



STATE OF ALABAMA
DEPARTMENT OF EDUCATION



Eric G. Mackey, Ed.D.
State Superintendent of Education

July 31, 2019

Alabama
State Board
of Education

MEMORANDUM

Governor Kay Ivey
President

TO: City and County Superintendents of Education

Jackie Zeigler
District I
President Pro Tem

FROM: Eric G. Mackey *EGM*
State Superintendent of Education

Tracie West
District II

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

Stephanie Bell
District III

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.

Yvette M. Richardson, Ed.D.
District IV

Ella B. Bell
District V

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.

Cynthia McCarty, Ph.D.
District VI

Jeff Newman
District VII
Vice President

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.

Wayne Reynolds, Ed.D.
District VIII

EGM/JKS

Eric G. Mackey, Ed.D.
Secretary and
Executive Officer

Attachments

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

FY19-1008

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.

ACT #2019- 281

1 HB291
2 198316-3
3 By Representative Garrett
4 RFD: Education Policy
5 First Read: 02-APR-19



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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.

1 Section 3. (a) As used in this section, the term
2 released time means a period of time during the school day
3 when a student is allowed to participate in an elective course
4 in religious instruction, conducted off school district
5 property, by a private entity.

6 (b) The State Board of Education shall adopt and
7 each local board of education may implement a policy for a
8 student to attend released time as an elective course if all
9 of the 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) The sponsoring entity makes provisions for and
16 assumes liability for the student who is excused for released
17 time.

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

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

22 (c) In grades where credit is earned, a student who
23 participates in released time ~~shall~~ may earn elective course
24 credit for participation, as provided by rules adopted by the
25 State Board of Education for elective courses. Credit awarded

1 may not exceed normal credit given for an elective course in
2 the particular school system. The State Board of Education
3 shall also adopt minimum standards for class attendance
4 necessary to qualify for credit.

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

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

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

18 Section 4. This act shall become effective on the
19 first day of the third month following its passage and
20 approval by the Governor, or its otherwise becoming law.

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Mac McClatchey

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Speaker of the House of Representatives

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[Signature]

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President and Presiding Officer of the Senate

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House of Representatives

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

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Jeff Woodard
Clerk

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Senate

21-MAY-19

Passed

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APPROVED

5/28/19

TIME

6:27pm

Kay Ivey
GOVERNOR

Alabama Secretary Of State

Act Num....: 2019-281

Bill Num....: H-291

SOR

Wright

SPONSORS

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. 211

YEAS 86 NAYS 4

JEFF WOODARD, Clerk

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JEFF WOODARD, Clerk

CONFERENCE COMMITTEE

House Conferees

SENATE ACTION

DATE: _____ 20__
RD 1 RFD _____

This Bill was referred to the Standing Committee of the Senate on Ed POUY 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 years 6 nays 0 abstain ___ this 8th day of MAY 20 19 _____, Chairperson.

DATE: 5-8 20__
RF _____ RD 2 CAL _____

DATE: _____ 20__
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, HB _____
YEAS _____ NAYS _____
PATRICK HARRIS, Secretary