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*“In consideration of the many undeserved Blessings conferred upon us by GOD, the Father of all Mercies; it becomes us not only in our private and usual devotion, to express our obligations to Him, as well as our dependence upon Him; but also specially to set a part a Day to be employed for this great important Purpose.”*  
*John Hancock’s Thanksgiving Proclamation, October 5, 1791*

**AACS Submits Public Comments for HHS Discrimination**

The AACS submitted public comments to the Department of Health and Human Services regarding a [proposed regulation](#) that would update the rules which prohibit discrimination against people with disabilities. The proposed rule would amend [Section 504 of the Rehabilitation Act](#) that prohibits those who receive federal financial assistance from discriminating against those with physical or mental disabilities in health care, child welfare, and other public services. Much of the proposed rule reflects an effort to respect the dignity of life, regardless of disability, especially in the areas of organ transplants, crisis care, participation in clinical research, and life-sustaining care. However, in one section, the HHS inserted “gender dysphoria” into the list of disabilities that were covered in the rule and thus protected from discrimination. In other words, the prohibition against disability discrimination extends to a person suffering from gender dysphoria, and, therefore, accommodations must be made by those receiving federal financial assistance to adapt to this alleged disability. The [AACS comments](#) offered a thorough explanation as to how the inclusion of “gender dysphoria” as a disability will create “many conflicts and burdensome requirements for religious organizations . . . that provide services that offer help and aid to those with legitimate disabilities.”

First, the AACS comments addressed the basis for the inclusion of “gender dysphoria.” In the proposed rule, the HHS points to a court decision, *Williams v. Kincaid*, in which the Fourth Circuit Court held that gender dysphoria was *not* a gender identity disorder and, therefore, should be considered a disability. However, as the AACS comments pointed out, the HHS failed to consider other court cases, the actual language of the Rehabilitation Act, and judicial opinions that consider gender dysphoria to be a gender identity disorder, and thus, not a disability. The AACS comments also pointed out that the inclusion of gender dysphoria denies the reality that “only two sexes exist—male and female—and these remain fixed despite any desire or attempt to change this truth.” The AACS stated, “The Scriptures confirm this reality, and, like many other faith-based institutions, our schools’ policies operate according to this conviction and the reality of the distinctives of maleness and femaleness.” The AACS also explained that denying this reality, “leads to confusion and harm to those it purports to protect.” Finally, the AACS comments explained that the proposed rule “threatens the religious liberty of religious schools and institutions” by omitting any clear reference to the Constitution and federal laws that protect religious liberty and expression. “The gender ideology that supports the idea of gender dysphoria as a disability is contrary to deeply held convictions and beliefs of religious institutions of all faiths, including our schools and ministries.” The comments concluded by urging the HHS to remove “gender dysphoria” from the list of disabilities, stating, “Without recognizing the importance of truth and religious freedom, this [proposed rule] pits a government-supported ideology against Constitutionally secured religious liberty and reality.”

## **Tennessee Considers Refusing Federal Education Funding**

Lawmakers in Tennessee have convened a committee to examine whether the state could reject federal education funds. The 10-person committee has been tasked with examining what strings are attached to federal funds and whether the state can provide the same services more efficiently. Currently, the state receives about \$1.3 billion from the federal government, roughly 10% of what the state spends on its K-12 students. If Tennessee rejects that federal money, it would be the first state to do so. “There is no precursor to the outcome of what this committee is going to do,” [said](#) task force co-chair state Sen. Jon Lundberg. However, the state would likely face legal challenges, such as from parents of students with disabilities who receive federal funds under the Individuals with Disabilities in Education Act. Yet the committee has emphasized that Tennessee will continue to provide the same programs and services to families even if the state rejects future federal funds. In addition, Tennessee House Speaker Cameron Sexton has [raised concerns](#) that if Tennessee continues to receive federal education money, the Biden administration would subject the state to burdensome regulations. Specifically, Biden’s proposed changes to federal Title IX regulations would force Tennessee to allow boys on girls’ sports teams. “[States] need to have the freedom to make decisions at their state departments of education that are effectual decisions for their schools,” [said](#) Heritage Foundation senior research fellow Jonathan Butcher. “Instead, I think there’s a lot of worrying about how they comply with federal mandates.”

## **Illinois School Choice Program to End**

The school choice program in Illinois [will sunset](#) in 2024 as state lawmakers reached an impasse to extend the state’s tax-credit scholarship, the Invest in Kids Program. The program awards 75% tax credits to those who donate their money to scholarship-granting organizations, or SGOs. These SGOs then distribute the money to eligible families who use it to pay for education expenses, such as private school tuition. Enrollment has grown from 7,178 students in 2019 to 9,656 students this year. But Illinois Speaker of the House Emanuel Welch punted on H.B. 4149, a bill that would have extended the program until 2029, by refusing to bring the bill to the floor for a vote. Those supporting the end of the program have said the program diverts money from public education. Yet each year, only \$75 million tax credits, roughly [0.2%](#) of Illinois’ total K-12 revenue, are available. The program’s end represents a setback to the thriving school choice movement. Illinois’ failure to revive the program is likely the first time a school choice program has ended outside court intervention, according to [Michael Petrilli](#), president of the Fordham Institute. Although lawmakers could extend the program after the legislature reconvenes next year, they would face an uphill battle. Until then, students and schools face an uncertain future. “I’m gonna do everything I know how to do to keep my babies here,” [said Roni Facen](#), the principal of a private school with 55 students on scholarship. “But it doesn’t mean that it’s going to be an easy fight.”

## **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](#)

[Federal Judge Blocks Colorado's Abortion Drug Reversal Ban](#)

[The Politically Incorrect Reality About What Boosts Kids Chances for Success](#)

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