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“There are two types of education. . . . One should teach us how to make a living, and the other how to live.”
John Adams

Supreme Court to Issue Decision on Religious Liberty and School Choice Case

The Supreme Court is preparing to issue one of its last remaining decisions in this term on an important religious liberty and school choice case. In [Carson v. Makin](#), the Court will decide if families can use a school choice program in Maine to access religious education for their children. In some remote areas of Maine, students do not have a high school within their school district. In these “tuitioning towns,” the local school district provides funds for students to attend a private or public school of the parents’ choice. Although parents have discretion regarding where to send their children to school using the tuitioning funds, Maine also has a law that prohibits funds from going to private schools that are also religious. Three families, represented by the Institute for Justice, filed a lawsuit against the state arguing that the law prohibiting parents’ choice of religious schools violates the Free Exercise and Equal Protection Clauses of the U.S. Constitution. The AACCS joined an [amicus brief](#) in support of the families in the case.

The Supreme Court heard [oral arguments](#) on the case on December 8, 2021. During oral arguments, the justices questioned whether Maine’s actions constituted discrimination against religion. The attorneys for the state of Maine argued that the state had an interest in providing a secular education to Maine’s students and that the law prohibiting families from choosing religious schools prevented the state from unconstitutionally entangling itself in religion. Michael Bindas, attorney for the families, disagreed, arguing that “the program doesn’t fund schools, it funds families. . . . Not a penny flows to any school under this program but for the private and independent choice of families.” The result of this case will have lasting effects on the growing school choice movement across the country. Many states have [Blaine Amendments](#) to prevent government funds from going to religious schools. The Blaine Amendment was originally introduced as a constitutional amendment by James Blaine in 1875 to prevent government funding of sectarian schools, largely understood at the time to be Catholic schools. Blaine’s amendment failed to pass both houses of Congress, but it has since been adapted and passed into the constitutions of 37 states. Today, state Blaine Amendments are often used to keep the government from directly or indirectly funding religious education, and they are often used to keep school choice programs from offering genuine choice to parents who decide that a religious school is best for their children. In 2020, the Supreme Court ruled in *Espinoza v. Montana Department of Revenue* that the state was wrong to use the state’s Blaine Amendment to justify ending a tax credit scholarship program because some families used the scholarships to send their children to religious schools. While the Court’s ruling in *Espinoza* was a win for educational and religious freedoms, a decision in favor of the families in *Carson v. Makin* could allow even more families to choose a religious education for their children through education freedom programs. A decision is expected by the end of June.

Education Secretary Cardona Faces Questions on School Choice and School Safety

U.S. Secretary of Education Miguel Cardona testified during an [appropriations subcommittee hearing](#) this week, offering his position on several educational issues, including school safety and school choice. Responding to a

question by Sen. Manchin (WV) regarding school safety, Secretary Cardona confirmed that the 2018 report by the [Federal Commission on School Safety](#) was placed under review in 2021. Sen. Manchin encouraged Cardona to use his leverage with funding to ensure schools are taking practical steps for safety such as “hardening” the first floor to ensure strong security and student safety. In response to a question by Sen. Brian Schatz (HI) about whether arming teachers would make schools safer, Cardona [flatly stated](#), “No,” and then expounded on his position, calling the idea “ludicrous” and showing a “lack of respect” towards teachers. Republican Senators Roy Blunt (MO) and Mike Braun (IN) [pressed](#) Cardona on the administration’s efforts to [increase regulations](#) on charter schools that critics say will limit the growth of charter schools and thereby limit school choice opportunities. Sen. Blunt pointed out that “parents want to have the flexibility to choose the school that best meets their child’s needs.” Sen. Braun referenced the success of Indiana’s choice program, stating that it was because “the money follows the child, not the building, not the district, so to speak.” However, Secretary Cardona disagreed with that concept, stating, “I believe we need to make sure all of our schools are well resourced, so we don’t have a system of winners and losers.” He further stated his position that funding for public schools is necessary to ensure a high-quality education for public school students and emphasized there must be “adequate resources, adequate professional learning opportunities,” and also “an equivalent amount of oversight and accountability to make sure that those schools are producing.”

IDEA Webinar Offers Information for AACS Ministries

This week, the Office of Non-Public Education in the Department of Education offered a webinar for AACS ministries with information on the services available to private school students with disabilities through the Individuals with Disabilities in Education Act (IDEA). IDEA provisions primarily focus on meeting the needs of public school students; however, the law does require equitable provisions be made available to private school students with disabilities. The services are provided for the students, not the private schools; thus, the school is not considered a recipient of federal funds. The webinar hosts, Pamela Allen, Education Program Specialist, and Melissa Schroeder, Management and Program Analyst, provided helpful information regarding the equitable services and the important components of the consultation process between private school leaders, parents, and local education agencies. For more information and resources from the webinar, please contact our AACS Washington Office (202-547-2991 or info@aacs.org).

AACS Welcomes Summer Interns

The AACS Washington Office is pleased to welcome our summer interns, Kaylee Soule and Olivia Summers. Kaylee just graduated from Pensacola Christian College (PCC) with a degree in interdisciplinary studies with an emphasis in political science and graphic design and a minor in advertising and public relations, and Olivia will be entering her senior year at PCC in the fall, majoring in political science with minors in Spanish and Writing. Their summer intern responsibilities will include assisting with the preparation and organization for the AACS Youth Legislative Training Conference, as well as other duties to help the work of the office. We are looking forward to a great summer with Kaylee and Olivia!

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](#)

[Promise to America’s Children](#)

[Lawmakers Urge Supreme Court to Reaffirm Religious Liberty in Artistic Expression Case](#)