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*“The best means of forming a manly, virtuous, and happy people will be found in the right education of youth.  
Without this foundation, every other means, in my opinion, must fail.”  
George Washington*

**USDA Offers Clarification Regarding Religious Exemption for Title IX Requirement**

Last week, the United States Department of Agriculture (USDA) issued [clarification](#) that religious schools that participate in the National School Lunch Program are indeed eligible for the religious exemption in Title IX. The clarification comes after Alliance Defending Freedom filed a lawsuit against the USDA for its [new policy](#) which imposes the administration’s transgender policies on all schools participating in the National School Lunch Program, including private religious schools. The new policy was [announced](#) last spring and stated that the USDA would begin to interpret *sex* in Title IX and in USDA programs to mean sexual orientation and gender identity, keeping with President Biden’s “Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation.” Therefore, any schools participating in the program would be required to adopt transgender policies, such as allowing students to use the restroom or locker room that aligns with their subjective gender identity. Many Christian schools participate in the National School Lunch Program, and while Title IX includes a religious exemption, the USDA statement made no mention of the religious exemption. Rather, the policy implied that all schools participating in the program would be required to adhere to the new policy until they received notice of the department approval of their religious exemption.

Alliance Defending Freedom (ADF) filed a lawsuit on behalf of Grand Park Christian Academy in Florida, which resulted in the USDA issuing a [clarification](#) last week which explicitly states religious schools seeking to claim the religious exemption in Title IX could do so and did not have to file a written request. The statement announced, “Although [Biden’s policy] applies to a wide array of public and private schools at the K-12 and the college/university level, the law includes some exceptions, including one permitting an institution to be exempt on religious grounds if there is a conflict between Title IX and a school’s governing religious tenets.” The clarification further states that, in accordance with Title IX, “USDA regulations do not require a religious educational institution to submit a written request for a Title IX exemption in order to claim that exemption.” Schools wishing to get a USDA recognition of their religious exemption can submit a written request, but an official recognition of a school’s religious exemption is not necessary to claim the exemption. ADF Legal Counsel Erica Steinmiller-Perdomo [stated](#), “Biden has no authority to force schools to follow his radical gender agenda.”

**Heritage Foundation Event Highlights School Choice and Empowering Parents**

This week, the Heritage Foundation hosted an event titled “[Empowering Parents in Education](#)” to discuss the importance of [education freedom](#) as a means to help parents direct the education of their children. The event

featured leading education experts, including Corey DeAngelis, senior fellow at the [American Federation for Children](#); Kevin Roberts, President of the [Heritage Foundation](#); and Tiffany Justice, co-founder of [Moms for Liberty](#). The group discussed how school choice could help solve the problems revealed in many public schools over the past few years. Speakers noted how school closures and online learning helped many parents become aware of the ideologies, such as Critical Race Theory and gender ideology, that are being taught in public schools across the nation. Mrs. Justice's group, Moms for Liberty, is pushing back against government indoctrination by helping parents run for local school board elections. Mr. Roberts noted that the awakening of parents will make genuine school choice even more important in upcoming elections, just as it was for Florida Governor Ron DeSantis in 2019 and Virginia Governor Glenn Youngkin in 2021. Mr. DeAngelis argued that public policy should be crafted to "fund students, not systems," to keep the child the focus of education rather than powerful teachers' unions. But while school choice is an important step to reforming education, these policies depend on the restoration of the American family, according to Mr. Roberts. The breakdown of the family, he emphasized, is "the problem upstream from everything we work on in public policy. . . . We are kidding ourselves" to think otherwise.

### **University of Idaho Students Score a Religious Liberty Victory**

Three students at the University of Idaho's school of law recently [scored a victory](#) in favor of their First Amendment rights. The students, who are members of the Christian Legal Society (CLS), filed a lawsuit after the university issued a no-contact order against them for expressing their religious viewpoints. The case began when a student questioned the chapter members about the requirement that its officers acknowledge biblical marriage as between one man and one woman. While the three students explained that their view of marriage is derived from the Bible and offered to talk further, the student "publicly denounced" their viewpoint and complained to the American Bar Association just a few days later. The university then issued a no-contact order against the three students who were prohibited from speaking to their accuser both on and off campus. Chief U.S. District Judge David C. Nye granted the students' motion for preliminary injunction, requiring that the university remove the no-contact order. Judge Nye found that the case was a First Amendment issue rather than a Title IX issue. He stated in the ruling that "some may disagree with Plaintiffs' religious beliefs. Such is each person's prerogative and right. But none should disagree that Plaintiffs have a right to express their religious beliefs without fear of retribution. The Constitution makes that clear." CLS Executive Director and CEO David Nammo stated, "College campuses should be places where free speech is vibrant and the First Amendment is esteemed. CLS is grateful the court acknowledged this today and stood up against a cancel culture threatened by a marketplace of differing ideas."

### **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](#)

[Education Savings Accounts Can do for Education What Netflix Did for TV](#)