MEMORANDUM

TO: City and County Superintendents of Education

FROM: Eric G. Mackey
State Superintendent of Education

SUBJECT: Alabama Released Time Credit Act (Act 2019-281)

July 31, 2019

The Alabama Released Time Credit Act (Act 2019-281) authorizes local boards of education to allow released time for student participation in religious instruction in an elective course. The law becomes effective August 1, 2019, and permits local education agencies (LEAs) to incorporate, within certain parameters, a constitutionally acceptable method of offering released time classes for earned elective credit for classes taken during the school day in released time programs. A copy of the Act is attached to this memorandum. School systems have the option to offer a Released Time Program but are not required to do so. Likewise, if a school system offers the program, granting elective credit is optional, not required.

The Alabama State Department of Education (ALSDE) has developed the attached model policy (Attachment A) for LEAs who choose to create a policy related to implementation of the Act to use in the development of local policies. Please be mindful that this is only a model policy and not intended to be fully inclusive of all released time issues you may face in your system. Should your local system choose to have a Released Time Program for student participation in religious instruction under the terms of this Act, your local system's policy should be developed in consultation with your staff and board attorney. This model policy is intended to offer general guidance and should be read in conjunction with existing ALSDE rules and guidelines concerning student learning.

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) 694-4699 or jsanders@alsde.edu.

EOMJKS

Attachments

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

FY19-1008
Attachment A

ALSDE Model Alabama Released Time Credit Act Policy

Section 1. Alabama Released Time Credit Act

Pursuant to the Alabama Released Time Credit Act, school districts may offer released time classes and, in grades where credit is earned, award students elective credit for classes taken during the school day in released time programs.

"Released time" is defined by the Act as a period of time during the school day when a student is allowed to participate in an elective course in religious instruction, conducted off school district property, by a private entity.

Section 2. Student Participation and Earned Credits

(a) A student may participate in released time elective courses if all requirements of the LEA’s Released Time Program and all the following are satisfied:

   (1) The parent or guardian of the student gives written consent.
   (2) The sponsoring entity maintains attendance records and makes them available to the public school the student attends.
   (3) The sponsoring entity makes provisions for and assumes liability for the student who is excused for released time.
   (4) No public funds are expended other than de minimis administrative costs.
   (5) No public school personnel are involved in providing the religious instruction.

(b) Elective course credit may be earned if the course content and curriculum are approved by the local board in accordance with the Alabama Administrative Code and other ALSDE guidelines.

Section 3. Attendance

(a) No student may be released from a required core curriculum class to attend released time.

(b) No student may be released more than six (6) hours per week to attend released time.

(c) Student attendance in released time shall be calculated as part of the school day and subject to all normal attendance rules.

Section 4. Transportation

Transportation to and from the place of released time, including transportation for any student with disabilities, is the complete responsibility of the sponsoring private entity, parent, guardian, or student and may not be arranged, coordinated, or provided for by public school personnel.

Legal Reference: Ala. Act No. 2019-218
HB291
198316-3
By Representative Garrett
RFD: Education Policy
First Read: 02-APR-19
ENROLLED, An Act,

Relating to public K-12 education; to authorize local boards of education to allow released time for student participation in religious instruction in an elective course for purposes of satisfying certain curriculum requirements in public schools.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

(1) That the United States Supreme Court, in its decision in Zorach v. Clauson, 343 U.S. 306 (1952), upheld the constitutionality of released time programs for religious instruction for public school students during the school day.

(2) That the United States Constitution and state law allows local school districts to offer religious released time education for the benefit of public school students.

(3) That the purpose of this act is to incorporate a constitutionally acceptable method of allowing school districts to offer released time classes and, in grades where credit is earned, to award students elective credit for classes taken during the school day in released time programs.
Section 3. (a) As used in this section, the term released time means a period of time during the school day when a student is allowed to participate in an elective course in religious instruction, conducted off school district property, by a private entity.

(b) The State Board of Education shall adopt and each local board of education may implement a policy for a student to attend released time as an elective course if all of the following are satisfied:

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

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

(3) The sponsoring entity makes provisions for and assumes liability for the student who is excused for released time.

(4) No public funds are expended other than de minimis administrative costs.

(5) No public school personnel are involved in providing the religious instruction.

(c) In grades where credit is earned, a student who participates in released time shall may earn elective course credit for participation, as provided by rules adopted by the State Board of Education for elective courses. Credit awarded
may not exceed normal credit given for an elective course in
the particular school system. The State Board of Education
shall also adopt minimum standards for class attendance
necessary to qualify for credit.

(d) A student who participates in religious
instruction for elective credit during released time shall be
credited with time spent as if the student attended school,
and the time shall be calculated as part of the actual school
day.

(e) Transportation to and from the place of released
time, including transportation for any student with
disabilities, is the complete responsibility of the sponsoring
private entity, parent, guardian, or student and may not be
arranged, coordinated, or provided for by public school
personnel.

(f) No student may be released from a required core
curriculum class to attend released time.

Section 4. 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.
Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives
I hereby certify that the within Act originated in and was passed by the House 02-MAY-19, as amended.

Jeff Woodard
Clerk

Senate 21-MAY-19 Passed

APPROVED 5/28/19
TIME 6:27pm

GOVERNOR

Alabama Secretary Of State
Act Num....: 2019-281
Bill Num....: H-291
Page 4
Recvd 05/29/19 11:26amSLF
HOUSE 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, H.B. 291.

YEAS 86  NAYS 4

JEFF WOODARD, Clerk

SENATE ACTION

DATE: 20__

RD 1 RFD

This Bill was referred to the Standing Committee of the Senate on Ed Policy and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amend(s) w/sub by a vote of yeas 6 nays 0 abstain ___

this 8th day of May 20__

Chairperson

DATE: 5-8 20__

RF RD 2 CAL

DATE: 20__

RE-REFERRED RE-COMMITTED ___

CONFERENCE 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, HB ___.

YEAS _______ NAYS _______

PATRICK HARRIS, Secretary