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1310 L Street, NW
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Washington, DC 20005

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Re: Oppose S. 2660 – Salary Reimbursements to Private Religious Schools Violate the U.S. and New Jersey Constitutions

Dear Senator:

On behalf of our New Jersey chapter, members, and supporters of Americans United for Separation of Church and State, I write to express our opposition to S. 2660. The bill authorizes the use of taxpayer dollars to pay for science, mathematics, or technology teachers at private and religious schools. Not only would this bill drain desperately needed funds from our public schools, it would also violate the U.S. and New Jersey Constitutions. Accordingly, we urge you to reject this bill.

S. 2660 would provide direct cash subsidies to private religious schools to pay teacher salaries, which the U.S. and New Jersey constitutions clearly prohibit. The United States Supreme Court has long “recogni[zed] . . . the special dangers associated with direct money grants to religious institutions” because “this form of aid falls precariously close to the original object of the Establishment Clause’s prohibition.”¹ In *Lemon v. Kurtzman*,² for example, the Supreme Court struck down two state programs that would reimburse religious schools for teacher salaries. The reimbursements proposed in S. 2660 would suffer the same fate.

Although the U.S. Supreme Court has upheld state funding for secular school supplies, such as textbooks and other teaching aids, these items have been distinguished from “the religious school teacher . . . [who] works throughout the day to advance [their] school’s religious mission.”³

The bill also violates the New Jersey Constitution’s religious freedom protections in Article I, Para. 3, which requires “that taxpayers’ funds not be expended for the benefit of religious groups.”⁴ This provision prevents the state from paying “out-of-pocket expenses” to benefit a religious school that are not fully reimbursed by the religious school.⁵ S. 2660, which would require the state to reimburse the religious school for their own expenses, clearly violates this principle.

¹ *Mitchell v. Helms*, 503 U.S. at 855-56 (controlling concurrence of O’Connor, J.).

² 403 U.S. 602, 620 (1971).

³ *Mitchell*, 503 U.S. at 860.

⁴ *Resnick v. E. Brunswick Twp. Bd. of Educ.*, 389 A.2d 944, 960 (N.J. 1978).

⁵ *Id.* at 951.

For all the above reasons, Americans United opposes S. 2660. Thank you for your consideration on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Nikolas Nartowicz". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nikolas Nartowicz
State Legislative Counsel