From: POLITICO"s Weekly Education
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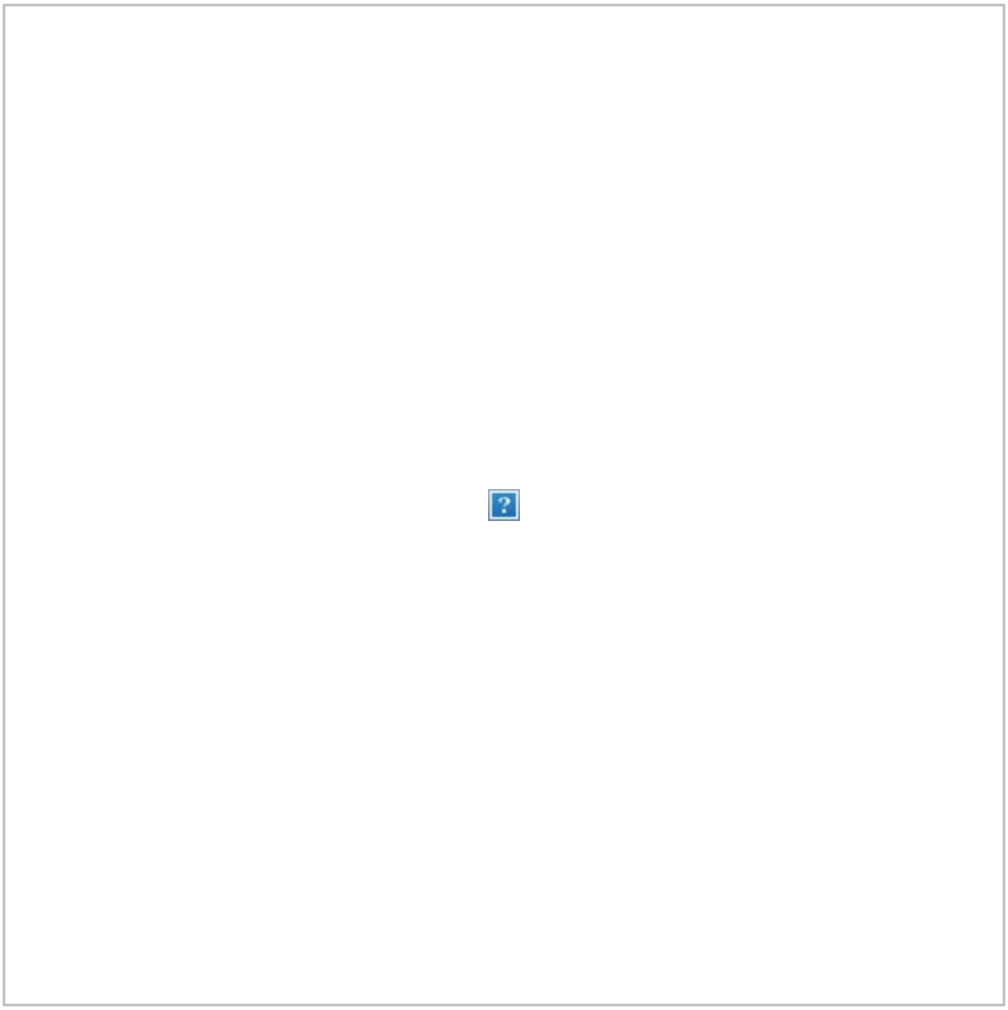
BY **JUAN PEREZ JR.**

Presented by Go Guardian



A crucifix hangs on the wall of a classroom in Indianapolis in April 2010. | AJ Mast/AP Photo

CHURCH V. STATE — Oklahoma's departing attorney general just took a big step toward achieving a conservative education milestone.

— **A state law that blocks religious institutions and private sectarian schools** from public charter school programs is likely unconstitutional and should not be enforced, Attorney General John O'Connor and Solicitor General Zach West wrote in a non-binding legal opinion this month .

— **Their 15-page memo leans on a trio of recent U.S. Supreme Court decisions** that favored religious schools and won rapt attention from conservative school choice advocates and faith groups. Oklahoma Republican Gov. Kevin Stitt said the advisory opinion "rightfully defends parents, education freedom, and religious liberty in Oklahoma." Newly-elected state Superintendent Ryan Walters called it "the right decision for Oklahomans."

— "**The policy implications are huge** because this is the first state that is going to allow religious charter schools," said Nicole Stelle Garnett , a University of Notre Dame law professor and influential religious charter school supporter who wants other states to follow Oklahoma's lead . "The legal implications are huge because this is the first state that says that they have to," she told Weekly Education.

