July 31, 2019

MEMORANDUM

TO: City and County Superintendents of Education

FROM: Eric G. Mackey
State Superintendent of Education

SUBJECT: Bible and Religious History Elective Courses (Act 2019-508)

Alabama Act 2019-508 ("the Act"), which provides that a public school may offer elective courses in the objective study of the Bible and religious history in Grades 6-12, becomes effective September 1, 2019. A copy of the Act is attached to this memorandum.

The U.S. Supreme Court has upheld a study of the Bible in public schools, as long as the study is "presented objectively as part of a secular program of education." School Dist. of Abington Township v. Schempp, 374 U.S. 203 (1963). Since this is easier said than done, the Alabama State Department of Education (ALSDE) has prepared the general recommendations below regarding these elective courses. These suggestions are intended to be a resource, but are not fully inclusive of all related issues that you may encounter at your local school system. You should be mindful that the Act requires compliance with applicable law regarding maintaining religious neutrality and, as always, I recommend that your local system consult with your staff and board attorney to ensure compliance.

Even when offered as an elective, successful introduction of a Bible-based course in your schools can be complicated and requires full and meaningful consideration. A few recommendations for school district leaders include the following:

- Be certain everyone is informed that the course is for academic enrichment, not spiritual or religious instruction.
- Be selective about who teaches the course to avoid any biases. As stated in the Act, the teacher may not "endorse, favor, promote, disfavor, or show hostility toward any particular religion or nonreligious faith or religious perspective." It might be helpful to find an in-service program or other training if the teacher assigned to teach the course does not have a background in scholarly religious studies.
- Be certain that the teacher understands that the First Amendment to the United States Constitution prevents the government from endorsing a religion but does not prohibit teaching about religion.
- Be certain that the teacher uses strategies of teaching that promote intercultural sensitivity and tolerance.
- Be certain that the content and curriculum are approved by your local board in accordance with the Alabama Administrative Code and other ALSDE guidelines.
- Be certain that any display of historic artifacts, monuments, symbols, and texts are appropriate to the overall educational purpose of the course and displayed for only the duration of the course.

If you have any questions, please contact Mr. Sean J. Stevens, Education Administrator, Instructional Services, at (334) 694-4767 or sstevens@alsde.edu or Mrs. Jessica K. Sanders, Office of General Counsel, at (334) 694-4690 or jsanders@alsde.edu.

EGMUKS
Attachment
cc: Dr. Daniel Boyd
    Mr. Sean J. Stevens
    Dr. Elisabeth Davis
    Mrs. Jessica K. Sanders

FY19-1007
1 SB14
2 202111-2
3 By Senator Melson
4 RFD: Education Policy
5 First Read: 05-MAR-19
6 PFD: 01/23/2019
ENROLLED, An Act,

Relating to education; to allow public schools to offer elective courses focusing on the study of the Bible and religious history in grades six to 12; to allow public schools to display artifacts, monuments, symbols, and texts related to the study of the Bible and religious history if displaying these items is appropriate to the overall educational purpose of the course; and to require the State Board of Education to adopt rules and policies to implement the requirements of the bill.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) A public school may offer elective courses in the objective study of the Bible and religious history in grades six to 12, inclusive, as follows:

(1) A social studies course on the Hebrew Scriptures of the Old Testament of the Bible.

(2) A social studies course on the Greek Scriptures of the New Testament of the Bible.


(4) A social studies course in religious history.
(b) The State Board of Education shall adopt rules and policies necessary for implementing the requirements of this act, including a requirement that curriculum standards submitted by a public school or school district for approval of an elective study of the Bible course shall meet the academic rigor and curriculum standards of other elective courses approved by the board.

Section 2. (a) Elective courses offered pursuant to this act shall be designed to do all of the following:

(1) Teach students about Bible characters, poetry, and narratives that are useful for understanding history and contemporary society and culture, including art, music, social mores, oration, and public policy.

(2) Familiarize students with the following:
   a. The contents of the Bible and religious history.
   b. The history of the Bible and religious history.
   c. The literary style and structure of the Bible.
   d. The influence of the Bible on law, history, government, literature, art, music, customs, morals, values, and cultures.

(b) A teacher of a course offered pursuant to this act shall comply with applicable law and all federal and state guidelines regarding maintaining religious neutrality and accommodating the diverse religious views, traditions, and perspectives of students in the school.
(c) A teacher of a course offered pursuant to this act may not endorse, favor, promote, disfavor, or show hostility toward any particular religion or nonreligious faith or religious perspective.

(d) The State Board of Education, in complying with this section, may not violate the United States Constitution, federal law, the Constitution of Alabama of 1901, state law, or any administrative rule or regulation of the United States Department of Education or the State Board of Education.

(e) A school principal may authorize the display of historic artifacts, monuments, symbols, and texts including, but not limited to, religious materials, if they are displayed in conjunction with a course of study that includes an elective course in history, civilization, ethics, comparative religion, literature, or other subject area that uses the artifacts, monuments, symbols, and texts as instructional material, as long as the display is appropriate to the overall educational purpose of the course and is displayed only throughout the duration of the course.

(f) The local board of education shall incur no liability and is immune from any liability exposure created by this act.

Section 3. No teacher shall be required to teach any course under this section and, any provision of the law to the contrary to notwithstanding, no teacher shall be subject to
any retaliation whatsoever for declining to teach such a
course, including, but not limited to, non-renewal of
contract, termination, transfer, reassignment, loss of
extracurricular activity assignments, reassignment of planning
period, or reduction of evaluation score.

Section 4. The Attorney General shall defend any
litigation filed against any local board of education in the
state or any officer, employee, or agent thereof based upon
the board's actions in implementing this act without cost to
the local board of education. Should any local board of
education be ordered to pay any fine, court cost, or
attorneys' fees following such litigation, the Legislature
shall appropriate funds for that purpose separate and apart
from any other budget allocation.

Section 5. This act shall become effective on the
first day of the third month following its passage and
approval by the Governor, or its otherwise becoming law.
President and Presiding Officer of the Senate

Mac McClellan
Speaker of the House of Representatives

SB14
Senate 02-APR-19
I hereby certify that the within Act originated in and passed the Senate, as amended.

Senate 30-MAY-19
I hereby certify that the within Act originated in and passed the Senate, as amended by Conference Committee Report.

Patrick Harris,
Secretary.

House of Representatives
Passed: 23-MAY-19, as amended
House of Representatives
Passed: 30-MAY-2019, as amended by Conference Committee Report.

APPROVED 6-10-19

By: Senator Melson

TIME 2:51 p.m.

Alabama Secretary Of State
Act Num....: 2019-508
Bill Num....: S-14
GOVERNOR
Recv'd 06/10/19 04:17pmSLF
SENATE ACTION

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill. SB 14

   yea  nay  abstain

   PATRICK HARRIS, Secretary

HOUSE ACTION

DATE: 04-3-2019

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on Education Policy was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed w/amend(s) w/sub

This 15th day of May, 2019.

   Chairperson

CONFERENCE COMMITTEE

Senate Conferees

DATE: 05-15-2014

RE-REFERRED RE-COMMITTED

Committee

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill. SB 14

   YEAS  NAYS

   JEFF WOODARD.