

1 HB133  
2 130254-1  
3 By Representative Galliher  
4 RFD: Education Policy  
5 First Read: 07-FEB-12  
6 PFD: 02/02/2012

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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  
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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.