

1 HB568
2 130254-1
3 By Representative Galliher
4 RFD: Education Policy
5 First Read: 27-APR-11

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8 SYNOPSIS: Existing law relating to courses of study in
9 public schools specifies that it is the intent of
10 the Legislature that, in addition to required
11 courses, elective courses including wellness
12 education be available to students as determined by
13 the local board of education.

14 This bill would authorize local boards of
15 education to include released time religious
16 instruction as an elective course for high school
17 students.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT

22
23 Relating to courses of study in public schools; to
24 provide legislative intent; and to authorize local boards of
25 education to include released time religious instruction as an
26 elective course for purposes of satisfying certain curriculum
27 requirements for high school students.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. This act shall be known and may be cited
3 as the Alabama Released Time Credit Act.

4 Section 2. The Legislature finds and declares all of
5 the following:

6 (1) That the free exercise of religion is an
7 inherent, fundamental, and inalienable right secured by the
8 First Amendment to the United States Constitution.

9 (2) That the free exercise of religion is important
10 to the intellectual, moral, civic, and ethical development of
11 students in Alabama, and that any such exercise must be
12 conducted in a constitutionally appropriate manner.

13 (3) That the United States Supreme Court, in its
14 decision, *Zorach v. Clauson*, 343 U.S. 306 (1952), upheld the
15 constitutionality of released time programs for religious
16 instruction during the school day if the programs take place
17 away from school grounds, school officials do not promote
18 attendance at religious classes, and solicitation of students
19 to attend is not done at the expense of public schools.

20 (4) That the United States Constitution and state
21 law allow local school districts to offer religious released
22 time education for the benefit of public school students.

23 (5) That the purpose of this act is to incorporate a
24 constitutionally acceptable method of allowing school
25 districts to award public high school students in the state
26 elective credit for classes in religious instruction taken
27 during the school day in released time programs, because the

1 absence of an ability to award such credits has essentially
2 eliminated the ability of a school district to accommodate the
3 desires of parents and students to participate in released
4 time programs.

5 Section 3. (a) Each local board of education in the
6 state may adopt a policy that authorizes a high school student
7 to be excused from school to attend a class in religious
8 instruction conducted by a private entity if all of the
9 following are satisfied:

10 (1) The parent or guardian of the student gives
11 written consent.

12 (2) The sponsoring entity maintains attendance
13 records and makes them available to the public school the
14 student attends.

15 (3) Transportation to and from the place of
16 instruction, including transportation for any student with
17 disabilities, is the complete responsibility of the sponsoring
18 entity, parent, or guardian.

19 (4) The sponsoring entity makes provisions for and
20 assumes liability for the student who is excused.

21 (5) No public funds are expended and no public
22 school personnel are involved in providing the religious
23 instruction.

24 (b) A student who participates in a released time
25 religious instruction may earn elective course credit for
26 participation as determined by the local board of education.
27 The credit awarded may not exceed one credit unit. The local

1 board of education may adopt minimum standards for any program
2 pursuant to this act including minimum standards for the
3 curriculum and participation necessary to qualify for credit.

4 (c) It is the responsibility of a participating
5 student to make up any missed schoolwork.

6 (d) No student may be released from a required core
7 curriculum class to attend a religious instruction class.

8 (e) While in attendance in a released time religious
9 instruction class pursuant to this section, a student is not
10 considered to be absent from school.

11 Section 4. This act shall become effective
12 immediately following its passage and approval by the
13 Governor, or its otherwise becoming law.