A Publication of the American Association of Christian Schools

## The Washington Flyer March 14, 2025

"Liberty must at all hazards be supported. We have a right to it, derived from our Maker. But if we had not, our fathers have earned and bought it for us, at the expense of their ease, their estates, their pleasure, and their blood."

#### John Adams

## **AACS Accepting Applications for the Youth Legislative Training Conference**

The application process is open for this year's <u>AACS Youth Legislative Training Conference</u> (YLTC)! Each summer, the AACS hosts the YLTC for high school students to learn more about the political process through a biblical worldview. The week-long conference includes a mock senate, workshops from top conservative leaders, and tours of historical sites in Washington, D.C. The 2025 conference is scheduled Monday–Friday, July 7–11. For more information, including the steps for the application process, please visit the <u>AACS website</u> or contact your state association office. **Applications are due to state offices by Monday, March 31**.

### **AACS Joins Amicus Brief for Religious Liberty Hiring Case for Gospel Mission**

The AACS has joined an amicus brief advocating for the religious liberty hiring rights of the Union Gospel Mission in Yakima, Washington. As stated on its website, the mission exists "to follow Christ in helping people move from homelessness to wholeness." In accordance with this goal, the mission purposefully hires coreligionists who agree with its statement of faith and live according to biblical principles regarding their moral purity. The mission filed a pre-enforcement lawsuit in 2023 against the Washington Law Against Discrimination (WLAD), the state's non-discrimination law that prohibits employment discrimination against sexual orientation or gender identity. When first passed, the WLAD included an exemption for religious organizations and small businesses with fewer than eight employees. However, in 2021 the Washington State Supreme Court ruled that the religious exemption violated the state constitution, but the small business exemption remained intact. This ruling was for a different case, Woods v. Seattle's Union Gospel Mission, that also involved the hiring rights of a gospel mission. According to the Woods ruling, religious organizations could only "discriminate" when hiring for ministerial positions, according to the court's interpretation of the ministerial exception and the First Amendment. At that time, the AACS joined an amicus brief petitioning the U.S. Supreme Court to take up the appeal to the case; however, the Supreme Court did not hear the case. The arguments of the AACS brief focused on the fact that the WLAD burdens the religious exercise of the mission, thus violating the First Amendment. Furthermore, since the WLAD does allow for an exemption for small businesses, the law is not neutral or generally applicable, nor does it meet the strict scrutiny standard.

In light of the *Woods* decision, the Union Gospel Mission in Yakima filed suit on the charge that excluding a religious exemption violates the First Amendment rights of religious organizations, especially because small businesses are still allowed to make employment decisions which could be interpreted as "discriminatory." Last fall, the U.S. 9th Circuit Court of Appeals <u>decided</u> that the mission could challenge the WLAD, overruling an earlier dismissal of the case by a lower court. A federal district court then <u>issued an injunction</u> for the mission in November, allowing the mission to function unhindered by the WLAD while the lawsuit proceeds. The AACS

has joined an <u>amicus brief</u> supporting the mission's religious liberty in its employment practices and following the same arguments in its previous brief for the *Woods* case.

# Supreme Court Agrees to Hear Case on Religious Liberty and Christian Counseling

The Supreme Court has agreed to hear *Chiles v. Salazar*, a case with major First Amendment implications. Kaley Chiles is a licensed counselor in Colorado. However, a Colorado <u>law</u> banning so-called "conversion therapy" prevents Chiles from helping struggling minors reconcile their sexual orientation or gender identity with biblical values. Importantly, the law is not against the *thing* but against the *goal*. For example, Chiles could talk with a minor about these issues if she advocated for the state-sanctioned message that minors can change their sex or that same-sex attraction is good. Because Chiles could face disciplinary action for "conversion therapy," she filed a <u>pre-enforcement challenge</u>. Both the district court and the U.S. 10th Circuit Court of Appeals ruled against Chiles. The 10th Circuit characterized Chiles's counseling as conduct, not speech, effectively eliminating free speech protections. Chiles petitioned the U.S. Supreme Court to take her case, and this week the court agreed to review it. The case could have massive implications for the 22 states and 96 localities that have "conversion therapy" bans. "The government has no business censoring private conversations between clients and counselors, nor should a counselor be used as a tool to impose the government's biased views on her clients," <u>said</u> Kristen Waggoner, Alliance Defending Freedom CEO, president, and general counsel. "We are eager to defend Kaley's First Amendment rights and ensure that government officials may not impose their ideology on private conversations between counselors and clients."

### **Trump Administration Appeals Overtime Rule**

The Trump Department of Labor has <u>appealed</u> a nationwide block of a Biden-era overtime regulation. Under the Biden administration, the Department finalized a regulation that required salaried employees in executive, administrative, or professional positions either be paid a minimum of \$58,656 per year or receive overtime pay. The Department automatically excluded teachers and clergy from the regulation. However, it failed to clarify whether positions such as Christian school secretaries or administrative staff qualify as exempt "religious workers." As a result, many Christian schools and ministries were forced either to raise salaries or move their employees to hourly positions. However, in November 2024, U.S. District Judge Sean Jordan blocked the rule nationwide. With the 2024 rule blocked, the regulation reverted to its 2019 standard that required exempt employees to receive at least \$35,569. Many <u>legal analysts</u> did not expect the Trump administration to appeal the ruling. However, last month Trump's Labor Department did just that. The Department appealed *Flint Avenue, LLC v. U.S. Department of Labor* to the U.S. 5th Circuit Court of Appeals. The 5th Circuit leans conservative, but it has previously <u>upheld</u> the Department's use of a salary basis test. The AACS will continue to monitor the case and provide updates for its member schools.

#### 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

NEW! AACS Today Podcast: Making Insurance Accessible Again with Chris Reed

Does Newsom Really Think Boys in Women's Sports is Unfair? Something Doesn't Add Up

Remember Maine: A State Government Tries to Force Its Preferred Ideology on Parents and Children

School Choice is Not a Statist Solution