

March 15, 2017

Fasten Your Seat Belts, The Ride is Starting!

While education may not be getting the same level of media attention as proposed health care changes, there are plenty of changes occurring in education too:

President Trump renewed his campaign promises to pursue school choice proclaiming in his [first address to the Congress](#):

“Education is the civil rights issue of our time.

I am calling upon Members of both parties to pass an education bill that funds school choice for disadvantaged youth, including millions of African-American and Latino children. These families should be free to choose the public, private, charter, magnet, religious or home school that is right for them.”

So it was not at all surprising that he chose for his first school visit to drop in on a [Florida Catholic school](#). Congress has been quick to pick up the message that choice bills will be received favorably by the President. A subcommittee of the House Education and Labor Committee held its [first hearing](#) on the topic of school choice and school choice bills have been introduced in both the [House](#) and the [Senate](#). The House bill, introduced by Representative Steve King (R-Iowa), would also [repeal the Elementary and Secondary Education Act](#) (the current version is called the Every Student Succeeds Act), which redistributes federal funding to schools through the Title I funding formula. This repeal is not likely to pass—Michael Petrilli, President of the Thomas J. Fordham Institute, [reportedly](#) gave it a .000000001% chance of passage—but some changes to the method that the Federal Government uses to distribute its small share of school funding could be in the wind, and some sort of Federal school choice legislation is most likely to pass in the next few years.

The Every Student Succeeds Act (ESSA) was also in the sights of the Trump Administration and the Congress. Both the Senate and the House passed legislation repealing the [teacher preparation rules](#) and the [ESSA school accountability regulations](#) that had been instituted by the Department of Education in the waning days of the Obama administration. These were part of a huge effort by the Trump administration to use the *Congressional Review Act* to roll back numerous regulations that Obama administration department secretaries had instituted over the past few months. Using this act allowed the congress with the signature of the President to wipe off the books entire sets of recently passed Obama era regulations without picking and choosing individual portions of the regulations to save or scrap.

But resistance among former Obama administration education staff remains strong with attempts to run a shadow government. [Former Obama political appointees to the Department of Education](#) went so far as to launch their own website, [education44.org](#), where states can go for guidance if they want to continue doing what they had been required to do under repealed Obama administration regulations.

Democrat Senators and Representatives complained when the School Accountability regulations were repealed and last Friday (March 10) [demanded in a letter](#) to know what Secretary DeVos would propose to replace the repealed regulations as the ESSA law still

requires districts to submit school improvement plans. Secretary DeVos had the [response](#) ready to go on Monday (March 13) with new, less intrusive, and less cumbersome regulations, and a much shorter form to fill out.

The Trump administration also quickly addressed the issue of regulating school restroom access. The well-known “letter of guidance” issued by the former administration, that threatened schools with loss of federal funding if they did not allow transgender students to use the restroom of their choice, as well as an “opinion letter,” issued in 2015 that asserted that the Title IX legislation signed by President Nixon in 1972 included transgender students when it spoke to non-discrimination by gender, were [both rescinded](#) by the Trump administration on February 22. This in turn caused the US Supreme Court to [cancel oral argument](#) in the *Grimm v. Gloucester County* case that had been scheduled for later this month. This Supreme Court action allows the states to use their own discretion in determining restroom access for transgender students until some other case on this issue finds its way back to the highest court. This is likely to be after the Scalia vacancy on the court is filed.

The Gorsuch nomination which is so critical to Religious Liberty rulings, has support from the American People. In a [recent poll](#) an overwhelming majority of American voters expect Gorsuch to be confirmed by the Senate. Many Christians are hoping that Gorsuch will be confirmed because several important religious liberty issues are queued up for the court to hear. The first of these would be a transgender restroom access case affecting school restroom access similar to *Grimm v. Gloucester County*. The second of these is [Trinity Lutheran Church of Columbia v. Pauley](#), which will affect whether church supported private schools can use state funding to support non-secular aspects of their program such as school playgrounds. In addition to these two cases it is also expected that [Yohn v. California Teachers Association](#) will be heard by the Supreme Court. This case is nearly identical to the *Friedrichs v. California Teachers Association* case, which was lost in a non-binding tie vote after Justice Scalia’s death. In this case a group of CEAI members were suing California for being forced to pay union dues against their objections.

The Federal Budget will be the next huge issue likely to rock the education Federal policy world. Trump has promised a reveal of the budget later this month and [speculation](#) is rampant that increases in the Defense budget will cause draconian cuts to Education and other domestic departments. We will keep you posted...

So there is plenty going on. All of this has been triggered by the election of Donald Trump. He clearly likes to keep promises, make things happen, and make them happen quickly. Of course we all hope and pray that everything the President does either quickly, or more slowly, is pleasing to the Lord. With that end in mind Charles Garriott has written a book, *Prayers for Trump, Petitions for the 45th President*, that will be available at the end of the month. In this [promotional video](#) Garriott makes it clear that he was also a staunch advocate for prayers for President Obama. Garriott penned a similar book for the 44th President.

CEAI is interested in your thoughts on the ideas expressed here. Members can express their thoughts on education and faith by entering comments below. Personal comments may be addressed to the author at JMitchell@ceai.org. John Mitchell is the Washington, DC Area Director for the Christian Educators Association.