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*“The Constitution is not a document for the government to restrain the people:  
it is an instrument for the people to restrain the government.”*  
~ **Patrick Henry**

**2021: The Year of School Choice**

The year 2021 has been dubbed the “Year of School Choice” by many school choice proponents who point to the vast expansion of school choice programs across the country throughout the year. During the state legislative sessions of 2021, eighteen states took action either to create new school choice programs or expand existing school choice programs. A [recent report](#) published by Education Next offered a description of the different programs, state by state, which include 7 new school choice programs and an expansion of 21 existing programs. The seven new programs—enacted in AR, IN, KY, MO, NY, OH, and WV—include education savings account programs and tax credit scholarship programs. Fourteen states (AR, FL, GA, IN, IA, KS, MD, MT, NV, OH, PA, OK, and SD) expanded twenty-one existing programs—including voucher, tax credit scholarship, and education savings account programs—by either increasing the limits for student eligibility, increasing the caps for the program capacity, or increasing the funding available to the program. The report notes that during the 2020–21 school year, approximately 608,000 students benefited from school choice programs across the country, including vouchers, tax credit scholarships, and education savings accounts. The seven new programs are estimated to provide school choice options for approximately 3.6 million more students, and the expanded programs could offer opportunities to approximately 878,300 more students. These increases would effectively quadruple the number of students nationwide who are eligible for school choice. Robert Enlow, president and CEO of EdChoice, called it a “[breakthrough year](#),” further stating, “This is, without a doubt—based on our tracking over the years—the biggest year for educational school choice.”

School choice advocates point to several reasons for the large growth of school choice opportunities, including one unlikely source—the teachers unions. Corey DeAngelis, the national director of research for the American Federation of Children, pointed out in a recent [interview](#) that the “teachers unions’ keeping schools closed for so long and then introducing tons of mandates on other people’s children” opened the eyes of many parents to the amount of control unions have over the public school system and the problems with a one-size-fits-all educational program. Additionally, parents are becoming increasingly aware of and dissatisfied with certain ideology being promoted in public schools (such as Critical Race Theory and gender ideology) as well as with schools’ responses to COVID-19 concerns (such as mask mandates). These factors have increased the calls for educational funding to follow the students rather than support buildings and programs. Jack Schneider, an education historian at the University of Massachusetts Lowell, [noted](#), “We are hearing that we need to empower families with options and we need to stop letting big government and the teachers union dictate what’s best for kids.” Corey DeAngelis has also called for funding to [follow the students](#), pointing out, “We spend over \$16,000 per student per year in the government school system. Why not give that money to the parents? . . . We should not have to rely on the decisions of the teacher union bosses . . . . The decisions should be up to parents, and the best way to do that is to fund the student directly.”

## Universal Preschool Part of Budget Debate

On Tuesday, the House of Representatives approved the \$3.5 trillion budget reconciliation bill on a party-line vote with only Democrat support and no Republicans voting in favor. Included in the budget bill is over \$164 billion to advance free K-3 and K-4 programs, part of President Biden's agenda to provide universal preschool. President Biden has indicated his [plan for preschool](#) "would provide universal access to high-quality preschool to all three- and four-year-olds, led by a well-trained and well-compensated workforce." Accordingly, the plan calls for over \$139 billion to be spent over 10 years for universal preschool grants provided to states to expand free preschool access for 3- and 4-year-olds, and further allocates over \$25 billion for a "Head Start educator fund." On passage of the bill, House Speaker Nancy Pelosi [stated](#), "Everything we do is about the children. As you've heard me say when people ask me, what are the three most important issues facing the Congress, I always say the same thing: our children, our children, our children. Their health, their education, the economic security of their families, a safe environment in which they can thrive and a world at peace in which they can reach their fulfillment." However, many conservatives are wary of the government taking an expanding role in early childhood education. Terrence Jeffrey, CNSnews.com editor in chief, [challenged Pelosi's point](#) with the question of who is ultimately responsible for preschool children and their education and values: "The question here is fundamental: Who should care for and nurture a 36-month-old child? Should it be the government? Or should it be the child's parents?"

## Court Rules Against Obama-Era Transgender Mandate

A federal district judge in Texas has [blocked](#) a transgender mandate that forced medical professionals to perform procedures that contradicted their conscience. In *Franciscan Alliance v. Becerra*, the court considered the legality of a transgender mandate that was first promulgated under President Obama in 2016 when the Department of Health and Human Services redefined *sex* in the Affordable Care Act to include sexual orientation and gender identity. President Trump lifted the transgender mandate in 2016, but President Biden reinstated it after he issued an executive order declaring that his administration would apply the Supreme Court's redefinition of *sex* in *Bostock* throughout the federal government. This monumental shift away from biological sex forced medical workers to violate their conscience and religious beliefs by providing medical procedures such as abortions, prescribing puberty blockers, and performing sex-reassignment surgeries. Franciscan Alliance, representing over twenty thousand medical professionals, and several states sued the government, arguing that the mandate violated religious and conscience rights. Federal courts granted Franciscan Alliance preliminary victories in 2016 and again in 2019, but they stopped short of permanently ending the mandate. Represented by [Becket](#), Franciscan Alliance finally received a permanent victory on August 9, when District Judge Reed O'Connor [issued](#) a permanent injunction against the government's radical transgender mandate after finding that it violated the Religious Freedom Restoration Act. The Biden administration must decide by early October whether it will appeal the decision.

## 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](#)

[Report: Common Core Standards Hurt Education](#)