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*“The God who gave us life, gave us liberty at the same time.”  
Thomas Jefferson, “Summary View of the Rights of British America”*

**AACS Submits Public Comments on Title IX**

The AACCS recently submitted public comments on the Department of Education’s [Title IX proposed rules](#) that would radically redefine sex and threaten the religious liberty of Christian colleges. Public comments allow groups and individuals to engage in a federal agency’s rulemaking process, and agencies must respond to arguments raised in public comments as they finalize rules into law. The proposed rules go far beyond the original purpose of Title IX of the Education Amendments of 1972, which simply stated that “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” For decades, sex in Title IX was understood biologically as male and female. But in 2020, the Supreme Court ruled in *Bostock v. Clayton County* that in Title VII of the Civil Rights Act, the law that governs employment, sex was now to be interpreted to also encompass sexual orientation and gender identity. The Biden administration has seized upon the Court’s gravely mistaken view of sex and the original meaning of the law and has embarked on a government-wide effort to expand sex nondiscrimination to also include sexual orientation and gender identity, endangering the constitutional rights of religious institutions.

The AACCS public comments focused mainly on the religious liberty implications of the Title IX proposed rules. While Title IX contains a robust religious exemption for educational institutions, the proposed rule declined to clarify how it would interact with and protect against this expansion of nondiscrimination law. We argue, “On its face, the proposed rule will violate the religious liberties of colleges that espouse a biblical view of human sexuality and marriage, requiring them to claim the religious exemption simply to continue enrolling students that receive federal loans.” As evidence of how religious institutions have been targeted simply for having religious views on marriage and sexuality, we point to President Obama’s May 2016 “[Dear Colleague Letter on Transgender Students](#),” an early attempt to redefine sex, which resulted in colleges that espoused a biblical view of marriage being put on a “shame list” on the Department’s website simply for exercising their religious liberty. In another example, the Religious Exemption Accountability Project ([REAP](#)) has filed a lawsuit challenging the religious exemption in Title IX as being unconstitutional. In light of these challenges, we write, “Rather than reaffirm the religious rights of Christian colleges, this proposed rule reinforces the erroneous idea that Christian colleges and the students they serve are discriminatory and act contrary to the stated policy goals of the federal government.” In addition to the religious liberty implications of the proposed rule, we also highlight the detrimental effects the rule would have on women and girls who must compete against and share private spaces with males in educational programs. We also note the harms to free speech as the redefinition of sex would open the door for students and faculty to be accused of discrimination and investigated as bigots simply for speaking the truth about one’s biological reality. In closing, we implore the Department to uphold the real meaning of sex and leave Christian institutions “free to educate without government interference in the most basic understandings of belief.”

## **The Nation’s Report Card Reveals COVID Closures Caused Learning Loss in Reading and Math**

The National Assessment of Education Progress (NAEP), often referred to as the Nation’s Report Card, has released the [results](#) of a special report that examines the effect that COVID-19 had on students’ learning. The results show a significant drop in reading and math scores over the last two years. The assessment was conducted among 9-year-olds in the spring of 2022, using the same assessment tool that was used for 9-year-olds in 2020. Specifically, average reading scores dropped five points, the largest decline in reading scores since 1990, and average math scores dropped by seven points, marking the first time in 50 years that math scores have declined. Peggy Carr, the commissioner for the National Center for Education Statistics, called the results “sobering,” noting that “it’s clear that COVID-19 shocked American education and stunted that academic growth of this age group.” Sadly, the [most significant loss](#) occurred for disadvantaged students—those from low income families, or who struggle academically, or minority groups such as Hispanic and black students who, for example, experienced a 13-point decline in math scores compared to their white peers’ 5-point decline. Martin Dean, academic dean at Harvard Graduate School of Education, [points out](#) that to adequately help students recover from the learning loss, “We have an obligation to help them experience accelerated rather than typical growth going forward.” Jennifer Patterson, director of the Institute of Theology and Public Life at Reformed Theological Seminary, [suggests](#) that the best way to help students and restore the learning loss that occurred during the pandemic is to provide parents with more educational freedom so they can choose the path that will best meet their children’s educational needs.

## **Heritage Education Freedom Report**

The Heritage Foundation has released the [2022 Education Freedom Report Card](#), a report that ranks each state according to the level of educational freedom and educational opportunities in each state. The determination for states’ rankings was made through consideration of four overarching categories: educational choice opportunities, regulatory freedom, the transparency of the educational department and local school boards, and the return on investment for education spending. For educational choice, which comprised 40% of the ranking points for each state, states were evaluated based on the type of school choice programs available; educational savings accounts received the highest points since they generally offer the most opportunities. In the area of transparency, states were evaluated based on the level of access that parents had to curriculum, and also the level of race-based theories that were taught and/or applied in classrooms. The level of regulatory freedom was determined by examining governmental requirements for teacher licensure and certification, requirements regarding the use of the Common Core Standards, and the employment of “chief diversity officers.” The rankings for return on investment were determined by considering the educational spending per student, the NAEP scores for students in the state, and the teacher/staff ratio. Overall, Florida ranked 1st place for having the most educational freedom, with Arizona in 2nd. The report is intended to be a guide to legislators, educational officials, and parents who are seeking to improve educational freedom in their states by providing them knowledge of areas that need improvement in order to provide more opportunities for student learning. The report and its findings per state can be accessed [here](#).

## **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](#)