Compelled Support Clause
“[N]o man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent ....” PENNSYLVANIA Const. Art. 1, § 3.

Blaine Amendment
“No money raised for the support of the public schools of the Commonwealth shall be appropriated to or used for the support of any sectarian school.” PENNSYLVANIA Const. Art. 3, § 15.

Other Relevant Provision
“No appropriation shall be made for charitable, educational or benevolent purposes to any person or community nor to any denominational and sectarian institution, corporation or association: Provided, That appropriations may be made for ... loans for higher educational purposes to residents of the Commonwealth enrolled in institutions of higher learning except that no scholarship, grants or loans for higher educational purposes shall be given to persons enrolled in a theological seminary or school of theology.” PENNSYLVANIA Const. Art. 3, § 29.

RELEVANT CASE LAW

A federal district court held that in accordance with the IDEA a state could reimburse parents for private school tuition without violating either the U.S. or Pennsylvania constitutions because the payments do not advance religion.

Haller v. Department of Revenue, 728 A.2d 351 (Pa. 1999)
The Pennsylvania Supreme Court held that a tax exemption for the sale and use of “religious publications” sold by “religious groups” violates the First Amendment’s Establishment Clause because it shows a preference for religious communications without some overarching secular purpose. The exemption’s narrow focus makes it unconstitutional.

The Pennsylvania Supreme Court held that free school bus transportation provided to parochial school children does not violate the federal or state constitutions because any benefit to a religious institution is indirect and incidental.
Both tax credit and voucher programs are school choice options for Pennsylvania. The Pennsylvania Constitution contains a Compelled Support Clause and a Blaine Amendment. The latter restricts the use of funds “raised for the public schools” but can be avoided entirely by funding vouchers from other government revenue. State case law demonstrates a strong adherence to federal Establishment Clause precedent and includes a distinction between “appropriations” and “payments for services rendered,” which should ensure voucher legislation’s compliance with the Blaine Amendment.

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