



February 10, 2022

Submitted to General Laws – Subcommittee #2

Re: Subcommittee hearing, HB 753 Human rights and fair housing; religious organizations, promotion of religious principles. Introduced by Les R. Adams.

These comments are submitted on behalf of the American Association of Christian Schools (AACCS), a national organization comprised of approximately 700 member K-12 Christian schools across the country that serve over 100,000 students and includes a coalition of Christian colleges and seminaries. Our schools partner with parents to provide quality education from a Christian worldview to prepare our students for a life of service to God and their fellow Americans. Our comments address a profound concern among Christian educators and parents that the Virginia Values Act has the potential to do irreparable damage to charitable civic organizations, including our schools. The legislation only contains weak institutional exemptions for religious employers, despite the efforts of legislators to add effective protections for Virginia churches, schools, and other faith-based organizations. Indeed, the Virginia Values Act is even more extreme than California law, which protects the fundamental religious liberties of its citizens in its legislation barring discrimination based on sexual orientation and gender identity.ⁱ Instead, Virginia legislators blatantly ignored the first amendment rights of Virginians by enacting a law that effectively forces religious Virginians to deny their deeply held beliefs or face the potential of punishment from the government.

The AACCS and its members believe that the First Amendment's guarantee of religious freedom is essential to the ability of each person to live according to the dictates of his conscience. We teach our students biblical truths that allow for the greatest amount of human flourishing in all areas of life. Our ministries perform countless acts of charity within their communities, running outreach programs such as Bible studies and summer camps that are open to the public. Under the Virginia Values Act, however, our ministries can be considered places of public accommodation and, therefore, could be forced to hire staff or enroll students that fundamentally disagree with the Bible's teachings on human sexuality and marriage. No organization can survive if it is forced by the government to retain employees that actively undermine the mission and values of the institution. Further, the Virginia Values Act severely curtails the freedom of speech of our ministries, barring them from proclaiming the truth of the Bible or publishing their beliefs on their websites. Our schools teach to diverse student bodies, and our efforts to inculcate a distinctly Christian culture through a distinctly Christian curriculum requires the freedom to teach and practice the entirety of God's design for humanity.

The Virginia Values Act represents a regressive step for Virginia, restricting religious liberty even as the U.S. Supreme Court repeatedly protects religious liberty. In 2012, the Supreme Court

ruled in *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC* that religious schools have the fundamental right to control who teaches the faith to their students. The Supreme Court reiterated this right in the 2020 case *Our Lady of Guadalupe School v. Morrissey-Berru*, ruling that the government cannot interfere in the employment decisions of religious schools without violating the First Amendment. In 2021, the Supreme Court ruled in *Fulton v. City of Philadelphia* that the government cannot force a faith-based organization to choose between its Christian mission or participating in Philadelphia's foster care services. In each of these cases, the Court strongly upheld the freedom of Americans to participate fully in society without leaving their faith at the door of their homes or churches. But even as the Supreme Court repeatedly affirms the essential right to religious free exercise, Virginia has taken the backwards and extreme stance that religious freedom is not worth protection in state law.

The Virginia Values Act also contravenes Virginia law, notably the Virginia Bill of Rights and the Virginia Religious Freedom Restoration Act, which work together to protect the rights of Virginians to live out their religious beliefs without fear of punishment from the government.

Virginians are already taking a stand against this unjust law. In *Calvary Road Baptist Church v. Herring*, two churches, three schools, and a pregnancy center network are suing the state for making them choose between their own religious beliefs or investigations and onerous fines of up to \$100,000 per violation of the act. These religious ministries contest that this law effectively forces them to submit their religious beliefs to the government's preferred ideology if they want to continue serving the parents, families, and communities they love.

HB 753 would remedy the immense harms caused by the Virginia Values Act by adding protections for religious liberty for all Virginians. HB 753 simply acknowledges the essential right to religious belief and free exercise and balances, without fear of penalties, a right that has long been recognized and protected in Virginia law. Importantly, the bill would clarify that churches, schools, and other faith-based organizations can fulfill their mission; maintain faith-based membership; and maintain admissions, hiring, and publishing standards without fear of government retaliation.

Every Virginian has the God-given right to partake fully within the public square without fear that the government will discriminate against him based on his religious beliefs. And every religious ministry has the right to operate according to its religious beliefs without unconstitutional interference from the government. This bill will add common sense protections that allow all Virginians to live fully protected in his speech, associations, and religious beliefs.

Sincerely,

A handwritten signature in black ink, reading "Jam Coppola". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Jamison Coppola
Government Relations Director

ⁱ Calvin House, “Application of Employment Laws to Religious Institutions,” March 19, 2019, accessed February 10, 2022, <https://www.gphlawyers.com/2019/03/application-of-employment-laws-to-religious-institutions/>.