

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1698

By: Representative Breaux

For An Act To Be Entitled

AN ACT TO CREATE THE ARKANSAS RELEASED TIME EDUCATION ACT; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE ARKANSAS RELEASED TIME EDUCATION ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 2, is amended to add an additional section to read as follows:

6-18-234. Arkansas Released Time Education Act.

(a) This section shall be known and may be cited as the "Arkansas Released Time Education Act".

(b) The General Assembly finds that:

(1) The United States Supreme Court has long recognized that it is constitutionally permissible for public schools to permit students, with the permission of their parents and legal guardians, to attend privately sponsored religious instruction during the school day;

(2) In "Zorach v. Clauson", 343 U.S. 306, 314 (1952), the United States Supreme Court has held that permitting students to attend privately sponsored religious instruction during the school day "respects the religious nature of our people and accommodates the public service to their spiritual needs";

(3) The Arkansas Released Time Education Act ensures that no family is denied the opportunity for their child to attend a released time class;



(4) This act is based upon several United States Supreme Court and federal court decisions that uphold policies allowing students to participate in released time programs and follows the constitutionally sound criteria established in those decisions;

(5) Similar laws requiring school officials to permit students to attend released time have been in effect for decades in several states, including New York, Florida, Kentucky, and Hawaii; and

(6) This act further would allow schools to award credit to students who complete a released time course, which is a practice currently permitted by state law in six (6) states.

(c) As used in this section:

(1) "Released time course" means a course in religious moral instruction taught by an independent entity that a student is excused from school to attend; and

(2) "School" includes:

(A) A public school district; and

(B) An open-enrollment public charter school.

(d) Each school in the State of Arkansas shall adopt a policy that excuses students from school to attend a released time course for at least one (1) hour each week, but not more than five (5) hours each week.

(e) The policy required under subsection (d) of this section shall require that:

(1) A student's parent or legal guardian shall provide written consent for his or her student to attend a released time course;

(2) An independent entity that sponsors a released time course shall maintain attendance records and provide the attendance records to the school in which the student is enrolled;

(3) Transportation to and from the place at which the released time course occurs, including transportation for students with disabilities, is the responsibility of the sponsoring independent entity, student, or parent or legal guardian of the student;

(4) The sponsoring independent entity shall make provisions for and assume liability for the enrolled student who is under the care of the sponsoring independent entity;

(5) School funds, other than de minimis administrative costs, shall not be expended in providing a released time course;

(6) Released time courses shall not be held on school property unless permitted under a neutral policy of equal access opening school property for use by community groups; and

(7) A student attending a released time course shall be responsible for his or her missed schoolwork.

(f) While in attendance in a released time course, a student shall not be considered absent from school.

(g)(1) A school may adopt a policy that awards credit for the completion of a released time course.

(2)(A) In determining how much credit to award for the completion of a released time course, a school shall evaluate the released time course based on only secular criteria that are substantially the same criteria used to evaluate similar courses for purposes of determining how much credit to award such courses.

(B) Secular criteria used under subdivision (g)(2)(A) may include without limitation:

(i) The number of hours of classroom instruction time for the released time course;

(ii) A review of the released time course syllabus that includes without limitation course requirements and materials used;

(iii) The methods of assessment used in the released time course; and

(iv) The qualifications of the released time course instructor, which shall be similar to the qualifications of teachers employed by the school.

(h)(1) A person or organization aggrieved by a violation of this section may appeal a decision made by a school under this section to the school's board of directors or governing board, as applicable, through an appeals process established by the school's board of directors or governing board.

(2) A person or organization may appeal a decision made by a school's board of directors or governing board, as applicable, to the State Board of Education.