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*"Let us have faith that right makes might,
and, in that faith, let us, to the end, dare to do our duty as we understand it."*
Abraham Lincoln

AACS to Host National Legislative Conference Next Week

Our AACS National Legislative Conference will take place next week, September 8–10! This important conference will include updates from our Washington staff, a briefing at the White House, and a Congressional briefing in the U.S. Capitol. In addition, time is set aside for attendees to visit with members of Congress. As our Washington staff sponsors this conference, we will not be sending *The Washington Flyer* next week. We will resume our email the following week. Please pray with us for a fruitful conference that honors the Lord, encourages the attendees, and brings opportunities for positive communication with our government leaders.

A New Vermont Law Could Signal the End of School Choice for Students in Religious Schools

A new Vermont law will [significantly limit](#) the state's school choice program that has offered educational opportunities for students for over 150 years. The state's town tuitioning program was [established in 1869](#) and allows families living in districts with no public school to use educational funds allotted for their children for the school of their choice, whether public or private. The newly signed law, Act 73, places two requirements on schools that participate in the program. The participating school must be in a school district or supervisory union that does not operate a public school for some or all grades. A second new [requirement](#) states that "at least 25% of the school's enrollment must have been publicly funded students during the 2023-2024 school year." This new requirement will effectively eliminate the 12 faith-based schools that participated last year, although students in these schools who were participants in the program may continue utilizing the program until graduation. The Vermont Agency of Education published a [list of 18 schools](#) that still qualify under the new requirements, none of which are religious in nature. The program had seen [significant growth](#) since 2022 after the Supreme Court decision in *Carson v. Makin*, which ruled that a similar town tuitioning program in Maine, that is generally available to the public, could not discriminate against the participation of schools and students solely based on religion. Since then, the number of religious schools participating in Vermont's program increased from six in 2020-21 to thirteen in 2022-23, and the funds received by religious schools increased from \$172,000 in 2020-21 to \$1,050,000 in 2022-23. Legislators are claiming that the new requirements were not intended to exclude religious schools from the program, even though all religious schools that previously participated are now ineligible. Law professor Peter Teachout, from Vermont Law School, pointed out that it would be difficult to litigate against the requirement changes because they are not religious in nature. He [stated](#) the argument would have to be that "the Legislature was seeking to exclude private, religious schools, and then it came up with non-religious criteria that would achieve that consequence," adding, "that would be an extremely hard case to make."

Liberty University Seeks Dismissal of Title VII Discrimination Lawsuit

Liberty University has filed its [opening brief](#) in its appeal to dismiss a lawsuit brought by a transgender-identifying former employee. As the AACS has reported, Liberty University fired Jonathan Zinski after the IT employee informed the university that he had been taking opposite-sex hormones and planned to go by the name Ellenor, contrary to Liberty's doctrinal statement. Zinski sued the university for sex discrimination. Liberty countered that it had constitutional and federal rights to fire Zinski because of its sincerely held religious beliefs. Liberty appealed to the U.S. 4th Court of Appeals after the district court rejected the university's request to dismiss the case. In its brief to the 4th Court, Liberty argued that Title VII employment law protects the university's right to make employment decisions based on faith. For instance, the university did not fire Zinski because of his claimed gender identity but instead because that identity conflicted with Liberty's religious beliefs. In addition, Liberty argued that the court had no right to determine ecclesiastical matters, such as what constitutes faithful Christian beliefs. Finally, Liberty argued that its religious beliefs would be substantially burdened by employing Zinski and that the First Amendment allows the university to hire only those who share its faith. "The implications of this case extend far beyond Liberty University," [said](#) Mat Staver, founder of Liberty Counsel. "If a single employee can demand that its faith-based employer abandon its religious beliefs to conform to the employee's worldview, then religious freedom has no meaning."

House Proposes Cutting Education Budget by 15%

This week, the House appropriations subcommittee that covers education [marked up a bill](#) that would cut 15% from the current Education Department budget. If passed, the bill would cut \$5.2 billion from Title I. As the AACS [reported](#), the Department has encouraged state education agencies to use this Title I money to promote educational freedom. The [Office for Civil Rights](#), which investigates discrimination complaints, would receive \$91 million, a 35% decrease from current funding. However, there would be increases in funding for special education (\$26 million increase), charter schools (\$60 million increase), Impact Aid (\$5 million increase), and career and technical education grants (\$25 million). Rep. Rosa DeLauro, the leading Democrat on the committee, [decried](#) the bill as an attempt to "eliminate public education, decimating support for children in K-12 elementary schools and threatening the future of an entire generation." However, House Republicans believe the bill aligns with President Trump's goal to reduce the Department. The House bill would cut the Department's budget to \$67 billion, comparable to the \$66.7 billion budget the Trump administration has [proposed](#). However, the Senate Appropriations Committee has approved a separate bill that would fund the Department at \$79 billion. Because government funding runs out in 26 days, the two chambers must resolve their differences soon or face a shutdown. To avert a shutdown, Republican leadership has floated the idea of a continuing resolution, or a CR, that would keep funding levels in place. If Congress passes a CR, the Department will continue at its current budget of \$78.7 billion.

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](#)

[Another Shot at *Obergefell*](#)

Jamison Coppola: Government Relations Director

Olivia Summers: Government Relations Assistant

Maureen Van Den Berg: Policy Analyst

Washington Office, 119 C Street SE, Washington, DC 20003