

MICHIGAN



CONSTITUTIONAL PROVISIONS

Compelled Support Clause

“No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion” MICHIGAN CONST. Art. I, § 4.

Blaine Amendments

“No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose.” MICHIGAN CONST. Art. I, § 4.

“No public monies or property shall be appropriated or paid or any public credit utilized, by the legislature or any other political subdivision or agency of the state directly or indirectly to aid or maintain any private, denominational or other nonpublic, preelementary, elementary, or secondary school. No payment, credit, tax benefit, exemption or deductions, tuition voucher, subsidy, grant or loan of public monies or property shall be provided, directly or indirectly, to support the attendance of any student or the employment of any person at any such nonpublic school or at any location or institution where instruction is offered in whole or in part to such nonpublic school students” MICHIGAN CONST. Art. VIII, § 2.

EXISTING SCHOOL CHOICE PROGRAMS

Public School Choice: **Yes**

Intradistrict/mandatory
Michigan Compiled Laws Section 380.1280
Interdistrict/voluntary
Michigan Compiled Laws Sections 380.140,
388.1705 to 388.1705c

Charter Schools: **Yes**

Michigan Compiled Laws Sections 380.501
to 380.507

Private School Choice: **No**

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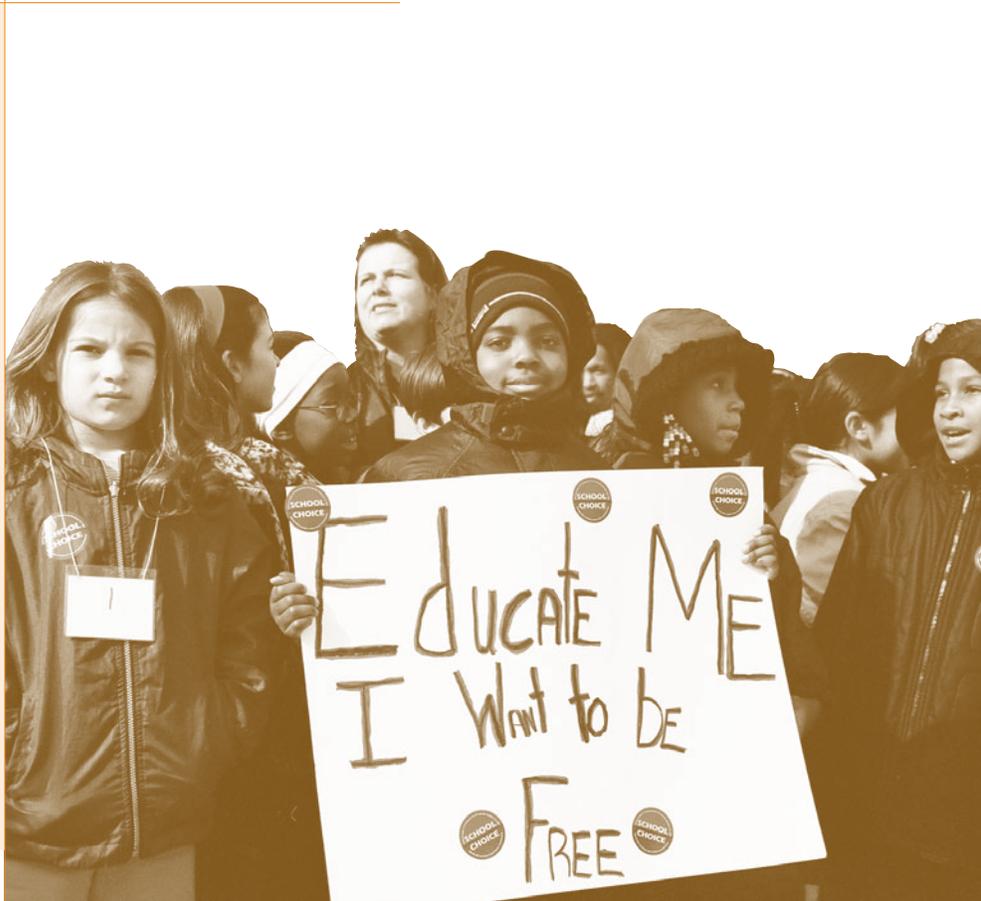
RELEVANT CASE LAW

Council of Organizations & Others for Education about Parochial v. Governor, 566 N.W.2d 208 (Mich. 1997)

The Michigan Supreme Court held that the state’s charter school law does not violate Michigan’s Blaine Amendments because the “academies” are “public.” The state exercises control over the application-approval process and it controls the academies’ finances in the same way it controls other public schools. Moreover, nothing in the Michigan Constitution requires the state to retain complete control over a school for it to be public.

Snyder v. Charlotte Public School District, 365 N.W.2d 151 (Mich. 1984)

The Michigan Supreme Court held that the incidental and indirect benefits flowing to religious schools as a result of a “shared time” statute did not violate Michigan’s second Blaine Amendment (Article VIII, Section 2). “Shared time” programs allow students to leave their traditional classroom for part of the day and spend time at vocational schools.





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Advisory Opinion Constitutionality of 1974 PA 242, 228 N.W.2d 772 (Mich. 1975)

The Michigan Supreme Court advised that textbooks and supplies are essential aids that constitute a primary feature of the educational process and a primary element required for any school to exist. The court concluded that a Michigan Blaine Amendment (Article VIII, Section 2) bars public funding for such primary and essential elements of a private school's existence.

Traverse City School District v. Attorney General, 185 N.W.2d 9, 29-31 (Mich. 1971)

The Michigan Supreme Court held that one of the state's Blaine Amendments (Article VIII, Section 2 as amended) now prohibits the use of public funds "directly or indirectly to aid or maintain" a nonpublic school.

Scalise v. Boy Scouts of America, 692 N.W.2d 858 (Mich. Ct. App. 2005)

A Michigan Court of Appeals held that a school district's policy permitting a boys' group that endorsed religion to use its facilities during non-school hours did not violate Michigan's first Blaine Amendment (Article I, Section 4) or the federal Establishment Clause because many religious and secular groups used the facilities and the district did not endorse the boys' group over any other group.

Alexander v. Bartlett, 165 N.W.2d 445 (Mich. Ct. App. 1968)

A Michigan Court of Appeals held that a statute permitting local school districts to furnish transportation without charge for students of state-approved private schools did not violate Michigan's first Blaine Amendment (Article I, Section 4) because the statute's intended and actual effect was to assist parents in complying with state compulsory education laws while recognizing their right to send their children to religious schools.

Advisory Opinion re Constitutionality of P.A. 1970, No. 100, 180 N.W.2d 265 (1970)

The Michigan Supreme Court advised the Legislature that the "State School Aid Bill" allowing the purchase of education services from private schools violates neither the First Amendment nor the first of Michigan's Blaine Amendments (Article I, Section 4) because any support given to religious institutions is tenuous at best.

ANALYSIS AND RECOMMENDATIONS

Having specifically precluded both tax credit and voucher programs by constitutional amendment, there are no school choice options for Michigan without a constitutional amendment.