

State Aid to Nonpublic Schools

February 2012

The purpose of this document is to identify state aid to nonpublic schools. Not included, however, are tax benefits, vouchers and other tuition programs. Also excluded is aid provided pursuant to federal programs, such as the National School Lunch Program and Individuals with Disabilities Education Act.

Where state transportation is provided to private school students, there are often times geographic and distance-based requirements that must be satisfied. The provision of textbooks is universally limited to the same texts used by the state schools. Also, funding constraints may render moot some of the state statutes authorizing the provision of textbooks to private schools.

Finally, the “Constitutional Provisions” column in the table identifies what, if any, constitutional restrictions each state has on nonpublic school funding.

SUMMARY:

- 40 states constitutionally prohibit religion funding
- 12 states constitutionally prohibit nonpublic funding
- 9 states constitutionally limit source of funding
- 5 state constitutions are silent on these issues
- 29 states provide for transportation benefits
- 21 states provide for textbook & learning aid benefits

<i>State</i>	<i>Constitutional Provisions</i>	<i>Transportation</i>	<i>Textbooks & Learning Aids</i>	<i>Other</i>
Alabama ¹	Religion funding prohibited	None	None	Does provide general state aid to two military academies and several post-secondary institutions for special education purposes
Alaska ²	Religion & non-public school funding prohibited	Yes	None	Non-public students may be allowed to participate in certain public school activities
Arizona ³	Religion funding prohibited	None	None	

<i>State</i>	<i>Constitutional Provisions</i>	<i>Transportation</i>	<i>Textbooks & Learning Aids</i>	<i>Other</i>
Arkansas ⁴	Non-public school funding restricted	None	None	
California ⁵	Religion & non-public school funding prohibited	Yes	None	
Colorado ⁶	Religion & non-public school funding prohibited	None	None	
Connecticut ⁷	State "school fund" only for non-public schools	Yes	Loaning authorized	Municipalities may loan money for capital construction to non-public schools
Delaware ⁸	Religion and non-public funding from "Public School Fund" prohibited. Non-public transportation expressly authorized.	Yes	None	
Florida ⁹	Religion funding prohibited	None	Surplus books can be loaned or given to non-public schools	
Georgia ¹⁰	Religion and non-public funding from "School Tax Fund" prohibited; "Public funds" may be used to provide financial assistance to students for all educational purposes.	None	None	

<i>State</i>	<i>Constitutional Provisions</i>	<i>Transportation</i>	<i>Textbooks & Learning Aids</i>	<i>Other</i>
Hawaii ¹¹	Religion and non-public prohibited, except special purpose revenue bonds can be used to assist non-religious non-publics.	None	None	
Idaho ¹²	Religion funding prohibited	None	None	
Illinois ¹³	Religion funding prohibited	Yes	Yes – textbook block grant program	
Indiana ¹⁴	Religion funding prohibited	Yes	Yes – financial reimbursement for student costs	
Iowa ¹⁵	Religion funding prohibited	Yes	Yes	
Kansas ¹⁶	Religion funding prohibited	Yes	None	
Kentucky ¹⁷	Religion and “public school fund” funding prohibited	None	None	
Louisiana ¹⁸	Free books for students	Yes	Yes	
Maine ¹⁹		Yes	Yes	
Maryland ²⁰		None	Yes	
Massachusetts ²¹	Religion and nonpublic school funding prohibited.	Yes	None	
Michigan ²²	Religion and nonpublic school funding prohibited, transportation excepted	Yes	None	
Minnesota ²³	Religion funding prohibited	Yes	Yes	

<i>State</i>	<i>Constitutional Provisions</i>	<i>Transportation</i>	<i>Textbooks & Learning Aids</i>	<i>Other</i>
Mississippi ²⁴	Religion and “free school” funding prohibited	None	Yes	
Missouri ²⁵	Religion and nonpublic school funding prohibited	None	None	
Montana ²⁶	Religion and nonpublic school funding prohibited	Yes	None	
Nebraska ²⁷	Religion and Nonpublic school funding prohibited, except for handicapped children	Yes	Yes	
Nevada ²⁸	Religion funding prohibited	Yes	None	Use of “public school funds” for nonpublics statutorily prohibited
New Hampshire ²⁹	Religion funding prohibited	Yes	Yes	May fund health and welfare services, disability programs, counseling, educational testing, special ed., driver ed., educational TV services, physical ed. and hot lunch.
New Jersey ³⁰	Transportation aid expressly permitted	Yes	Yes	Certain auxiliary services, English language and special ed. assistance
New Mexico ³¹	Religion and nonpublic school funding prohibited	None	Yes	Some testing is funded.

