

Senate Finance and Taxation

HB 1281

Chairman Bell and Committee

I urge an overwhelming DO PASS on HB 1281, considering a 5-4 ruling by the US Supreme Court in June, 2020.

Religion and Schools

May a state exclude church schools from a state-sponsored tuition aid program that supports students in other private schools, or does that exclusion amount to unconstitutional discrimination against religion?

That is unconstitutional discrimination based on religion, the court said in a 5-4 ruling in **Espinoza vs. Montana**. The Montana Supreme Court had blocked the \$500.00 grants on the grounds that the state's constitution, like many state constitutions, stipulate bans, known as "Blaine amendments," on allocating tax dollars for religious purposes. The laws derive from 19th-century to ban Catholic families dissatisfied with Protestant-oriented public schools from obtaining a share of funding. Post-Espinoza, those rules no longer can deny religious schools, which make up roughly two-thirds of all private schools nationally, from participating in tax-credited scholarship programs. "Espinoza clarifies that school choice programs would be constitutional under a Blaine amendment. But, Chief Justice Roberts, writing for the court, said the discriminatory policy violates the 1st Amendment and its protection for the free exercise of religion.

In 2002, the US Supreme Court upheld the constitutionality of Ohio's Cleveland Scholarship Program in *Zelmer vs. Simmons-Harris*. The ruling held that the voucher program did not violate the Establishment Clause of the 1st Amendment, even if vouchers were used for religious schools.

Parents pay taxes for education and should be able to use those tax dollars to educate their children however and whichever school they want. It is not government's responsibility to tell me where to educate my children or grandchildren. That's not only my right, it's my duty, and I shouldn't have the

government telling me based on some random, geographical location that I have to go a public school.

Thank you

Gordon Greenstein

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