



A Publication of the American Association of Christian Schools

The Washington Flyer
July 2, 2021

“I am apt to believe that [Independence Day] will be celebrated, by succeeding generations, as the great anniversary festival. It ought to be commemorated, as the Day of Deliverance by solemn acts of devotion to God Almighty. It ought to be solemnized with pomp and parade, with shews, games, sports, guns, bells, bonfires and illuminations from one end of this continent to the other from this time forward forever more. . . . I am well aware of the toil and blood and treasure, that it will cost us to maintain this Declaration, and support and defend these States.—Yet through all the gloom I can see the rays of ravishing light and glory. I can see that the end is more than worth all the means. And that posterity will triumph in that day’s transaction.”

John Adams’s letter to Abigail Adams, July 3, 1776

AACS Youth Legislative Training Conference

The AACS Washington Office is looking forward to hosting the annual AACS Youth Legislative Training Conference next week, offering AACS students from across the country the opportunity to experience the political workings of Washington, D.C., from a biblical worldview. Please join us in praying for a profitable week with the students. Our prayer is that God will work in their hearts and minds so that they will diligently seek Him and His will regarding their future role and how they may serve Him through service to their country. We invite you to follow the activities of the week through Facebook ([@AACCSeducates](#)) and twitter ([@AACCS DC](#)).

AACS Joins Amicus Brief to Defend Religious Liberty

The AACS joined an amicus brief which defends the religious liberty of nondenominational religious institutions in the case *Maxon v. Fuller Theological Seminary*. Plaintiffs Joanna Maxon and Nathan Brittsan sued Fuller Theological Seminary (FTS) after being dismissed for living in same-sex unions. The key question in the case is what sort of schools qualify as an “educational institution controlled by a religious organization” as stated in the Title IX religious exemption. The plaintiffs argue that FTS falls outside of Title IX’s religious exemption because “it is an independent and nondenominational institution.” However, this argument fails to acknowledge that regardless of whether a religious school identifies itself with a denomination or has an independent governing board, the government cannot determine how religious schools are run or what they teach. The amicus brief [points out](#) that “a school is ‘controlled by a religious organization’ under the exemption when it is ‘controlled by’ its own religiously oriented governing board or by a system of religious beliefs and practices—both of which are true” in the case of FTS. The brief also asserts that excluding independent and nondenominational schools “would create serious constitutional questions under the First Amendment.” First, it would give preference to “religious schools that are owned and operated by religious denominations over those that are independent or nondenominational.” While the government has some discretion in determining how far religious exemptions apply, it cannot discriminate on a ground which has no bearing as to whether a school has a “substantial religious character.” Furthermore, just as the ministerial exception prevents government interference in a religious organization’s selection of its leadership, it should also steer clear from involvement in a religious institution’s ministerial training. A federal district court dismissed the charges against FTS in 2020, but the plaintiffs have since appealed the decision to the Ninth Circuit Court of Appeals.

Supreme Court Validates Transgender Rights

The Supreme Court has chosen not to hear a case on whether or not transgender students have the right to use the bathroom that matches their gender identity at public schools, leaving in place a 4th Circuit Court decision. The case involves a now-graduated female high school student, Gavin Grimm, who identifies as a male and fought to use the boys' bathroom while attending school in Gloucester County, Virginia. Because the Supreme Court has refused to take the case, the decision by the 4th Circuit Court of Appeals that allows transgender students to use the bathroom of their gender identity remains in place. The 4th Circuit decision affects Maryland, West Virginia, Virginia, North Carolina, and South Carolina. The 4th Circuit joins two other circuit courts that have made similar decisions as reported by [CNN](#): "Public school students in the mid-Atlantic states covered by the 4th Circuit, as well as states governed by the 7th Circuit and the 11th Circuit, can use the bathroom that corresponds to their gender identity." While the Supreme Court did not comment on its decision not to hear Grimm's case, Justices Thomas and Alito stated they would have taken up the case. In their attempt to bring this case before the Supreme Court, lawyers for the school district in Gloucester County [commented](#), "For school officials, as for parents, the question how best to respond to a teenager who identifies with the opposite biological sex is often excruciatingly difficult, but the privacy rights of millions of students are at risk if their transgender classmates are allowed to use bathrooms matching their gender identities." For now, the highest court has decided to dodge this difficult question. (*Written by summer intern Zach Jewell*)

Federal Legislation Introduced to Ban Critical Race Theory in DC Schools

Rep. Glenn Grothman (WI) has introduced legislation which would prohibit the teaching of Critical Race Theory in the public schools in Washington, D.C. [Critical Race Theory](#) (CRT) is a Marxist approach to society which views America as systemically racist and teaches that all people fall into one of two categories based on race—the oppressors or the oppressed. The bill, titled Ending Critical Race Theory in Public School Act, would ensure that D.C. public school officials cannot "compel a teacher or student to adopt, affirm, adhere to, or profess" ideas that discriminate or divide based on race. The bill has four other Republican cosponsors, Reps. Ralph Norman (SC), Pat Fallon (TX), Bob Gibbs (OH), and Ronny Jackson (TX), and is one of [several initiatives](#) that have been introduced by conservative members of Congress to fight the advancement of CRT in education and government programs. Rep. Grothman stated, "The CRT curriculum that 'enlightened' educators are regurgitating teaches our children hate—to hate each other and hate their country. In other words, students are being taught that they are defined by the color of their skin, not the content of their character. This neo-racist ideology should have no place in our public education system, especially in our nation's capital." He added, "Success is achieved in America by people from all different backgrounds. This is what we should be teaching our children because it is the truth." While the bill is unlikely to gain any traction in the Democrat-controlled House, it represents a growing trend of conservative [lawmakers pushing legislation](#) to stop the destructive teachings of CRT in public schools.

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](#)

[Promise to America's Children](#)

[AACCS Legislative Director Jamison Coppola Discusses "Critical Race Theory and Christian Education"](#)

**There will be no Washington Flyer next week due to the Youth Legislative Training Conference.*