

AN EDUCATIONAL UPDATE FROM
THE SOUTHEAST LAW INSTITUTE™, INC.

To: Interested Persons
Date: August 2019
From: A. Eric Johnston
Re: Alabama Released Time Credit Act – Act #2019-281

The Alabama Released Time Credit Act allows public school students to leave school premises during the day to attend Bible study or religious instruction at a local church or other location and receive one hours' elective credit. The purpose of this month's Educational Update is to give the background of the Act and explain its application. Hopefully, this will act as a catalyst for the state school board to implement a policy encouraging local school boards to adopt policies permitting this.

SLI first became involved with this effort in 2012. A bill was introduced to accomplish essentially the same purpose as the recently passed Act. The bill did not pass at that time. Interest was renewed again in 2015 without success. Between 2015 and 2019, bills were introduced and there were intervening efforts to educate members of the Legislature and to develop the program for the State of Alabama.

This included forming the Released-Time Education of Birmingham, Inc. educational nonprofit corporation. The purpose of the corporation was to facilitate released-time policies in public schools. It would organize persons in the community to work with the schools to develop policies and then implement them by providing off campus religious educational opportunities for students.

In the 2019 legislative session, Representative Danny Garrett introduced the bill. Through his diligent efforts and the work of Stan Davis with Released-Time, passage of the Act was achieved and it will go into effect in September of this year. Before public school students can begin taking advantage of the new law, it will be necessary for the state school board and local boards of education to pass policies implementing it.

It is important to understand that this type of law is constitutional. In fact, the U.S. Supreme Court in *Zorach v. Clauson*, 343 U.S. 306 (1952) held such a policy constitutional. Therefore, local school boards do not need to be concerned that they will be sued for establishment of religion violations.

To begin, the Alabama State Board of Education must adopt a policy to permit released time instruction with credit. Establishing that policy is mandatory. However, adopting the policy by local boards of education is discretionary. It is up to parents and church leaders in the community to persuade their local board of education to implement the policy.

The Act provides essentially this:

- A student is allowed to participate in an elective course in religious instruction, conducted off school premises, by a private entity.
- The local board of education may implement the policy as long as the parent or guardian gives written consent, the sponsoring entity maintains attendance records and makes them available to the public school, the sponsoring entity assumes liability for the student during the released time, no public funds are expended and no public school personnel are involved.
- A student will receive elective course credit.
- Transportation to and from the public school is the responsibility of the sponsoring entity, parent, *etcetera*.

These are a summary of the provisions. If you want further explanation, please contact us. The important points to keep in mind are that the local board of education must approve this policy before it goes into effect. If you want to work on implementing such a policy, contact Mr. Stan Davis (Stan@smbham.org).

Policies permitted by the Act have been implemented in several states and have been successful. There are several organizations in Alabama which have been working with local schools for released time on a volunteer basis. Until the Act was passed, the elective course credit could not be earned, although students would be able to participate in actual Bible study.

This Act is important in a number of ways, particularly since Supreme Court cases have removed Bible reading and prayer from public schools. Students who attend public schools do not have the advantages that many students have in church or home schools. Therefore, this Act is important to provide religious education to public school students. We encourage parents to check out this new law and work with their local school boards to implement it. A great deal of thought and effort went into this project and it is very much worthwhile for parents and students to take advantage of it.