

January 2020



## Religious Freedom Day 2020

This year President Trump commemorated January 16—Religious Freedom Day—by taking two actions to advance religious liberties, particularly as they are related to public schools, colleges, universities and religious institutions.

First, the President announced that Education Secretary DeVos along with the Department of Justice have refreshed and reissued [Guidance on Constitutionally Protected Prayer and Religious Expression in Public Elementary and Secondary Schools](#). This important document spells out how students may legally express their faith in the public schools as well as how school officials, including teachers, may not hinder student expressions of their faith. The revision was long overdue, having been last been updated in 2003.

While much of the guidance from the 2003 document remains the same, this revision by Secretary of Education Betsy DeVos did touch on a couple of important new points. Most important, the new revision requires that each state establish a process for filing complaints. All complaints against a local school district, including those the school district believes are meritless, must be forwarded to the U.S. Department of Education.

The new guidance document also stipulates that, “a religious student group may require leaders such as the group's president, vice-president, and music coordinator to be a dedicated member of a particular religion if the leaders' duties consist of leading prayers, devotions, and safeguarding the spiritual content of the meetings.” This is an important protection to ensure that students who oppose the student group may not hijack its agenda.

The guidance document is quite readable and easy to understand and is only about six pages in length, but it does touch upon all the most common areas of concern.

The second action taken by the Trump administration was to launch a massive rule making process that will engage nine different departments of the federal government. The [document initiating the rulemaking process](#) is over 200 pages long referencing Supreme Court decisions and statutes which support the proposed rules as well as numerous regulations that must be changed and is anything but readable. The rule changes would attempt to establish the following:

- Ensure that states and school districts do not discriminate against faith-based institutions like churches and religious based schools in their right to apply for federal resources that are open to non-faith-based organizations. This would change some regulations established by the Obama administration that required faith-based organizations to meet requirements not placed on non-faith-based organizations in order to receive federal grants. One of these is a requirement that such institutions provide people who access their services information about non-religious organizations that provide the same services.
- Require that institutions of higher education receiving federal research or education grants may not hinder the “free inquiry” of students or employees. This would prohibit public colleges and universities from requiring or intimidating students and employees to agree with “approved” political or religious ideologies that may run counter to their personal religious convictions or political beliefs.
- Guarantee that “religiously affiliated institutions, in freely exercising their faith, define their free speech policies as they choose in a manner consistent with their mission.” This means that that students and staff who choose to attend or work at a religious school or other private institution may be required to meet requirements stated in the policies of the school or institution. This could require supporting the faith of the institution and refraining from certain lifestyle choices such as gay marriage. Religious institutions that do this must ensure that their policies make their standards clear.
- Ensure that “A public institution shall not deny to a religious student organization at the public institution any right, benefit, or privilege that is otherwise afforded to other student organizations at the public institution (including full access to the facilities of the public institution and official recognition of the organization by the public institution) because of the beliefs, practices, policies, speech, membership standards, or leadership standards of the religious student organization.” The intent here is to prevent public colleges and universities, who in recent years have attempted to force secular dogma on students and staff, from placing restrictions on student organizations based on the religious beliefs and standards of the organization.

President Trump announced these actions at an [Oval Office event](#) and said, “Tragically, there is a growing totalitarian impulse on the far-left that seeks to punish, restrict, and even prohibit religious expression. Something that, if you go back 10 years or 15 years or 20 years, it was unthought of that a thing like that could even happen—that anybody would even think of something like that happening.”

Education Secretary Betsy DeVos added, “Too many misinterpret a separation of church and state as an invitation for government to separate people from their faith. In reality, our Constitution doesn't exist to protect us from religion. It exists to protect religion from government. The First Amendment affirms our free exercise of religion, and we don't forfeit that first freedom to anyone or in any place, especially in public schools.”

Marilyn Rhames, CEAI member and president of Teachers Who Pray, was also in attendance and noted that the actions were, “super-important, because there is a myth out there that what Teachers Who Pray does and other organizations do for teachers' spiritual health is not legal, and it absolutely is.”

Of course, others were reluctant to say that these actions were necessary or important. The [Washington Post reported](#) that Charles Haynes of the Freedom Forum said, “It's overdrawn and somewhat political to keep this so-called school prayer fight going. This is in some ways a manufactured crisis because it plays well politically to say, ‘We want God back in schools.’” And [Time](#) noted that Diane Ravitch, Assistant Secretary of Education under Lamar Alexander said, “Essentially what's going on here is it's pandering to social conservatives.”

So, which is it? Should Christian teachers consider these actions in a positive light, or should we just feel pandered to? Your answer to this may depend heavily on what your actual experiences have been as well as your thoughts on how God's word prospers even in the most oppressive environments. Here are a few brief thoughts:

- Clearly everything that comes out of the mouth of our President or any other politician contains some element of pandering to voters—that is how a politician signals who and what he or she supports. This can become hypocritical if a politician attempts to appeal to both sides of an issue.
- Even though most of the important religious liberty rights for teachers and students were initially established over 200 years ago by the framers of the Constitution, the implementation and enforcement of these rights have ebbed and flowed since then. Statements by the President and other leaders can have a major impact on the currents in our culture that shape both the enforcement of these rights and the beliefs of our youth.

- Finally, we must remember that whatever the President does and says about religious freedom, while important, is not final. The Supreme Court and the Congress as well as state legislatures and school boards have a major influence on shaping how we and our students may live out our faith. This is why our personal political action and exercise of our right to vote is so important.

Of course, the Lord is ultimately in control of the actions of government officials. “The king’s heart is a stream of water in the hand of the LORD; he turns it wherever he will” (Prov 21:1). But in our republic we are blessed to serve as instruments that the Lord is pleased to use in advancing the outcome of his will. We have a lot of work to do, starting with a lot of prayer, to make our hearts and our nation more responsive to the Lord’s will.

Please share your thoughts on this column that you would like other readers to see by entering them in the form below. Personal comments can be sent to [JMitchell@ceai.org](mailto:JMitchell@ceai.org). John Mitchell is the Washington, D.C. Area Director for Christian Educators Association International.

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