— **Now it's time to see if faith-based Oklahoma institutions successfully apply for taxpayer support** to create charter schools that teach religion as a doctrinal truth just like private schools do today, and if legislators will push to change state law. Also watch if legal authorities in other Republican-led states pen similar opinions.

— **Those looming decisions and court fights** will set the stage for renewed constitutional debates about the line between church and state.

IT'S MONDAY, DEC. 12. WELCOME TO WEEKLY EDUCATION. State health officials are warning people that time is running out to get vaccinated before gathering with family over the holidays as Covid-19 cases surge nationwide alongside unseasonably severe waves of flu and respiratory syncytial virus.

Reach out with tips to today's host at jperez@politico.com and also my colleagues Michael Stratford (mstratford@politico.com), Bianca Quilantan (bquilantan@politico.com) and Mackenzie Wilkes (mwilkes@politico.com). And don't forget to follow us on Twitter: @Morning_Edu and @POLITICOPro .

A message from Go Guardian:

Today, record numbers of K-12 students are using school-issued devices to access online learning environments. Recent polling from Morning Consult shows that keeping students safe online is a top priority for parents, educators, and administrators. GoGuardian provides thoughtful safety solutions to meet this demand, including tools that prevent students from accessing harmful content, detect signs of a student considering self-harm or harm to others, and help keep students focused on learning. Learn more.

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Outside the Supreme Court in Washington in July 2020. | Patrick Semansky/AP Photo

THE PATH AHEAD — It'll take time and effort before Oklahoma churches can set up publicly-funded religious charter schools. And it could be years before a national movement in that direction takes hold.

— **"It's a momentous thing that the attorney general did, but it's not going to change the landscape overnight,"** Garnett said of the Oklahoma opinion. "It's not going to be like tomorrow we will wake up and have half of charter schools be religious."

— **Yet the formal opinion of a conservative attorney general** marks one of three ways religious charters can find legal footing.

— **In a widely-read 2020 report** for the conservative Manhattan Institute think tank , Garnett argued states could also amend or write laws that allow such schools to exist. Or perhaps a lawyer could sue on behalf of a school operator that wants to incorporate religion into its curriculum.

— **O'Connor**, who lost his party's primary for reelection and drew scrutiny from secular groups for his religious views earlier this year , was unavailable for an interview according to his office. His opinion, though, relies on three groundbreaking high court cases involving religious institutions: *Carson v. Makin* earlier this year, *Espinoza v. Montana Department of Revenue* in 2020, and *Trinity Lutheran Church of Columbia v. Comer* in 2017.

— "**We do not believe the U.S. Supreme Court would accept the argument** that, because charter schools are considered public for various purposes, that a state should be allowed to discriminate against religiously affiliated private participants who wish to establish and operate charter schools in accordance with their faith alongside other private participants," the Oklahoma opinion argued. "Almost nothing in the text or trajectory of *Trinity Lutheran*, *Espinoza*, or *Carson* would lead one to that conclusion."

— **That's far from a universal belief**, of course.

— "**It is a whole other ballgame for the state to instruct children on religious doctrine** and teach it as truth," Derek Black, an education and civil rights professor at the University of South Carolina School of Law, told Weekly Education. "That's what we're talking about here: State dollars in public schools, delivering instruction to children preaching religion as a way of life that must be adhered to. That's staggering."

— **"Of all the things this court has done,"** Black said, "this is such an enormous leap that I'm not willing to believe the court's going to say the state has to do that."

JOIN THURSDAY FOR A CONVERSATION ON FAMILY CARE IN AMERICA : Family caregivers are among our most overlooked and under-supported groups in the United States. The Biden Administration's new national strategy for

supporting family caregivers outlines nearly 350 actions the federal government is committed to taking. Who will deliver this strategy? How should different stakeholders divide the work? Join POLITICO on Dec. 15 to explore how federal action can improve the lives of those giving and receiving family care across America. REGISTER HERE .

FIRST LOOK

People protest outside the Unified School District headquarters calling on the board of education to defund L.A. school police on June 22, 2021 in Los Angeles. | Mario Tama/Getty Images

EXAMINING SCHOOL POLICE — Black adolescent and teenage students were most likely to experience physical force or misconduct by school police officers during the past decade, according to a new report from the Advancement Project and Alliance For Educational Justice civil rights organizations.

— **“This is a phenomenon, this is not a one-off thing,”** Tyler Whittenberg , deputy director of the Advancement Project’s Opportunity to Learn initiative, told Weekly Education.

— **The findings sustain a long-running debate** over campus cops as U.S. schools grapple with Covid-19’s blow to student wellbeing and mass shootings — all while setting out new security and mental health plans funded by billions of dollars from the Bipartisan Safer Communities Act .