<i>State</i>	<i>Constitutional Provisions</i>	<i>Transportation</i>	<i>Textbooks & Learning Aids</i>	<i>Other</i>
New York ³²	Religion funding prohibited- except transportation expressly authorized	Yes	Yes	Some mandated testing and data collection costs are reimbursed. Some health and welfare services
North Carolina ³³	“School Funds” and “County School Funds” only for public schools	Only for special needs kids placed at state expense in private schools	None	
North Dakota ³⁴	Religion funding prohibited.	Yes	None	
Ohio ³⁵	Religion funding prohibited	Yes	Yes	Some auxiliary services funded including counseling, testing, health and counseling
Oklahoma ³⁶	Religion funding prohibited	None	None	
Oregon ³⁷	Religion funding prohibited	Yes	None	
Pennsylvania ³⁸	Religion funding prohibited,. non-public requires 2/3 vote of legislature	Yes	Yes	Some auxiliary and speech and hearing defects services
Rhode Island ³⁹	Religion funding prohibited	Yes	Yes	
South Carolina ⁴⁰	Religion and nonpublic school funding prohibited	None	None	
South Dakota ⁴¹	Religion funding prohibited	Yes	Yes	
Tennessee		None	None	
Texas ⁴²	Religion funding and “school fund” use for nonpublic school prohibited	None	None	Crossing guards provided and public transportation discounts mandated

<i>State</i>	<i>Constitutional Provisions</i>	<i>Transportation</i>	<i>Textbooks & Learning Aids</i>	<i>Other</i>
Utah ⁴³	Religion funding prohibited	None	None	
Vermont ⁴⁴		Yes	None	
Virginia ⁴⁵	Religion funding prohibited	Yes	None	
Washington ⁴⁶	Religion funding prohibited	Charged cost	Yes-available surplus	
West Virginia ⁴⁷		Yes	Yes	
Wisconsin ⁴⁸	Religion funding prohibited, transportation authorized	Yes	None	
Wyoming ⁴⁹	Religion and nonpublic school funding prohibited	None	None	
Totals	*40 Religion prohibited; 12 nonpublic prohibited; 9 funding source restrictions	*29 Yes	*21 Yes	

