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*“Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble; and to petition the government for a redress of grievances.”*  
***The First Amendment, U.S. Constitution***

**Federal Court Rules in Favor of Religious Freedom for Faith-Based School**

A federal court issued a [ruling](#) last week, upholding the religious freedom of religious schools and organizations to make employment decisions based on the tenets of their faith. The case, [Fitzgerald v. Roncalli High School Archdiocese Indianapolis](#), involved Shelly Fitzgerald who had been employed for 14 years by Roncalli High School in Indianapolis as a guidance counselor and Co-Director of Guidance. In 2018, she revealed that she was in a same-sex marriage, prompting the school to decline a renewal of her contract, explaining that such a relationship was contrary to the teachings of the school and affiliated Catholic church. Fitzgerald filed a lawsuit, charging discrimination, but a district court ruled in favor of the religious school. The Seventh District Court of Appeals last week agreed with the lower court’s decision, citing the [ministerial exception](#), a legal doctrine that prohibits government interference with a religious organization’s employment decisions regarding its ministers. A [similar case](#) from last year involved the other Co-Director of Counseling at Roncalli High School who was let go after she revealed she was also in a same-sex marriage. In that case, *Starkey v. Roncalli High School Archdiocese Indianapolis*, the court decision also found that the school had the religious liberty to make employment decisions based on its religious beliefs, referencing the ministerial exception.

The *Fitzgerald* ruling by the Seventh Circuit Court quoted the First Amendment in explaining the constitutional basis for the protection of religious liberty. The court further pointed to the Supreme Court’s ruling in *Hosanna-Tabor Evangelical Lutheran Church & School v. E.E.O.C.* in which the Supreme Court ruled in favor of the Lutheran school to make employment decisions without government interference, based on the ministerial exception. As noted in the decision, “the Supreme Court held that this language bars employment discrimination suits ‘when the employer is a religious group and the employee is one of the group’s ministers.’” In a concurring opinion for the *Hosanna-Tabor* case, Justice Clarence Thomas [explained](#), “The Religion Clauses require civil courts to apply the ministerial exception and to defer to a religious organization’s good-faith understanding of who qualifies as its minister.” He further emphasized that the “Religion Clauses guarantee religious organizations autonomy in matters of internal governance, including the selection of those who will minister the faith. A religious organization’s right to choose its ministers would be hollow, however, if secular courts could second-guess the organization’s sincere determination that a given employee is a ‘minister’ under the organization’s theological tenets.” Roncalli High School was represented by The Becket Fund for Religious Liberty, a group devoted to defending religious liberty. Recognizing the importance of the *Fitzgerald* decision and the ministerial exception, Becket attorney Joseph Davis [stated](#), “Religious schools exist to pass on the faith to the next generation, and to do that, they need the freedom to choose leaders who are fully committed to their religious mission.”

## **Christian School Sues State Officials for Withholding Preschool Funds**

Darren Patterson Christian Academy has filed a religious discrimination lawsuit after being denied eligibility to participate in Colorado's universal preschool program. The academy was informed it must change its religious beliefs on marriage, sexuality, and gender to receive the state's universal preschool funds. Because the academy has a biblical worldview, it would have to abandon its convictions to receive the funding. Jeremiah Galus, an Alliance Defending Freedom attorney representing the school, [said](#) the state is "hurting families and children" and "trampling" on constitutional rights. The Colorado Department of Early Childhood and Universal Preschool Program made [several demands](#) of Darren Patterson. Specifically, the department said the academy must be willing to hire transgender employees and let them use the clothing, restrooms, and pronouns of their choice. State officials told the academy it could not require its staff to share biblical values. In addition, the state said the academy must house students according to their preferred gender on overnight trips. The state argued that to meet the program's nondiscrimination standards, the academy must comply with these policies. Darren Patterson requested a religious exemption, but the exemption was denied because the academy was not run by a church. The academy accepts children from all different religious backgrounds but requires its staff to have Christian beliefs and values. Darren Patterson [stated](#) that "the Constitution is clear: religious schools can hire those who share their faith, and the government may not deny participation in a public program simply due to a school's internal religious exercise." *Written by AACS summer intern Sarah Butler*

## **Biden Administration Announces Book Ban Czar**

The White House [announced](#) it will appoint a new official to "address the growing threat that book bans pose for the civil rights of students." The Education Department's Office of Civil Rights will choose the coordinator, whose job will be to focus on finding ways to keep the questionable books in schools and institutions rather than removing them. The move is a reaction to the work in [several school districts and states](#) to remove sexually explicit books from their school library shelves. By using federal law and Biden's executive orders, the new coordinator will train school districts and libraries to circumvent local laws which prohibit sexual material in libraries and schools. Although some have touted the term *book bans*, the term is a [misnomer](#). These "banned" books are still available for sale but are removed from classrooms and school libraries because of their inappropriate content. Even PEN America, an organization that tracks book bans and has been involved in fighting the efforts to remove inappropriate books, recognized that these are only "[school book bans](#)." PEN America also offered a [list of the books](#) which have been removed, [reporting](#) 1,477 removed books, 874 of which are individual titles. Of these, 26% included LGBT characters or themes. While the White House [claimed](#) "these efforts disproportionately target the LGBT community," Florida Governor Ron DeSantis has been a leader in [exposing](#) the pornographic and harmful nature of these books. Although the anti-book ban coordinator has yet to be named, the move represents a growing attempt by the Biden administration to ingratiate itself with the LGBT community before the upcoming presidential election. *Written by AACS summer intern Sarah Butler*

## **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](#)

[Poll Shows Support for School Choice has Soared, Crossed Demographics](#)

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