

Case Study #2 - The Promise Scholarship

FACTS:

Joshua Davey is a low income Washington resident who earned a 3.8 grade point average in high school and scored 1360 on his SATs. Washington State offers a two-year “promise scholarship” to all Washington High School graduates who are eligible by virtue of income, academic achievement and SAT scores. Joshua fit these qualifications but was denied the scholarship when he declared an intention to major in business administration and pastoral ministries. Joshua is challenging this denial. Where might his case be heard and who has jurisdiction?

PERTINENT LEGAL CONSIDERATIONS:

WASHINGTON STATUTE, WAC 250-80-010 Purpose. The Washington promise scholarship program recognizes and encourages the aspiration for superior academic achievement of high school students who attend and graduate from Washington high schools. The program offers a two-year scholarship for eligible students that may be used at any accredited institution within the borders of the state. The scholarship may also be used at certain Oregon institutions offering programs not offered in Washington.

WAC-250-020 Definitions (12) Eligible student means: a. graduates from a public or private high school in the state of Washington; and b. Is in the top 15% of his or her graduating class; or c. attained a cumulative score of 1200 or better on the SAT on the first attempt; or d. attained a cumulative score of 27 or better on the ACT on the first attempt ; and e. has a family income less than one hundred thirty five percent of the state’s median; and f. enrolls at least half time in an eligible postsecondary institution in the state of Washington; and f. is not pursuing a career in theology.

WASHINGTON STATE CONSTITUTION – SECTION 11, RELIGIOUS FREEDOM:

Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment.

U.S. CONSTITUTION – AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

U.S. CONSTITUTION – AMENDMENT XIV – Section 1.

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the states wherein they reside. No state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.