

those used in the public schools.¹⁰⁷ Nor was a state permitted to pay the costs to religious schools of field trip transportation, such as it did to public school students.¹⁰⁸

The Court's later decisions, however, rejected the reasoning and overturned the results of several of these decisions. In two rulings, the Court reversed course with respect to the constitutionality of public school personnel's providing educational services on the premises of pervasively sectarian schools. First, in *Zobrest v. Catalina Foothills School District*¹⁰⁹ the Court held that the public subsidy of a sign-language interpreter for a deaf student attending a parochial school created no primary effect or entanglement problems. The payment did not relieve the school of an expense that it would otherwise have borne, the Court stated, and the interpreter had no role in selecting or editing the content of any of the lessons. Reviving the child benefit theory of its earlier cases, the Court wrote: "The service at issue in this case is part of a general government program that distributes benefits neutrally to any child qualifying as 'disabled' under the IDEA, without regard to the 'sectarian-nonsectarian, or public-nonpublic nature' of the school the child attends."¹¹⁰

Second, and more pointedly, the Court in *Agostini v. Felton*¹¹¹ overturned its decision in *Aguilar v. Felton*,¹¹² which had struck down the Title I program as administered in New York City, as well as the analogous parts of its decisions in *Meek v. Pittenger*¹¹³ and *Grand Rapids School District v. Ball*.¹¹⁴ The assumptions on which those decisions had rested, the Court stated, had been "undermined" by its more recent decisions. Decisions such as *Zobrest* and *Witters v. Washington Department of Social Services*,¹¹⁵ it said, had repudiated the notions that the placement of a public employee in a sectarian school creates an "impermissible symbolic link" between government and religion, that "all government aid that directly aids the educational function of religious schools" is constitutionally forbidden, that public teachers in a sectarian school necessarily pose a serious risk of inculcating religion, and that "pervasive monitoring of [such] teachers is required." The proper criterion under the

¹⁰⁷ 433 U.S. at 248–51. See also *id.* at 263–64 (Justice Powell concurring in part and dissenting in part).

¹⁰⁸ 433 U.S. at 252–55. Justice Powell joined the other three dissenters who would have approved this expenditure. *Id.* at 264.

¹⁰⁹ 509 U.S. 1 (1993).

¹¹⁰ 509 U.S. at 10.

¹¹¹ 521 U.S. 203 (1997).

¹¹² 473 U.S. 402 (1985).

¹¹³ 421 U.S. 349 (1975).

¹¹⁴ 473 U.S. 373 (1985).

¹¹⁵ 474 U.S. 481 (1986).