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“The moral principles contained in the Scriptures ought to form the basis of all our civil constitutions and laws. All the miseries and evils which men suffer from—vice, crime—proceed from their despising or neglecting the precepts contained in the Bible.”

Noah Webster

Christian Preschool Faces Religious Discrimination

The DaySpring Christian Learning Center in El Cajon, CA, has [filed a lawsuit](#) against the Biden administration and California Department of Social Services, charging the state has violated its religious liberty. Last year, the state cut off the school’s funding through the Child and Adult Food Program due to the school’s biblical policies regarding morality and human sexuality. The preschool has participated in the program for almost 20 years, using the funds to provide two meals and a snack each day for eligible students. The loss of funds will equal about \$40,000 out of its \$65,000 food budget for the year. The state claims that the school is violating state law which includes sexual orientation and gender identity in its non-discrimination civil rights policy. Jessie Rosales, with the California Department of Social Services, [stated](#) that the school could reenter the program if it would “cease requiring individuals to sign or abide by the staff handbook, or any other employment policy, which specifically disallows lesbian, gay, bisexual, and transgender lifestyles as a condition of employment.” The school charges that the state’s decision violates the First Amendment and the Religious Freedom Restoration Act by forcing them to choose between their religious tenets and government-enforced ideology. A California administrative law judge sided with the state, so the school has appealed to a U.S. District Court to stop the state’s injunction against the funding. “The government is withholding food from families in need simply because their children attend a Christian preschool,” [said Jeremiah Galus](#), senior counsel for Alliance Defending Freedom (ADF) that is representing the school. He adds, “Ironically, in the name of combatting discrimination, government officials have excluded the church and preschool from serving the El Cajon community based solely on their religious beliefs and exercise. This is antithetical to the First Amendment’s promise of religious freedom and only hurts needy families and children.”

This is not the first Christian school to face loss of funding from a food service program because of its adherence to biblical principles regarding human sexuality and marriage. Last year, Green Park Christian Academy in Florida faced loss of funding after the Biden administration issued [guidance](#) through the U.S. Department of Agriculture (USDA) which stated that, for purposes of its social services programs, it would interpret the Title IX prohibition against sex discrimination to include sexual orientation and gender identity. The guidance stated this was in response to President Biden’s executive order requiring all federal agencies to work to end LGBT discrimination, and also an effort to “promote nutrition security,” which they describe as “advancing equity to ensure all Americans have access to nutritious foods that promote health and well-being regardless of race, ethnicity, identity or background.” However, after the school filed a [lawsuit](#), and [attorneys general in 22 states](#) filed another lawsuit, the USDA issued guidance which [clarified](#) that Title IX includes language which allows “an institution to be exempt on religious grounds if there is a conflict between Title IX and a school’s governing religious tenets.”

Federal Judges Rule Against Mail Distribution of Abortion Pill

The Fifth Circuit Court issued a ruling that [restricts access](#) to the abortion-inducing drug mifepristone. Mifepristone, which causes over half of the abortions in the United States, was approved by the FDA in 2000 with several restrictions, including the requirement that a patient see a doctor before being prescribed the drug. In 2016, the FDA began relaxing restrictions—allowing telehealth providers to prescribe the drug, upping the availability of mifepristone from seven to ten weeks of pregnancy, and allowing the pill to be shipped through the mail. Pro-life groups and doctors sued, claiming the FDA improperly approved mifepristone because the FDA neglected to study mifepristone’s effects on minors. Judge Matthew Kacsmaryk of Texas agreed and invalidated the FDA’s 2000 approval of mifepristone. Days later, a panel of judges from the Fifth Circuit ruled the FDA’s 2000 approval of mifepristone was valid but that the pre-2016 restrictions should be reinstated. When the Department of Justice and mifepristone-maker Danco sought temporary relief, the Supreme Court stayed the Fifth Circuit’s ruling until an additional panel of Fifth Circuit Judges could consider Kacsmaryk’s preliminary hearing. The second panel agreed with the first and ruled that the FDA should return to its pre-2016 restrictions. If the Supreme Court declines to review the case, its stay will be removed, and mifepristone will be regulated according to pre-2016 rules. But if the Supreme Court reviews the case, it could revoke the FDA’s 2000 approval of the drug, impose restrictions on the drug, or let the post-2016 restrictions stand.

Virginia’s Policy Protecting Students and Parents Faces Pushback

The state of Virginia has enacted [new educational policies](#) to protect the rights of parents and students, but four school districts are refusing to comply. The new policies, titled “Model Policies of Ensuring Privacy, Dignity, and Respect for All Students and Parents in Virginia Public Schools,” were published in July after an extensive period of public comment and review. The new policy requires that parents be notified if a student wishes to be treated as a gender different from his or her biological sex, and also requires that students use restrooms and facilities that correspond with their biological sex. Four school districts in the northern part of the state are refusing to implement these policies, claiming that their own district policies follow the law, and, therefore, they do not need to follow the new model policies. However, Governor Youngkin is confident that the school districts will have to comply, [stating](#), “The law is very clear that I issue model policies and local school districts have to adopt policies consistent with the model policies.” The law he referenced is a 2020 law signed by former Governor Ralph Northam which requires the Virginia Department of Education (VDOE) to create a model policy regarding transgender students for school districts to then adopt for their schools. In 2021, the VDOE under Northam created a model policy which has now been replaced. Youngkin has defended the new policies, stating, “The kids don’t belong to the state, they belong to parents and to families. They have the ultimate say in decisions that that child is going to make with a parent, not with a bureaucrat.”

In Case You Missed It:

[Weekly Market Update](#) provided by Jeff Beach of the [AACIS Investment Team at Merrill Lynch](#)

[Practical Legal Help for Christian Schools: ADF Ministry Alliance](#)

[Promise to America’s Children](#)

[Gender Ideology Imperils Freedom](#)

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