#), “While this study makes clear that the current level of school choice saves tax dollars, significant expansion of choice, particularly private school vouchers, would not result in additional savings.” Hicks’s reasoning comes from the study’s findings that “the dollar savings from school choice in Indiana were accompanied by general declines in per-student spending (inflation-adjusted).” While the researchers working on this study admitted to government savings through school choice, they did not endorse school choice as an option to save the government more money over the years. The study pointed to cuts in education funding over the years as a possible factor in the reason for Indiana’s savings last year. However, the results concur with previous [reports](#) that show school choice programs across the country actually provide savings to taxpayers. (*Written by summer intern Zach Jewell*)

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](#)

[Promise to America’s Children](#)

[Critical Race Theory is Antithetical to Christianity, Black Pastor Says](#)

[House Members Take a Stand for Conservative Values](#)

[82% of Voters Say Religious Liberty is Important](#)