

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

# A Bill

HOUSE BILL 1698

5 By: Representative Breaux  
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## For An Act To Be Entitled

8 AN ACT TO CREATE THE ARKANSAS RELEASED TIME EDUCATION  
9 ACT; AND FOR OTHER PURPOSES.  
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### Subtitle

11 TO CREATE THE ARKANSAS RELEASED TIME  
12 EDUCATION ACT.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 2, is amended  
20 to add an additional section to read as follows:

21 6-18-234. Arkansas Released Time Education Act.

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

24 (b) The General Assembly finds that:

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

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

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



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

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

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

11         (c) As used in this section:

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

15           (2) "School" includes:

16                 (A) A public school district; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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