

INTERIM STUDY PROPOSAL 2023-039

1
2 State of Arkansas
3 94th General Assembly
4 Regular Session, 2023

A Bill

HOUSE BILL 1698

5
6 By: Representative Breaux

7 Filed with: House Committee on Education
8 pursuant to A.C.A. §10-3-217.

9 **For An Act To Be Entitled**

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

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14 **Subtitle**

15 TO CREATE THE ARKANSAS RELEASED TIME
16 EDUCATION ACT.

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

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

23 6-18-234. Arkansas Released Time Education Act.

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

26 (b) The General Assembly finds that:

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

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

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

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

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

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

14 (c) As used in this section:

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

18 (2) "School" includes:

19 (A) A public school district; and

20 (B) An open-enrollment public charter school.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (2) A person or organization may appeal a decision made by a

1 school's board of directors or governing board, as applicable, to the State
2 Board of Education.

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5 Referred requested by the Arkansas House of Representatives

6 Prepared by: TNL/SJA

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