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“The harder the conflict, the greater the triumph.”
George Washington

Courts Issue Conflicting Rulings on School Policies Protecting Children and Parental Rights

Two Californian courts have issued [opposing rulings](#) on protecting children and parental rights. The first court, the San Bernardino Superior Court, ruled against the Chino Valley Unified School District last month. The Chino Valley district had enacted a policy that would require teachers to notify parents if their child decided to socially identify as the opposite sex at school, such as using the opposite pronouns or bathrooms. However, California Attorney General Rob Bonta sued the Chino Valley district to prevent the policy from taking effect. After an emergency hearing, Judge Thomas Garza issued a temporary restraining order blocking the Chino Valley district from enforcing the notification policy. Yet a federal judge in a separate case has ruled essentially the opposite. This second case involves the Escondido Union School District, which prohibits teachers from notifying parents if their child identifies as transgender. Teachers Elizabeth Mirabelli and Lori Ann West sued because they believed Escondido’s policy violated their right to free speech and the free exercise of religion. In this case, U.S. District Judge [Roger Benitez](#) ruled in favor of the teachers, granting them a preliminary injunction. Attorney General Bonta has denied that the Escondido case has any bearing on the Chino Valley one. However, some legal experts disagree. Emily Rae, senior counsel at the Liberty Justice Center said that “at the heart of both cases is the same idea, that schools should not be able to keep secrets from parents.”

In a similar case, the Eighth Circuit Court of Appeals [ruled in favor](#) of parental rights in a case involving an Iowa school district policy that allowed students to make gender decisions without parental knowledge. In this case, Parents Defending Education, an organization supporting parental rights in education, represented several parents and filed suit against the Linn-Mar Community School District over its policy that allowed students to create a plan to “change their gender” without their parents’ knowledge. The policy also included disciplinary actions against staff and other students who do not use the preferred names and pronouns of students who create these plans. Since the lawsuit was filed, the Iowa legislature [passed a bill](#) that protects parents’ right to be informed of their children’s decisions regarding gender and prohibits schools from keeping the information secret from parents. However, the new law did not address the threat of disciplinary action that would be taken against students who did not recognize another student’s transgender choice. The Eighth Circuit Court recognized that the language in this policy is vague and threatens the First Amendment rights of students who may not agree with the gender ideology being promoted by transgender-identifying students. “We are gratified that the Eighth Circuit upheld the rights of families and students in Linn-Mar. It is never acceptable to prohibit speech with vague terms that allow arbitrary enforcement, especially when compelled student speech is at stake,” [said Nicole Neily](#), CEO of Parents Defending Freedom. She added, “This sends a clear message to other districts across the country with similar bullying and harassment policies on the books.” Noting that the “parental exclusion policies” are now illegal in Iowa, she stated, “These policies remain on the books in far too many districts across the country. Parental exclusion policies are a loser in the court of public opinion—and I have no doubt that they will eventually be struck down in the court of law as well.”

AACS Submits Public Comments on Regulations for the Pregnant Workers Fairness Act

The AACS submitted public comments on a proposed regulation for the implementation of the Pregnant Worker's Fairness Act (PWFA). The PWFA recently passed with bipartisan support and is intended to ensure pregnant women do not experience workplace discrimination because of their pregnancy, childbirth, or medical conditions related to pregnancy. The language of the bill intentionally did not include accommodations for abortion; however, the proposed regulations inserted abortion as a "related medical condition" to pregnancy that requires accommodations by employers. The purpose of the AACS comments was to express grave concern that the proposed regulations "do not accurately reflect the intent of Congress" by including abortion. The comments provided multiple quotations from lead sponsors of the bill who specifically stated their intent to leave abortion out of the provisions of PWFA. The AACS comments also explained how the inclusion of abortion in the regulations "creates problems with the religious exemption in the PWFA, the principle of federalism, and the regulatory impact as described in the proposed regulations." The AACS urged the Equal Employment Opportunity Commission, the agency responsible for the proposed regulations, to remove abortion as part of the accommodations required under the regulations and "stay true to the stated intent of PWFA and to avoid unnecessary and burdensome challenges to religious liberty, federalism, and the good of the society and economy."

Texas Considers School Choice in Special Legislative Session

On Monday, the Texas Legislature convened for a special session on school choice. Lawmakers reached a stalemate during the regular session as rural Republicans and Democrats united to oppose school choice. Now Gov. Greg Abbott has increased the pressure to pass an education savings account bill by signaling he will primary Republicans who oppose a school choice bill. "We will have everything teed up in a way where we will be giving voters in the primary a choice," [said Abbott](#). The [American Federation for Children](#) has also announced it will start a national super PAC to elect school choice proponents and campaign against school choice opponents. At the start of the special session, the state Senate introduced [Senate Bill 1](#). This bill would let the comptroller approve up to five organizations that would distribute \$8,000 per child in an ESA to families that apply. The families could use that money to pay for certain education expenses, such as private school tuition or a private tutor. The money would be distributed on a weighed lottery basis if the \$500 million allocated is insufficient to cover all the applicants. Despite past opposition, many hope a school choice bill will pass during this special session. "Educating the next generation of Texans is a fundamental responsibility," said the bill's author [Sen. Brandon Creighton](#) (R-Conroe). "It is my belief that empowering parents with school choice will ... ensure that every student in Texas has the opportunity to find an educational path for their unique needs."

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](#)

[Religious Freedom Institute: Crisis Toolkit for Religious Institutions](#)

[Former AG Barr Recognizes Importance of Christian Schools and School Choice](#)

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