Religion Provision
“All persons have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority shall, in any case whatever, control or interfere with the rights of conscience.” NORTH CAROLINA CONST. Art. I, § 13

Education Articles
“The people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right.” NORTH CAROLINA CONST. Art. I, § 15.

“Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools, libraries, and the means of education shall forever be encouraged.” NORTH CAROLINA CONST. Art. IX, § 1.

“The General Assembly shall provide by taxation and otherwise for a general and uniform system of free public schools ….” NORTH CAROLINA CONST. Art. IX, § 2.

“The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; all moneys, stocks, bonds, and other property belonging to the State for purposes of public education; the net proceeds of all sales of the swamp lands belonging to the State; and all other grants, gifts, and devises that have been or hereafter may be made to the State, and not otherwise appropriated by the State or by the terms of the grant, gift, or devise … shall be faithfully appropriated and used exclusively for establishing and maintaining a uniform system of free public schools.” NORTH CAROLINA CONST. Art. IX, § 6. (Section 7 repeats this text with respect to the County Education Fund)

RELEVANT CASE LAW

A federal district court held that state tuition assistance to students at colleges did not constitute excessive entanglement of the state with religious activities because the colleges were not pervasively sectarian and, although there was a religious presence, inculcation of religion was not the colleges’ primary purpose.

Heritage Village Church & Missionary Fellowship, Inc. v. State, 263 S.E.2d 726, 730 (N.C. 1980)
In striking down a statute imposing more burdensome licensing requirements on religious organizations than others, the North Carolina Supreme Court explicitly linked interpretation of the religion clauses in the North Carolina Constitution to

EXISTING SCHOOL CHOICE PROGRAMS

<table>
<thead>
<tr>
<th>Public School Choice:</th>
<th>No</th>
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<tr>
<td>Charter Schools:</td>
<td>Yes</td>
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<tr>
<td>North Carolina General Statutes Sections 115C-238.29A to 238.29K</td>
<td></td>
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<tr>
<td>Private School Choice:</td>
<td>No</td>
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Both tax credits and vouchers are school choice options for North Carolina. The North Carolina Constitution does not have a Blaine Amendment or a Compelled Support Clause and state cases look to federal Establishment Clause precedent. In *Zelman v. Simmons-Harris*, the U.S. Supreme Court upheld school choice programs under the federal Constitution.

To avoid any potential problems with Article IX, sections 6 and 7 of the North Carolina Constitution, voucher program funding should explicitly 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