

RELEASED TIME EDUCATION ACT

Purpose:

The U.S. Supreme Court has long recognized that it is constitutionally permissible for public schools to permit students (with the permission of their parents) to attend privately-sponsored religious instruction during the school day. Doing so “respects the religious nature of our people and accommodates the public service to their spiritual needs.” *Zorach v. Clauson*, 343 U.S. 306, 314 (1952).

Unfortunately, some school officials are unwilling to accommodate families’ desire for their children to participate in released time religious education. The Released Time Education Act ensures that no family is denied the opportunity for their child to attend a released time class. The Act is based upon several Supreme Court and federal court decisions upholding policies that allow students to participate in released time programs and follows the constitutionally-sound criteria set forth in those decisions. Similar laws requiring school officials to permit students to attend released time have been on the books for decades in several other states, including New York, Florida, Kentucky, and Hawaii. It further allows schools to award academic credit to students who complete a released time course, a practice currently permitted by state law in six states.

Summary:

Section 1 of the Act provides its title, and Section 2 provides key definitions.

Section 3 requires school districts to excuse students to attend released time education programs for at least one hour per week. It further sets forth certain requirements that a released time program must satisfy, including that parents must provide written consent for their child to attend released time classes, that the released time program must provide the school with attendance records, and that no school district funds are used to support the released time program.

Section 4 allows a school district to award academic credit for students who complete a released time course, and allows the school to ensure that such a course meets certain academic requirements comparable to the requirements for other courses for which credit is award.

Section 5 provides a legal remedy if a school district refuses to allow students to attend released time education classes.

Section 1. TITLE

This Act may be cited as the “[STATE] Released Time Education Act”.

Section 2. DEFINITIONS

- (A) “Released time course” means a course in religious instruction taught by an independent sponsoring entity and which a student is excused from school to attend.
- (B) “School district” means [CITE TO DEFINITION UNDER STATE LAW FOR SCHOOL DISTRICT AND CHARTER SCHOOLS; NOTE THIS SHOULD NOT APPLY TO PRIVATE SCHOOLS]

SECTION 3. RELEASED TIME EXCUSAL POLICIES

- (A) A public school may adopt a policy to facilitate compliance with Subsection (B) to excuse a student from school to attend a released time course, provided that such policy does not interfere with the ability of a student’s parent or legal guardian to request or access a released time course for the student.
- (B) A public school shall, upon the request of a student's parent or legal guardian, excuse any student under its jurisdiction from school to attend a released time course for at least one (1) hour per week [but not more than five (5) hours per week] if the following requirements are met:
 - (1) The student’s parent or legal guardian gives written consent for the student to attend the released time course;
 - (2) The entity sponsoring the released time course maintains attendance records and makes them available to the school district the student attends;
 - (3) Transportation to and from the place of instruction, including transportation for students with disabilities, is the complete responsibility of the sponsoring entity, parent, guardian, or student;
 - (4) The sponsoring entity makes provisions for and assumes liability for the student while under the control of the sponsoring entity;
 - (5) No school district funds (other than *de minimis* administrative costs) are expended in providing the released time course;
 - (6) Released time courses are not to be held on school property unless permitted under a neutral policy of equal access opening school property for use by community groups; and
 - (7) The student assumes responsibility for any missed schoolwork.

- (C) Notwithstanding any law to the contrary, any period for which a student is excused to attend a released time course shall be considered as the student attending the school from which the student is excused for the purposes of determining school funding and satisfying attendance requirements.
- (D) Nothing in this Act shall be interpreted to deny a released time course or the sponsoring entity equal access to funds, benefits, or services that the local school system may provide or make available to community groups or other independent entities.

SECTION 4. CREDIT FOR RELEASED TIME COURSES

- (A) A school district [may / shall] adopt a policy that awards academic credit for the completion of a released time course [and recognizes the credits of an independently accredited provider of released time courses].
- (B) In determining how much credit to award for completion of such a course, the school district shall evaluate the course based on purely secular criteria that are substantially the same criteria used to evaluate similar courses for purposes of determining how much credit to award for such courses. The decision to award credit for a released time course shall be neutral to, and shall not involve any test for, religious content or denominational affiliation.
- (C) For purposes of this section, secular criteria may include, but are not limited to, the following:
 - (1) The number of hours of classroom instruction time;
 - (2) A review of the course syllabus that reflects course requirements and materials used;
 - (3) The methods of assessment used in the course; and
 - (4) The qualifications of the course instructor.

SECTION 5. REMEDIES

Any person or organization aggrieved by a violation of this Act may bring an action against the school district responsible for the violation and seek appropriate relief, including, but not limited to, injunctive relief, monetary damages, reasonable attorneys' fees, and court costs.