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- ¹ ALA. CONST., art. 14, § 263; ALA. CODE 1975 § 16-1-22.
 - ² ALASKA CONST., EDUCATION AND WELFARE, art. VII, § 1; ALASKA STAT. § 14.09.020.
 - ³ ARIZ. CONST. art. II, §12 & art. IX, §10.
 - ⁴ ARK. CONST., art. 14, §2.
 - ⁵ CAL.CONST., art. IX, §8; CAL. EDUC. CODE §39808.
 - ⁶ COLO. CONST., art. V, §34 & art. IX, §7.
 - ⁷ CONN. CONST., art. 8, §4; CONN. GEN. STAT. §§10-277 & 280, 10-228. CONN. GEN STAT. §§7-121 & 10-289.
 - ⁸ DEL. CONST., art. 10, §§3,4,5; DEL. CODE ANN. Tit. 14, §2145.
 - ⁹ FLA. CONST., art. 1, §3; FLA. STAT. ch. 1002.42 & 1006.41.
 - ¹⁰ GA CONST., art. I, §II, art. VIII, §VI, I(b) & §VII.
 - ¹¹ HAW. CONST., art. X, §1.
 - ¹² IDAHO CONST., art. IX, §5.
 - ¹³ ILL. CONST., art. X, §3; 105 ILL. COMP. STAT. §§ 5/2-3.153 & 5/29-4.
 - ¹⁴ IND. CONST., art. I, §6; IND. CODE 20-27-11-1; IND. CODE 20-33-5-9.
 - ¹⁵ IOWA CONST., art. I, §3; IOWA CODE §285.1(3) & 10.1; IOWA Code.301.1.
 - ¹⁶ KAN. CONST., art. 6, §6; KAN. STAT. ANN. §72-8306; KAN. STAT. ANN. §72-4160(selling textbooks at cost)
 - ¹⁷ KY CONST., §§184, 186 & 189; KY. REV. STAT. ANN. 157.360(2)
 - ¹⁸ LA. CONST., art. VIII, §13; LA. REV. STAT. ANN.. 17:353; 17:158.
 - ¹⁹ 30-AME. REV. STAT. ANN. §5724;
 - ²⁰ Maryland Nonpublic Student Textbook Program- authorized annually in appropriations language.
 - ²¹ MASS. CONST., art. XVIII, §2; MASS. GEN. LAWS ANN, 76 § 1.
 - ²² MICH. CONST., art. 8, §2; art. 1, §4; MICH. COMP. LAWS ANN. . 380.1321,1322.
 - ²³ MINN. CONST., art. XIII, §2; MINN. STAT. ANN. §123B.86; §123B.42.
 - ²⁴ MISS. CONST., art. VIII, §208; MISS. CODE ANN. §37-43-1.
 - ²⁵ MO. CONST., art. I, §6; art. III, §38(a); art. IX, §§ 5 & 8.
 - ²⁶ MONT. CONST., art. V, §11(5) & art. X, §6; MONT. CODE ANN. §§20-10-123 & 69-11-208(1)(o).
 - ²⁷ NEB. CONST., art. VII, §11; NEB. REV. STAT., §§ 79-318, 79-734, 79-601.
 - ²⁸ NEV. CONST., art. 11, §10; NEV. REV. STAT. §§ 392.300, 387.045.
 - ²⁹ N.H. CONST., Part 2, Art. 83; N.H. REV. STAT. ANN. §§ 189:9, 189:49.
 - ³⁰ N.J. CONST., art. 8, §4; N.J. STAT. ANN. §§18A:391, 18A:58-37.1, 18A:6-95.1; 18A:46-14, 46-19 et seq., 18A:51.6, 18A:46A-1, 18A:40-23.
 - ³¹ N.M. CONST., art. XII, §3.; N.M. STAT. ANN. 22-15-7(but see Op.Atty. Gen Opinion 10-06 (Dec. 27, 2010).
 - ³² N.Y. CONST., art. XI, §3; N.Y.EDUC. LAW §§ 3635.1a-c & 2-a, 701.3 & 4, 712, 912.
 - ³³ N.C.CONST., art. II, §6,7; N.C.GEN.STAT. §§115C-242(1) & 115C-409(b).
 - ³⁴ N.D. CONST., art. 8, §5; N.D. CENT. CODE §15.1-30-15.
 - ³⁵ OHIO CONST., art. VI, §2; OHIO REV. CODE ANN. §§3317.06(A) & 3327.01.
 - ³⁶ OKLA. CONST., art. 2, §5.
 - ³⁷ OR. CONST., art. 1, §5; OR. REV. STAT. §332.415.
 - ³⁸ PA. CONST., art. III, §§ 15 & 30; 24 PA. CONS. STAT. §§6-687, 21-2114, 9-923-A, 9.922.1-A, 5711-5713.
 - ³⁹ R.I. CONST., art. I, §3; R.I. GEN. LAWS §§ 16-21-1, 16-21.1-2, 16-7-22 & 16-23-2.
 - ⁴⁰ S.C. CONST., art. II, §4.
 - ⁴¹ S.D. CONST., art. VIII, §16 & art. VI, §3; S.D. CODIFIED LAWS §§13-34-16.3 & 13-29-1.2.
 - ⁴² TEX. CONST., art. I, §7 & art. VII, §5; TEX. REV. CIV. STAT. ANN. 4008b; TEX. GOV'T. CODE Chpt. 343.014.
 - ⁴³ UTAH CONST., art. I, §4 & art. X, §9.
 - ⁴⁴ VT. STAT. ANN. Tit. 16, §1222.
 - ⁴⁵ VA. CONST., art. VIII, §10; VA. CODE ANN. §22.1-176.1.
 - ⁴⁶ WASH. CONST., art. I, §11 & art. II, §4; WASH. REV. CODE 28A.335.180
 - ⁴⁷ W.VA. CODE 18-5-13(1)(f)(A) & 15-5-21b
 - ⁴⁸ WIS. CONST., art. I, §§ 18 & 23; WIS. STAT. §121.54(2)(b).
 - ⁴⁹ WYO. CONST., art. VII, §8.