

What Title IX Religious Exemption?

Earlier this year, St. John's Lutheran School in Baraboo, Wisconsin, sent home a letter to parents telling parents and students that they expect students to live within Christian values while at school.

The letter required parents to sign a handbook pledge and provide a copy of their child's birth certificate to prove gender. The Freedom From Religion Foundation, based in Madison, Wisconsin, learned of the letter earlier this month and lodged a formal complaint with the Wisconsin Department of Public Instruction, which forwarded the complain to the U.S. Department of Agriculture.

The atheistic "freethinker" organization says the school is discriminating on the basis of gender identity. That triggered an immediate "shame campaign" within local media.

St. John's receives federal funding for its lunch and transportation programs, as well as direct aid associated with No Child Left Behind. As a condition of receiving the funding, under Title IX, the school must offer all of its programs, although there is a religious exemption clause for schools that are under the direction of a church or other religious organization. The school's letter seems to indicate its intent to obey the law while also protecting its sincerely held religious beliefs: *The Office of Civil Rights now also protects discrimination against sexual preference and gender identification. If we cannot legally refuse students who are struggling with homosexuality or gender identification, we must maintain our right to hold to the truths of God's Word.*

FFRF attorneys say their complaint isn't with the school's choice to follow its religious teachings, but that it is doing

so while receiving federal funding. The USDA confirmed it is investigating the matter, and if it takes action, the case could create a domino effect for other Christian schools around the country.

The Wisconsin Evangelical Lutheran Synod released the following response to the matter:

We recently became aware of media reports of a complaint to the United States Department of Agriculture involving St. John's Lutheran School in Baraboo, Wisconsin. Our understanding is that the school has not received any notice of a complaint from the government. The Wisconsin Evangelical Lutheran Synod (WELS) is not directly involved in this matter but is gathering information regarding the reported complaint and may respond, if warranted, at a later date.

All WELS schools are encouraged to adopt a code of conduct, grounded in the statement of faith, which establishes parameters for acceptable behavior. WELS schools create their own policies regarding admission and discipline. It is expected that WELS organizations' reflect our synod's doctrine and biblical principles in their teaching.