

# CONNECTICUT



## CONSTITUTIONAL PROVISIONS

### Compelled Support Clause

"It being the right of all men to worship the Supreme Being, the Great Creator and Preserver of the Universe, and to render that worship in a mode consistent with the dictates of their consciences, no person shall by law be compelled to join or support, nor be classed or associated with, any congregation, church or religious association. No preference shall be given by law to any religious society or denomination in the state. Each shall have and enjoy the same and equal powers, rights and privileges, and may support and maintain the ministers or teachers of its society or denomination, and may build and repair houses for public worship." CONNECTICUT CONST. Art. VII.

### Education Articles

"There shall always be free public elementary and secondary schools in the state. The general assembly shall implement this principle by appropriate legislation." CONNECTICUT CONST. Art. VIII, § 1.

"The fund, called the SCHOOL FUND, shall remain a perpetual fund, the interest of which shall be inviolably appropriated to the support and encouragement of the public schools throughout the state, and for the equal benefit of all the people thereof. The value and amount of said fund shall be ascertained in such manner as the general assembly may prescribe, published, and recorded in the comptroller's office; and no law shall ever be made, authorizing such fund to be diverted to any other use than the encouragement and support of public schools, among the several school societies, as justice and equity shall require." CONNECTICUT CONST. Art. VIII, § 4.

## EXISTING SCHOOL CHOICE PROGRAMS

Public School Choice: **Yes**

Interdistrict/mandatory  
Connecticut General Statutes Section 10-266aa  
Intradistrict/voluntary  
Connecticut General Statutes Section 10-221e  
Intradistrict/voluntary and Interdistrict/voluntary  
Connecticut General Statutes Section 10-226h

Charter Schools: **Yes**

Connecticut General Statutes Sections 10-66aa to 10-66gg

Private School Choice: **No**

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## RELEVANT CASE LAW

*Johnson v. Sanders*, 319 F. Supp. 421 (D. Conn. 1970), *aff'd*, 403 U.S. 955 (1971)

A federal district court held that a Connecticut statute authorizing the state board of education to contract with operators of certain private nonprofit sectarian elementary and secondary schools for public purchase of secular educational services was unconstitutional because it excessively entangled the state with religion in violation of the Establishment Clause.

*Board of Education v. State Board of Education*, 709 A.2d 510 (Conn. 1998)

The Connecticut Supreme Court held that a law requiring transportation of private school students at public expense, even on days when the public schools were not

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in attendance, did not violate the Connecticut Constitution's Compelled Support Clause. It had the secular purpose of ensuring child safety and was for the benefit of the students riding the buses rather than the schools to which they were being transported.

*Snyder v. Newtown*, 161 A.2d 770, 775 (Conn. 1960)

The Connecticut Supreme Court held that transporting private school students using public money is constitutionally acceptable as long as money does not come from the public school fund because such transportation is for the health, safety and welfare of Connecticut citizens and only parents and children benefit.

## ANALYSIS AND RECOMMENDATIONS

Both tax credit and voucher programs are school choice options for Connecticut. They are consistent with the Connecticut Constitution and relevant Connecticut state court decisions.

The Connecticut Constitution contains no Blaine Amendment, and the Connecticut Supreme Court has twice ruled that transportation programs that include private school students benefit children, not schools. To avoid potential problems with Connecticut's education article (Article VIII, Section 4), voucher program funding should come from sources other than the state's public school fund.

*Model Legislation: Parental Choice Scholarship Program (Universal Eligibility), Parental Choice Scholarship Program (Means-Tested Eligibility), Special Needs Scholarship Program, Foster Child Scholarship Program, Autism Scholarship, Great Schools Tax Credit Program, Family Education Tax Credit Program*

