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*"The future and success of America is not in this Constitution,
but in the laws of God upon which this Constitution is founded."*
James Madison

AACS Joins Amicus Brief in Church Autonomy Case

The AACS has submitted an [amicus brief](#) in a case being [appealed](#) to the Supreme Court. In *Bethesda University v. Seungje Cho*, the Court is being asked to consider whether the church autonomy doctrine prevents the government from interfering in the selection of a religious institution's leaders. The case involves Bethesda University which was founded in 1976 by Dr. David Yonggi Cho, a Pentecostal megachurch pastor. The university affirms a Pentecostal identity, and its website states that "Bethesda University was founded on a Christian groundwork derived from Pentecostal Theology." In 2021, the board of trustees elected 6 new members, 4 of whom were Presbyterian, not Pentecostal. After the election, the board was divided into two factions: one, led by Kyung-Mun Kim, asserted that the Presbyterian members were disqualified from serving on the board because they did not share the faith of the university; the other, led by university president Suengje Cho, argued that the new members were rightly installed in keeping with the board's bylaws. Cho filed suit against Kim, and in March 2024, a California court [agreed](#) with Cho. The court determined that the bylaws' qualifications for members were "aspirational" and did not bar "a 'Protestant' minister, or someone not of the Pentecostal faith, from serving on the Board."

The AACS amicus brief argues that the [church autonomy doctrine](#) bars the California court from meddling in disputes concerning Bethesda's doctrines and governance. Indeed, there are several points in which the two factions of the board disagree, from the presence of a quorum to the validity of the vote installing new members to the religious qualifications of leading Bethesda University. However, instead of steering clear of these religious questions, the California court resorted to a set of ostensibly "neutral principles" sometimes used to settle property disputes among religious institutions. But as the AACS brief points out, even those "neutral principles" cannot be used "when such questions of religious qualification and identity are implicated." In those cases, a higher standard is required by the First Amendment. If the California court's ruling is allowed to stand, then "the wholly Pentecostal incumbent board members have now lost their ability to freely and uniformly direct their previously Pentecostal religious institution in matters of faith." Such a standard would hinder the ability of religious organizations to maintain their religious identity. The brief concludes by asking the Supreme Court to "reaffirm the limits of a 'neutral principles' approach. . . . Lest continued misapplication of 'neutral principles' undermine the important First Amendment barrier that this Court's precedents have carefully and consistently policed."

COMING SOON: National School Choice Week

The [National School Choice Week \(NSCW\)](#) will take place from January 26 to February 1, 2025. This year marks the [15th year](#) of celebrating NSCW; and since 2011, NSCW has seen 235,000 events and over 3,800 proclamations recognizing the benefits of school choice to children and families. For materials and ideas to plan an event for your school during NSCW 2025, please [click here](#).

Tennessee Report Shows Parent Satisfaction and Student Gains in School Choice Program

Tennessee students in the state's school choice program made large learning gains compared to their public school counterparts. Tennessee offers an education savings account to low-income families in a select few counties. The program has been in place since 2022, and 2,088 students are currently enrolled. A [report](#) by the Tennessee Department of Education showed that 99% of parents are happy with the program. The report also showed that students in the ESA program closed the proficiency gap with public school students on the state's standardized math and English language arts tests. For example, 22.8% of ESA students earned a passing grade on the English language arts test in the 2022–23 school year. In the 2023–24 cycle, 27.2% of ESA students earned a passing grade on the test, a 4.4-point increase. The ESA students with a passing grade increased by 6.3 points, from 11.3% to 17.6%. Although the public school students had higher passing grades overall, they grew at a much slower pace than the ESA students. Public school students had a 2.3-point increase in passing English language arts grades and a 4.3-point increase in passing math grades during the same time frame. When divided further, students in one county even matched or surpassed public school students on the same tests. Tennessee Gov. Bill Lee hopes to expand the program to all students in the next legislative session. In response to the progress of ESA students, Lee [said](#), "It's time to build on this foundation of progress and deliver school choice for all Tennessee parents through the Education Freedom Act."

Biden Administration Withdraws One Controversial Title IX Rule, Loses Court Case on Another

The Biden administration withdrew its Title IX Athletics Rule, a rule that would have harmed female athletes by forcing them to compete against men. If the rule had been finalized, schools would have risked losing federal funding by keeping male athletes off female teams. The Education Department proposed the rule in April 2023 and expected to finalize it later that year. However, it received over 155,000 comments on the rule, including a comment by the [AACCS](#). Because of the volume of comments and the intense political backlash, the Department repeatedly delayed releasing the final rule. In a [press release](#), the Department acknowledged that the public comments influenced its decision to withdraw the athletics rule. However, in 2024 Department finalized a separate Title IX rule that expanded the definition of *sex* to include sexual orientation or gender identity. Yesterday a federal district court [vacated](#) that 2024 Title IX rule nationwide, undoing years of work by the Biden administration. As a result, the Trump-era 2020 Title IX rule is currently in effect. President-elect Trump has [vowed](#) to protect female athletes and end the "transgender lunacy." Congressional Republicans have also promised to [prioritize](#) passing laws to keep men out of women's sports. Alliance Defending Freedom President CEO Kristen Waggoner praised the decision to vacate the 2024 Title IX rule and noted a cultural shift. "The Biden admin hasn't just lost resoundingly in court here," she [said](#). "They've also lost the American people."

In Case You Missed It:

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

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

[AACCS Government Relations Director Jamison Coppola Radio Interview on School Shooting at Abundant Life Christian School](#)

[NEW! AACCS Today Podcast: Making HR Simpler for Your Ministry](#)

[Just Around the Corner: The March for Life – January 24, 2025](#)

[Nominate Your Christian School Teacher for 2025 Teacher of the Year](#)

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