

1 Introduced by Senator Campion

2 Referred to Committee on

3 Date:

4 Subject: Education; use of public tuition; religious instruction; certification

5 Statement of purpose of bill as introduced: This bill proposes to prohibit
6 school districts from paying tuition to certain schools or programs, regardless
7 of religious status or affiliation, unless it receives certification from that school
8 or program that none of the tuition for which payment is requested has been or
9 will be used to support religious instruction or worship or the propagation of
10 religious views.

11 An act relating to ensuring that public tuition is not used to support religious
12 instruction or worship or the propagation of religious views

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. FINDINGS AND PURPOSE

15 (a) Chapter 1, Article 3 of the Vermont Constitution, known as the
16 “Common Support Clause,” provides that “no person...can be compelled to
17 support any place of worship...contrary to the dictates of conscience...”

18 (b) In *Chittenden Town v. Department of Education*, 38 A.2d 539 (Vt.
19 1999), the Vermont Supreme Court held that a school district violates the

1 Compelled Support Clause when it pays public tuition to a religious school in
2 the absence of adequate safeguards against the use of such funds for religious
3 worship or instruction or the propagation of religious views.

4 (c) The purpose of this act is to define adequate safeguards that a school
5 district must employ to ensure that public tuition is not used for religious
6 worship or instruction or the propagation of religious views.

7 Sec. 2. 16 V.S.A. § 828 is amended to read:

8 § 828. TUITION TO APPROVED SCHOOLS; AGE; APPEAL

9 (a) A school district shall not pay the tuition of a student except to a public
10 school, an approved independent school, an independent school meeting
11 education quality standards, a tutorial program approved by the State Board, an
12 approved education program, or an independent school in another state or
13 country approved under the laws of that state or country, nor shall payment of
14 tuition on behalf of a person be denied on account of age. Unless otherwise
15 provided, a person who is aggrieved by a decision of a school board relating to
16 eligibility for tuition payments, the amount of tuition payable, or the school ~~he~~
17 ~~or she~~ the person may attend, may appeal to the State Board and its decision
18 shall be final.

19 (b) A school district shall not pay tuition under subsection (a) of this
20 section to any of the schools or programs identified in that subsection,
21 regardless of religious status or affiliation, unless it receives certification from

1 that school or program that none of the tuition for which payment is requested
2 has been or will be used to support religious instruction or worship or the
3 propagation of religious views, provided that public schools that receive tuition
4 from a school district are exempt from this requirement. Instruction in
5 religion that focuses on the history and teachings of various religions shall not
6 be deemed to support religious instruction or worship or the propagation of
7 religious views, provided that the instruction is not designed to, and does not,
8 support religious instruction or worship or the propagation of any one religion
9 or theology or group of related religions or theologies.

10 Sec. 3. EFFECTIVE DATE

11 This act shall take effect on passage.