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**The Washington Flyer**  
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*“The establishment of Civil and Religious Liberty was the Motive which induced me to the field—the object is attained—and it now remains to be my earnest wish and prayer, that the Citizens of the United States could make a wise and virtuous use of the blessings placed before them.”*

*George Washington*

**Lawsuit Filed Against Ohio School Choice Program**

A group of nearly 100 public-school districts and advocates led by Columbus City Schools has [sued](#) Ohio alleging that the state’s school choice program is unconstitutional under state law. William Phillis, executive director of the Coalition of Equity and Adequacy of School Funding, stated that the school choice vouchers “harm the students” and “the taxpayers.” The [EdChoice Scholarship Program](#) was enacted in 2005 and provides a \$5,500 to \$7,500 voucher for over 60,000 students to attend the private school of their choice. The program primarily serves low-income students and students that currently attend failing public schools, giving them the chance to attain a quality education that otherwise would not be available to them. The school districts argue that the voucher program diverts funding from the public school system and costs much more per child than traditional public school. EdChoice, a leading school choice think tank, counters this claim, [stating](#) that the vouchers are worth only 34% of per pupil spending at Ohio public schools. Opponents of the program also argue that the vouchers lead to resegregation of schools and that students can use vouchers to attend schools that discriminate against students on the basis of faith or intellectual qualities. Troy McIntosh, executive director of the Ohio Christian Education Network, defended the vouchers, stating that “parents chose these schools for a reason, and it is because they believe they give their children the best chance to flourish as a student.”

The battle playing out over Ohio’s school choice program highlights the growing divide between parents and advocates that wish to expand school choice and teachers’ unions that want to maintain the status quo of traditional public schools. Neal McCluskey with the CATO Institute [countered](#) the public-school districts’ argument that the vouchers are unconstitutional by arguing that while the state constitution requires that the state fund common schools, it does not prevent the state from also funding other types of education. McCluskey maintains that the voucher program actually makes schools more accountable to parents and the needs of their students and can actually improve the education offered by public schools by introducing competition into the system. Other states are experiencing the explosion in energy over the past two years to expand school choice programs. In [Nevada](#), negative effects of remote learning and low national test scores have fueled calls to expand school choice through education savings accounts (ESAs) and tax credit scholarship programs, two highly effective forms of school choice that give parents and schools the greatest freedom to pursue values-based education. A recent op-ed in [West Virginia](#) echoes these calls for greater flexibility, showing how school choice programs give opportunities for struggling students to find a school or program that best fits their needs. As more states create or expand school choice, more families will reap the benefits of the freedom to choose the educational environment that best suits their children’s needs.

## **Court Rules to Protect Right of Church to Hire Staff**

This week, the 7th Circuit Court of Appeals [ruled in favor](#) of the right of a church to choose staff that align with its fundamental religious beliefs. The case, *Demkovich v. St. Andrew the Apostle Parish*, was brought by Sandor Demkovich after the church fired the former music director upon discovering that he was in a same-sex marriage contrary to church teachings. Demkovich alleged that the church unlawfully discriminated against him because of his sexual orientation. When that claim was dismissed, Demkovich also argued that he suffered a hostile work environment in his position, and he argued that he had a disability that was covered by the Americans with Disabilities Act. The church argued that its decisions were protected by the ministerial exception, a principle stemming from the Establishment Clause and the Free Exercise Clause, which “work in unison toward the common goal of protecting the employment rights of religious organizations.” The 7th Circuit [agreed](#) with the church, with Judge Brennan writing that “the protected interest of a religious organization in its ministers covers the entire employment relationship, including hiring, firing, and supervising in between.” The court offered a strong defense of the ministerial exception not only in protecting the religious freedom of churches, but also in preventing “civil intrusion and excessive entanglement” of the government into church operations. This ruling follows important Supreme Court decisions that defer to the judgment of religious organizations concerning their staffing decisions, protecting the fundamental religious freedom of churches to choose who can lead their congregations and pass along the tenets of their faith to future generations.

## **National School Choice Week Is Just Around the Corner**

[National School Choice Week \(NSCW\) begins January 23, 2022](#), providing families and schools an opportunity to highlight the positive impact that school choice has had in the lives of thousands of students. Since 2011, NSCW participants have attended over 150,000 events. This year, many states are offering in-person or virtual options to spread awareness of school choice. You can register for a live kickoff event online [here](#). For materials and ideas, please [click here](#).

## **Coming Up—March for Life, January 21, 2021**

The [March for Life](#) will take place in Washington, D.C., on Friday, January 21, 2022, to mark the anniversary of the *Roe v. Wade* Supreme Court decision which legalized abortion and to bring awareness to pro-life efforts to save lives by ending the practice of abortion. The annual event has never been canceled, and this year’s organizers are encouraging supporters to come but take [certain precautions](#) in light of COVID-19 concerns. For more information, please [click here](#).

## **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](#)

[SC School Choice Program Has Saved Taxpayers \\$99.8 Million](#)

[Pre-natal Tests Wrong 85% of the Time, But Still Used to Refer for Abortions](#)

[U.S. Departments of Ed and Transportation Announce Joint Action to Help Bus Driver Shortage](#)