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**M E M O R A N D U M**

**SCHOOL LAWS AND LEGISLATION**

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June 18, 1999

**TO:** Carol Rackers & Ruth Flynn  
**FROM:** Mark Van Zandt *MVZ*  
**SUBJECT:** RFP for preschool grants

It is my understanding that there is some question regarding providing preschool grants to religiously affiliated daycare centers. Specifically, this office has been asked to outline the criteria by which the grants should be evaluated to ensure compliance with Article 1, Section 7 and Article 9, Section 8 of the Missouri Constitution, which prohibits public funding in support of religiously affiliated schools or other institutions. The following is a suggested criteria for evaluating those applications:

1. Is the program and underlying curriculum secular in nature?
2. Is control or governance of the program by secular organizations or agencies?
3. Is the program operated with funds or contributions from secular organizations or agencies?
4. Are secular services or activities held within the facilities of the institution or in conjunction with the programs provided by the institution?
5. Does the program observe religious holidays in addition to or in lieu of recognized legal holidays?
6. Are staff members within the program authorized to wear distinctive religious garments?
7. Are religious symbols displayed in the building used by the program?

Based upon these criteria, I think it can be determined whether the program is secular in nature and whether funding would be in violation of the Missouri Constitution. Please contact me if you need anything else on this issue.

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c: Commissioner Bartman  
Dr. Shroyer