NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

ZOBREST ET AL. *v.* CATALINA FOOTHILLS SCHOOL DISTRICT

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 92–94. Argued February 24, 1993—Decided June 18, 1993

Petitioners, a deaf child and his parents, filed this suit after respondent school district refused to provide a sign-language interpreter to accompany the child to classes at a Roman Catholic high school. They alleged that the Individuals with Disabilities Education Act (IDEA) and the Free Exercise Cause of the First Amendment required respondent to provide the interpreter and that the Establishment Clause did not bar such relief. The District Court granted respondent summary judgment on the ground that the interpreter would act as a conduit for the child's religious inculcation, thereby promoting his religious development at government expense in violation of the Establishment Clause. The Court of Appeals affirmed.

Held:

1. The prudential rule of avoiding constitutional questions if there is a nonconstitutional ground for decision is inapplicable here, since respondent did not urge upon the District Court or the Court of Appeals any of the nonconstitutional grounds it now raises in this Court. Pp. 3–5.

2. The Establishment Clause does not prevent respondent from furnishing a disabled child enrolled in a sectarian school with a sign-language interpreter in order to facilitate his education. Government programs that neutrally provide benefits to a broad class of citizens defined without reference to religion are not readily subject to an Establishment Clause challenge just because sectarian institutions may also receive an attenuated financial benefit. *Mueller* v. *Allen,* 463 U. S. 388; *Witters* v. *Washington Dept. of Services for Blind,* 474 U. S. 481. The same reasoning used in *Mueller* and *Witters* applies here. The service 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. By according parents freedom to select a school of their choice, the statute ensures that a government-paid interpreter will be present in a sectarian school only as a result of individual parents' private decisions. Since the IDEA creates no financial incentive for parents to choose a sectarian school, an interpreter's presence there cannot be attributed to state decisionmaking. The fact that a public employee will be physically present in a sectarian school does not by itself make this the same type of aid that was disapproved in *Meek* v. *Pittenger,* 421 U. S. 349, and *School Dist. of Grand Rapids* v. *Ball,* 473 U. S. 373. In those cases, the challenged programs gave direct grants of government aid—instructional equipment and material, teachers, and guidance counselors—which relieved sectarian schools of costs they otherwise would have borne in educating their students. Here, the child is the primary beneficiary, and the school receives only an incidental benefit. In addition, an interpreter, unlike a teacher or guidance counselor, neither adds to nor subtracts from the sectarian school's environment but merely interprets whatever material is presented to the class as a whole. There is no absolute bar to the placing of a public employee in a sectarian school. Pp. 5–11.

ZOBREST *v.* CATALINA FOOTHILLS SCHOOL DIST.

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963 F. 2d 1190, reversed.

REHNQUIST, C. J., delivered the opinion of the Court, in which WHITE, SCALIA, KENNEDY, and THOMAS, JJ., joined. BLACKMUN, J., filed a dissenting opinion, in which SOUTER, J., joined, and in which STEVENS and O'CONNOR, JJ., joined as to Part I. O'CONNOR, J., filed a dissenting opinion, in which STEVENS, J., joined.