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“Whenever a general knowledge and sensibility have prevailed among the people, arbitrary government and every kind of oppression have lessened and disappeared in proportion.”

John Adams

Supreme Court Rules on Religious Charter School Case

The U.S. Supreme Court deadlocked 4-4 in *Oklahoma Statewide Charter School Board v. Drummond*, a religious charter school case. As the AACCS has reported, the case involved St. Isidore of Seville Catholic Virtual School, a charter school that the state charter school board had approved. However, Oklahoma Attorney General Gentner Drummond sued, challenging the constitutionality of the school. At oral arguments in early May, the Supreme Court justices wrestled with two questions. First, they questioned whether the private school could be considered a state actor. Second, they questioned whether the First Amendment allowed the state to bar religious schools from joining. Ultimately, the justices decided neither. In a one-sentence unsigned opinion, the court stated, “The judgment is affirmed by an equally divided Court.” In other words, a lower court decision against the school will stand because the Supreme Court justices failed to reach a majority opinion.

Although the opinion was unsigned, many have [speculated](#) that Chief Justice John Roberts or Justice Neil Gorsuch voted against the school. In oral arguments, Roberts asked probing questions of both sides. Gorsuch appeared hesitant to fully embrace the arguments in favor of the school. The remaining Republican- and Democrat-appointed justices asked questions that aligned with conservative and liberal beliefs. Justice Amy Coney Barrett recused herself from the case. Many have [suggested](#) that she recused herself because of her close ties to Notre Dame’s law school which played a large role in supporting the school.

Drummond [praised](#) the decision as “a resounding victory for religious liberty.” However, Jim Campbell, chief legal counsel for Alliance Defending Freedom which represented the pro-school groups, [said](#) that more educational choices, not fewer, are better: “The U.S. Supreme Court has been clear that when the government creates programs and invites groups to participate, it can’t single out religious groups for exclusion.”

Judge Rules Against Trump’s Efforts to Close Department of Education

A federal judge ordered the Trump administration to rehire the over 2,000 employees the Education Department let go as part of its reduction in force, or RIF, efforts. The Trump administration argued that the RIF was part of its plan to improve efficiency. Judge Myong Joun thought differently. He framed the layoffs as a way for the administration to shutter the Department without Congressional approval. “Not only is there no evidence that Defendants are pursuing a ‘legislative goal’ or otherwise working with Congress to reach a resolution, but there is also no evidence that the RIF has actually made the Department more efficient,” Joun [said](#). He also blocked the Trump administration from carrying out its [executive order](#) to shut down the Department. The Trump administration has already appealed the ruling. Department spokeswoman Madi Biedermann [said](#) Joun “overstepped his authority.” She affirmed that “President Trump and the Senate-confirmed Secretary of Education clearly have the authority to make decisions about agency reorganization efforts, not an unelected Judge with a political axe to grind.”

Utah School Choice Program Ruled Unconstitutional in Lawsuit from Teachers' Union

Utah's 3rd District Court has ruled the state's school choice program unconstitutional. The Utah Fits All program is an education savings account enacted in 2023 and launched in 2024. The program currently serves 10,000 students, primarily those from low- and middle-income families who may receive up to \$8,000. However, the Utah Education Association, a teachers' union, [sued](#) the state. The union argued that the program is unconstitutional because it is not free, not open to all students, and not controlled by the State Board of Education. District Judge Laura Scott sided with the union. She [ruled](#) that the program qualified as part of the "public education system" in the Utah Constitution and thus failed to meet the "free" and "open to all" requirements. School choice advocates plan to [appeal](#) the decision. "We knew such a judgment at this level was a possibility, and we remain extremely confident the program will ultimately be ruled constitutional by the Utah Supreme Court," [said](#) Robyn Bagley, executive director of the Utah Education Fits All organization. "Many families are eagerly awaiting the thousands of new scholarships that have just been funded by the Utah Legislature." The program remains operational during the legal process, and state representatives have expressed interest in a legislative solution. "We are committed to seeing this [program] through," [said](#) state Rep. Candice Pierucci, the law's sponsor. "Utah families deserve educational freedom, and we will not stop fighting for them."

California Agrees to Placement of Special Education Students in Religious Schools

California has reached a settlement that allows students with disabilities to attend religious schools. Under the federal Individuals with Disabilities Education Act, states can pay for a student's special education at a private school if the public school fails to meet that student's needs. However, a California law prevented parents from using that money to place their children in religious private schools. Several Orthodox Jewish parents sued after the state prohibited them from using the special education money for their children at Orthodox Jewish schools. The district court ruled against the parents in August 2023. However, the U.S. 9th Circuit Court of Appeals [returned](#) the case to the lower court after determining in October 2024 that the law "fails the neutrality test." Now, the two parties have reached an agreement. California will no longer exclude religious private schools when determining where to place students with disabilities. The state has also agreed not to appeal the decision. [Polling](#) has shown that the majority of Americans across the country and in California support government funding for special needs students to attend the school that best serves the child, regardless of the school's religious or secular identity. "California spent decades treating Jewish kids like second-class citizens," [said](#) Eric Rassbach, vice president and senior counsel at Becket, which represented the Jewish parents. "Today's settlement ensures that Jewish kids with disabilities can access the resources they need and deserve—just like everyone else."

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](#)

[Christian Camp Challenges Policy That Violates Religious Beliefs](#)

["Big, Beautiful Bill" Passes House with Language to Defund Planned Parenthood](#)

[Supreme Court Lets Punishment Stand After Kid Wore "Only 2 Genders" Shirt to School](#)

[Parents Sound Alarm on YMCA Camps Allowing Boys in Girls' Showers and Cabins](#)

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