

1 Introduced by Senator Campion

2 Referred to Committee on

3 Date:

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

5 **antidiscrimination laws**

6 Statement of purpose of bill as introduced: This bill proposes to prohibit
7 school districts from paying tuition to certain schools or programs, regardless
8 of religious status or affiliation, unless it receives certification from that school
9 or program that none of the tuition for which payment is requested has been or
10 will be used to support religious instruction or worship or the propagation of
11 religious views. **This bill also proposes to prohibit school districts from paying**
12 **tuition to certain schools or programs, regardless of religious status or**
13 **affiliation, unless the school or program complies with all federal and State**
14 **antidiscrimination laws applicable to public schools.**

15 An act relating to ensuring that public tuition is not used to support religious
16 instruction **and to ensuring that all schools and programs that receive public**
17 **tuition comply with antidiscrimination laws**

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

2 Sec. 1. FINDINGS AND PURPOSE

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

6 (b) In *Chittenden Town v. Department of Education*, 38 A.2d 539 (Vt.
7 1999), the Vermont Supreme Court held that a school district violates the
8 Compelled Support Clause when it pays public tuition to a religious school in
9 the absence of adequate safeguards against the use of such funds for religious
10 worship or instruction or the propagation of religious views.

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

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

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

16 (a) A school district shall not pay the tuition of a student except to a public
17 school, an approved independent school, an independent school meeting
18 education quality standards, a tutorial program approved by the State Board, an
19 approved education program, or an independent school in another state or
20 country approved under the laws of that state or country, nor shall payment of
21 tuition on behalf of a person be denied on account of age. Unless otherwise

1 provided, a person who is aggrieved by a decision of a school board relating to
2 eligibility for tuition payments, the amount of tuition payable, or the school ~~he~~
3 ~~or she~~ the person may attend, may appeal to the State Board and its decision
4 shall be final.

5 (b) A school district shall not pay tuition under subsection (a) of this
6 section to any of the schools or programs identified in that subsection,
7 regardless of religious status or affiliation, unless it receives certification from
8 that school or program that none of the tuition for which payment is requested
9 has been or will be used to support religious instruction or worship or the
10 propagation of religious views, provided that public schools that receive tuition
11 from a school district are exempt from this requirement. Instruction in
12 religion that focuses on the history and teachings of various religions shall not
13 be deemed to support religious instruction or worship or the propagation of
14 religious views, provided that the instruction is not designed to, and does not,
15 support religious instruction or worship or the propagation of any one religion
16 or theology or group of related religions or theologies.

17 (c) A school district shall not pay tuition under subsection (a) of this
18 section to any of the schools or programs identified in that subsection,
19 regardless of religious status or affiliation, unless the school or program
20 complies with all federal and State antidiscrimination laws applicable to public
21 schools.

1 Sec. 3. EFFECTIVE DATE

2 This act shall take effect on passage.