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"On education all our lives depend. And few to that, too few, with care attend."
Benjamin Franklin

Senate Education Committee Releases Plan to Boost Students' Scores

The Senate HELP Committee (Health, Education, Labor and Pensions) published a [report](#) that identifies key areas that need improvement in K-12 education. Titled "Preventing a Lost Generation: A Vision for K-12 Reforms to Ensure Student Success," the report outlines three main policy goals along with recommendations for reforming education: improving student literacy, strengthening the teacher workforce, and empowering parents. To boost student literacy, the report recommends that schools and teachers focus on the "science of reading," rather than the "whole language" or "balanced literacy" approach. The report also recommends that Congress update the ESSA (Elementary and Secondary Education Act) to include requirements that improve literacy, such as basing the funding for states on literacy scores rather than income levels. For the second policy goal, strengthening the teacher workforce, the report recommends that states use their influence to ensure that teacher training programs at colleges and universities are adequately preparing teachers for strong classroom management and instruction. The report also suggests that Congress can work to ensure the Title II funds used for professional development are used for training that is "sustained, coherent, job-embedded, and grounded in educators' day-to-day practice." For the third policy goal of empowering parents, the report emphatically states, "In all federal policy, the goal should be to enable parents—the ultimate decision-makers to take charge of their child's education." In addition to highlighting some school choice opportunities that aid parents in helping improve their children's reading, the report also points to improvements that can be made through FERPA (Family Education Rights and Privacy Act) to provide greater transparency and power to parents in directing their children's education. "Teaching students how to read effectively should be the top priority of America's K-12 education system."

Supreme Court Asked to Overturn Obergefell Decision

The Supreme Court has an opportunity to overturn *Obergefell v. Hodges*, the case that legalized same-sex marriages. Kim Davis has filed a petition to the U.S. Supreme Court asking it to overturn the case. Davis formerly served as a Kentucky county clerk and refused to issue a marriage license to a gay couple after the 2015 *Obergefell* decision. She spent six days in jail and was ordered to pay \$100,000 for emotional damages and \$260,000 in attorney fees after the couple sued. Davis argued that she should be able to use the First Amendment as a defense when sued in her individual capacity. She also argued that the *Obergefell* decision was wrongly decided. Davis relied on the concurring opinion of Justice Clarence Thomas in *Dobbs v. Jackson*. In that opinion, Thomas urged the court to review *Obergefell* because the case was based on the flawed legal doctrine of [substantive due process](#). The high court will return in October, and at least four justices must agree to hear Davis's case. Some legal scholars are skeptical that the Supreme Court would rule directly on *Obergefell*. "There is no world in which the court takes the case as a straight gay marriage case," [said](#) Sarah Isgur, an ABC News legal analyst. However, [Liberty Counsel](#) lawyer Mathew Staver hopes the court will recognize the dilemma Davis faced: "If ever there was a case of exceptional importance, the first individual in

the Republic's history who was jailed for following her religious convictions regarding the historic definition of marriage, this should be it."

Appeals Court Grants Religious Liberty Victory for World Vision

A three-judge panel on the U.S. 9th Circuit Court of Appeals has unanimously upheld the [ministerial exception](#) in a case involving the Christian nonprofit World Vision. The case started when World Vision offered Aubry McMahon a remote job working as a customer service representative. World Vision then rescinded that offer after learning that McMahon was in a same-sex relationship, contrary to the ministry's code of conduct. McMahon sued, claiming sex discrimination. The district court initially sided with World Vision but then reversed and ruled against the ministry. World Vision [appealed](#) to the 9th Circuit and argued that customer service representatives qualified as ministers because they "serve a pivotal role in World Vision's religious mission as its public voice." In a 3-0 ruling, the 9th Circuit panel of Democrat-appointed judges held that World Vision's customer service representative role qualifies for a ministerial exception. The panel specifically found that the position held "vital" responsibilities to World Vision's mission. However, other positions, such as secretaries, may not qualify because "they are not charged with conveying the organization's message to its donors—a role 'vital' to World Vision's central mission." This limitation contrasts with the [religious exemption](#) in Title VII for non-ministerial employees. Overall, the ruling supports religious liberty for ministries. Steve McFarland, the lawyer who filed the [AACS's amicus brief](#) to the 9th Circuit, [noted](#) that the ruling confirms "the commonsense idea that religious ministries can expect their staff to live what they say they believe."

Federal Court Halts Trump Administration DEI Guidance

A federal judge has overturned guidance from the Trump administration on ending diversity, equity, and inclusion initiatives in K-12 schools and colleges. In February, the Education Department's Office for Civil Rights released a [Dear Colleague letter](#) outlining its "existing interpretation of federal law." In the letter, the Department declared that [Students for Fair Admissions](#) prohibits "treating students differently on the basis of race to achieve nebulous goals." Consequently, the Department prohibited schools from basing decisions such as admissions, hiring, or training on race. The Department later required schools to certify their compliance with federal law. Several groups sued, temporarily preventing the Department from enforcing the guidance. Now, federal judge Stephanie Gallagher, a first-term Trump appointee, has issued a final ruling preventing the Department from enforcing the guidance and certification request. Gallagher stated that the court "takes no view as to whether the policies at issue in this case are good or bad, prudent or foolish, fair or unfair." Instead, Gallagher focused on procedural requirements. She ruled that the guidance was "a sea change in how the Department of Education regulates educational practices and classroom conduct." Thus, Gallagher found that the administration failed to correctly follow the proper process under the Administrative Procedures Act. "This decision rightly strikes down the government's attempt to dictate curriculum," [said](#) Randi Weingarten, president of the American Federation of Teachers. The Education Department [said](#) that it has continued to enforce Title VI protections for students and that it "remains committed to its responsibility to uphold students' anti-discrimination protections under the law."

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](#)

[Leaders are Made, They Are Not Born—Testimonies from the AACS Youth Legislative Training Conference](#)

[4 Cases to Watch in Next Supreme Court Session](#)