— **The organizations, which have demanded the removal of school police , analyzed 285 documented incidents** where students were subjected to acts of physical force or misconduct by school police officers between 2011 and 2021.

— **They concluded more than 80 percent of affected students were Black**, and that more than a quarter were students with disabilities or mental health concerns. More than 60 percent of the incidents also resulted in serious injuries to students, according to the report, and even five deaths since 2011.

— **“We're seeing it throughout the United States,”** Whittenberg said. “The same police that are in the streets creating harms that we are marching the streets [against] are also in our schools creating the same harms — which honestly is even worse, because we’re talking about children in a learning environment.”

— **Overall majorities of parents and teachers** nevertheless support the presence of armed police in schools.

— **Roughly 70 percent of American Federation of Teachers union members** who work in K-12 schools said this summer that they favored having more armed security guards and police on campus. Roughly 80 percent of American adults and public school parents supported the use of armed police (and mental health screenings) in schools, according to a June poll commissioned by the Phi Delta Kappa International education group.

— **Whittenberg acknowledged political divides over campus security** mean efforts to remove police from K-12 schools may only prompt hyperlocal debates.

— **“If there's a school district where they're not going through these same**

issues – they don't have a lot of youth of color, they love their officers – then maybe this report isn't for you," Whittenberg said. "This report is for all the youth of color, and parents of color, who are out there struggling to find a school or force their school district to make their schools more friendly and nurturing to their students as opposed to treating them as a criminal."

A message from Go Guardian:

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HIGHER EDUCATION

BACK TO WORK — A quarter of the academic workers participating in the largest strike in higher education history in the U.S. are set to return to work at the University of California today after a month on the picket lines, POLITICO's Blake Jones reports .

— **About 12,000 postdoctoral scholars and academic researchers** officially ratified their new contract Friday, after reaching a tentative agreement with university negotiators that included raises and increased family leave.

— **The ratification vote sends most of the full-time employees who were striking back to work**, but 36,000 part-time graduate student researchers and academic student employees — teachers' assistants and graders among them — remain on the picket line as professors conduct final exams across the 10-campus system.

— **The UC administration and the United Auto Workers who remain on strike** have narrowed the gap between their proposals but are still thousands of dollars apart on wages. The university's most recent offer would provide gradual raises resulting in academic student employees making a minimum of $29,000 and graduate student researchers earning a minimum of $33,500 by the fall of 2024. UAW negotiators propose a minimum of $43,020 for both groups.

— **UAW negotiators agreed Friday to the university's requests for private mediation** after rebuffing at least six such requests for third-party involvement from UC officials over the last month.

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IN THE COURTS

SCHOOL CHOICE SUIT — The head of New Hampshire's branch of the American Federation of Teachers is suing to block the state's private school voucher program. The lawsuit , filed in state court last week, seeks an injunction blocking the use of state lottery and Education Trust Fund dollars to fund the Education Freedom Account program.

— "**Any scheme to divert public funds into a voucher program** without fully funding public schools first is an insult to the students, teachers and families of New Hampshire, not to mention a violation of the law," AFT President Randi Weingarten said in a statement.

— **But state Senate President Jeb Bradley** accused the union of trying to block a successful program that's helping low-income students "get the best education possible," The Associated Press reports .

— **The number of program participants roughly doubled** this fall with 3,025 New Hampshire students qualifying for grants totaling nearly $14.7 million this school year, according to state officials. The New Hampshire program is open to any private school, including religious schools.

A message from Go Guardian:

With school-issued devices being an essential part of students' learning, it's clear that keeping students safe online is a top priority for parents and educators. Recent polling from Morning Consult revealed overwhelming support from these groups for edtech designed to:

• **Safeguard student mental health: 80% of parents** believe that unrestricted access to the internet can be harmful to student mental health.
• **Protect students from harmful content online: 71% of parents** have concerns about their child accessing harmful content on a school-issued device.
• **Keep students on task while learning online: 93% of parents believe** the internet is a useful learning tool that schools should use to enhance learning.

Parents and educators believe in the value of using the internet as a learning tool, but at the same time agree protections are necessary to keep students safer online. GoGuardian provides thoughtful safety and productivity solutions to meet this demand. Learn more.

SYLLABUS

— Before and after Sandy Hook: 40 years of elementary school shooting survivors: The Washington Post

— Transgender Americans feel under siege as political vitriol rises: The New York Times

— The research is in: Facebook mom groups really do stress women out: The Wall Street Journal

— CDC endorses updated Covid-19 shots for Omicron for all children: POLITICO Pro

— In five years, Dante McFallo went from White House honoree to dying in a hail of bullets on New Year's Day: The Oregonian

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