

**TITLE 3: HUMAN RESOURCES**  
**DIVISION 1: EDUCATION**

**§ 1173. Nonpublic Elementary and Secondary Education Fund: Legislative Funding; Declaration of Policy.**

It is hereby determined and declared as a matter of legislative finding:

(a) That a serious problem in elementary and secondary education exists in the nation and in the Commonwealth involving:

(1) The new recognition of our intellectual and cultural resources as prime national assets and of the national imperative now to spur the maximum educational development of every young American's capacity;

(2) Rapidly increasing costs occasioned by the rise in school population, consequent demands for more teachers, shortages in classroom space and facilities, new but costly demands in the endeavor for excellence upon education generally; the general impact of inflation upon the economy; and the struggle of the Commonwealth, commonly with many other American communities, to find sources by which to finance education, while also attempting to bear the mounting financial burden of the many other areas of modern governmental responsibility;

(b) That nonpublic education in the Commonwealth today, as in recent decades, bears the burden of educating approximately 25 percent of all elementary and secondary school pupils in the Commonwealth; that the requirements of the compulsory school attendance laws of the Commonwealth require the use of nonpublic educational facilities;

(c) That the elementary and secondary education of children is today recognized as a public welfare purpose; that nonpublic education, through providing instruction in secular subjects, makes an important contribution to the achieving of such public welfare purpose; that the governmental duty to support the achieving of public welfare purposes in education may be in part fulfilled through government's support of those purely secular educational objectives achieved through nonpublic education;

(d) That freedom to choose nonpublic education meeting reasonable Commonwealth standards for a child is a fundamental parental liberty and a basic right;

(e) That the Commonwealth has the right and freedom, in the fulfillment of its duties, to enter into contracts for the purchase of needed services with persons or institutions whether public or nonpublic, sectarian or nonsectarian;

(f) That, should a majority of parents of the present nonpublic school population desire to remove their children to the public schools of the Commonwealth, an intolerable added financial burden to the public would result, as well as school stoppages and long-term derangement and impairment of education in the Commonwealth; that such hazard to the education of children may be substantially reduced and education in the Commonwealth improved through the purchase herein provided of secular educational services for nonpublic schools in the Commonwealth.

**Source:** PL 1-26, § 2.

**Commission Comment:** PL 1-26, the "Nonpublic Elementary and Secondary Education Act," took effect October 1, 1979.