

SENATE . . . . . No. 374

---

By Mr. Shea, a petition (accompanied by proposal, Senate, No. 374) of Philip L. Shea for a legislative amendment to the Constitution to permit the Commonwealth or its political subdivisions to extend aid to non-public school students within the limits of the United States Constitution. Education.

---

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-three.

PROPOSAL FOR A LEGISLATIVE AMENDMENT TO THE CONSTITUTION PERMITTING THE COMMONWEALTH OR ITS POLITICAL SUBDIVISIONS TO EXTEND AID TO NONPUBLIC SCHOOL STUDENTS WITHIN THE LIMITS OF THE UNITED STATES CONSTITUTION.

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

ARTICLE OF AMENDMENT.

ARTICLE XLVI of the Articles of Amendments to the Constitution of the Commonwealth is hereby amended by striking out section 2 and inserting in place thereof the following section: —

*Section 2.* No grant, appropriation or use of public money or property or loan of credit shall be made or authorized by the Commonwealth or any political subdivision thereof for the purpose of founding, maintaining or aiding any infirmary, hospital, institution, or charitable or religious undertaking which is not publicly owned or under the exclusive control, order and supervision of public officers or public agents authorized by the Commonwealth or federal authority or both, except that appropriations may be made for the maintenance and support of the Soldiers' Home in Massachusetts and for free public libraries in any city or town and to carry out legal obligations, if any, already entered into; and no

such grant, appropriation or use of public money or property or loan of public credit shall be made or authorized for the purpose of founding, maintaining or aiding any church, religious denomination or society. Nothing herein contained shall be construed to prevent the commonwealth from making grants-in-aid to private higher educational institutions or to students or parents or guardians of students attending such institutions.

This amendment shall not be construed to prevent the commonwealth or any of its political subdivisions from providing aid, materials, or services to a pupil in a private school, which does not discriminate in its entrance requirements on the basis of race or color, to the full extent permissible under the first amendment to the Constitution of the United States; provided, that the individual pupil requests the same; and provided, further, that the general court shall have full power to impose conditions or restrictions upon the furnishing of such aid, materials, or services.