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“Those who expect to reap the blessings of freedom, must, like men, undergo the fatigues of supporting it.”
Thomas Paine

Department of Education Promotes Discipline Polices Based on Racial Quotas

The U.S. Department of Education (DOE) has released several documents this spring in an effort to address the mental health, discipline, and academic issues that have arisen since the pandemic school closures. Last week, the DOE released [four fact sheets](#) to offer guidance for “supporting students’ social, emotional, behavioral, and academic well-being and success.” These fact sheets provide specific recommendations to help incorporate principles that were presented in a document released in March. The document, [Guiding Principles for Creating Safe, Inclusive, Supportive, and Fair School Climates](#), emphasizes “evidence-based policies, practices, and programs” to help provide “safe, inclusive, supportive, and fair learning environments for all students.” The guidance charges that “some school practices—such as suspensions, expulsions, and the use of corporal punishment—harm or unnecessarily push students out of school for behavior that does not pose a threat to others or the students themselves.” The guidance further charges that “these practices often disproportionately affect students of color, students from low-income backgrounds, English learners, students with disabilities, and students who identify as LGBTQ.” The four fact sheets recently released address [discipline practices](#) (recommending moving from “punishment-based” discipline to “restorative” discipline), [student support teams](#) (comprised of leaders in the school such as a school counselor, administrator, and special education teacher or reading specialist), [educators and school-based staff](#) (recommendations for positive student interaction), and [family relationships](#) (viewing families as “partners, co-producers, and co-creators of excellent education for all students”). In May, the DOE Office of Civil Rights partnered with the Department of Justice Civil Rights Division to issue a [Dear Colleague letter](#) explaining the efforts of both Departments to ensure schools are not discriminating in discipline according to a student’s race, and further explaining the Departments’ efforts to enforce nondiscrimination laws and investigate complaints of noncompliance. The letter charges that “significant disparities by race—beginning as early as preschool—have persisted in the application of student discipline in schools.” The letter also points to the challenges that students are facing as a result of the pandemic, and claims that minority students and students with disabilities have suffered the most.

The underlying claim in all these initiatives, intended to improve school climate and student safety, is that there is a disparity in discipline practices which target minority and disability students, and thus, policies should be revised to reflect equitable and better racial quotas. However, Jonathan Butcher of the Heritage Foundation [disagrees](#). In a recent article, he points out that, while statistics do show that student behavioral problems have increased since the pandemic, the DOE and DOJ letter “redirects attention to students’ ethnicities instead of classroom safety.” He also points to actual districts that have tried the “restorative practices” promoted by the DOE March guidance and points out that these districts saw an increase rather than a decrease in behavioral and discipline issues and have since reversed their policies. Rather than federal coercion and mandates to incorporate specific practices, Mr. Butcher concludes, “School officials should judge each disciplinary incident on its own merits. Parents and educators know their students and their school best, and they should decide how to keep students safe and maintain order.”

Oklahoma Approves First Religious Charter School

In a 3-2 vote, the Oklahoma Statewide Virtual Charter School Board approved the nation's first ever religious charter school. The new online charter school, St. Isidore of Seville Virtual Catholic Charter School, will start in the fall of 2024. The school plans to cap enrollment at 500 students and then grow from there. The [Archdiocese of Oklahoma City](#) is "elated that the board agreed with our argument and application for the nation's first religious charter school," according to spokesman Avery Holt. However, the school has faced significant pushback. "Public schools must never be allowed to become Sunday schools," [said Rachel Laser](#), the president and chief executive of Americans United for Separation of Church and State. Laser called the new charter school a "sea change for American democracy." [Brett Farley](#), executive director of the Catholic Conference of Oklahoma, said that charter schools are publicly funded but privately run. Pointing to recent Supreme Court decisions that addressed government discrimination against religious organizations, Farley claimed that if charter schools can be classified as private schools, then state governments [cannot legally restrict](#) religious charter schools. School choice opponents could try to delay the start of the school by challenging the legality of the school through court. Although Oklahoma Attorney General Gentner Drummond has opposed the school's approval, Gov. Kevin Stitt has supported it. "Oklahomans support religious liberty for all and support an increasingly innovative educational system that expands choice," said Stitt. "Today, with the nation watching, our state showed that we will not stand for religious discrimination."

REAP Lawsuit Appealed

The Religious Exemption Accountability Project (REAP) has appealed the dismissal of *Hunter v. U.S. Department of Education*. In 2021, REAP filed a lawsuit against the Department of Education, charging that religious postsecondary institutions should not receive any Title IX religious exemptions. These exemptions enable religious colleges to keep their religious convictions and still offer students federal financial assistance. [REAP](#) claimed that colleges which hold to these convictions discriminate against LGBT students and that religion cannot serve as a "government-funded vehicle" to harm sexual and other minorities. REAP filed the lawsuit on the behalf of 40 LGBT-identifying plaintiffs. The aim of the REAP lawsuit was clear. REAP's parent organization [Soulforce](#) stated that its mission is to "sabotage Christian supremacy." REAP wanted to strip away any Title IX religious exemptions, exemptions that [Alliance Defending Freedom said](#) protect "the freedom of religious schools to live out their deeply and sincerely held convictions." Phoenix Seminary, Corban University, and William Jessup University, represented by Alliance Defending Freedom, intervened and took a stand. In January 2023, U.S. District Judge Ann Aiken dismissed REAP's case. Although [Aiken](#) said that LGBT students had experienced discrimination, she also said "exempting religiously controlled educational institutions from Title IX . . . is substantially related to the government's objective of accommodating religious exercise." REAP's appeal of the dismissal is expected to take one to two years to complete. AACS will continue to monitor the situation and support the religious freedoms of Christian schools, faculty, and students.

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](#)

[Woke Brands Back Off Pride Month as American Fury Grows](#)

[10 Things for Christians to Remember During Pride Month](#)

Jamison Coppola: Government Relations Director

Olivia Summers: Government Relations Assistant

Maureen Van Den Berg: Policy Analyst

Washington Office, 119 C Street SE, Washington, DC 20003