



## **New laws allow Alabama schools to offer biblical, religious courses**

Beginning September 1, 2019, Alabama public schools may offer elective courses in the Bible and religious history under the provisions of Alabama Act 2019-508, adopted by the Legislature and signed by Gov. Kay Ivey in June.

Under the law, local school boards have authority to approve content and curriculum for courses in “the objective study of the Bible and religious history in grades six to 12” in accordance with Alabama law and Alabama State Department of Education (ALSDE) guidelines.

Alabama State Superintendent of Education Eric Mackey issued general recommendations to schools regarding the courses in a July 31 memo, noting the new law “requires compliance with applicable law regarding maintaining religious neutrality.”

Mackey said school leaders should be selective in choosing teachers for such courses to “be certain that the teacher understands the First Amendment to the United States Constitution prevents the government from endorsing a religion but does not prohibit teaching about religion.”

A separate bill, Alabama Act 2019-281, or the Alabama Released Time Credit Act, authorizes local school boards to allow K–12 students to leave campus to participate in religious instruction in an elective course by a private entity. Under the law students may earn elective credit for classes taken during the released time. Under this legislation no public funds may be expended nor can public school personnel be involved in providing the religious instruction.

In an educational update on the legislation, Eric Johnston, president and general counsel of the Southeast Law Institute, said the state school board and local boards of education must pass policies on the Alabama Released Time Credit Act before public school students can begin taking advantage of it. He said the law requires the ALSDE to adopt a policy but local boards do not have the same mandate.

“It is up to parents and church leaders in the community to persuade their local board of education to implement the policy,” Johnston said.

The full text of the religious education bills and related documents are contained in this downloadable document. (*TAB*)



ACT #2019- 508

1 SB14  
2 202111-2  
3 By Senator Melson  
4 RFD: Education Policy  
5 First Read: 05-MAR-19  
6 PFD: 01/23/2019



1 SB14

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4 ENROLLED, An Act,

5 Relating to education; to allow public schools to  
6 offer elective courses focusing on the study of the Bible and  
7 religious history in grades six to 12; to allow public schools  
8 to display artifacts, monuments, symbols, and texts related to  
9 the study of the Bible and religious history if displaying  
10 these items is appropriate to the overall educational purpose  
11 of the course; and to require the State Board of Education to  
12 adopt rules and policies to implement the requirements of the  
13 bill.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. (a) A public school may offer elective  
16 courses in the objective study of the Bible and religious  
17 history in grades six to 12, inclusive, as follows:

18 (1) A social studies course on the Hebrew Scriptures  
19 of the Old Testament of the Bible.

20 (2) A social studies course on the Greek Scriptures  
21 of the New Testament of the Bible.

22 (3) A social studies course on the Hebrew Scriptures  
23 of the Old Testament and the Greek Scriptures of the New  
24 Testament of the Bible.

25 (4) A social studies course in religious history.

1           (b) The State Board of Education shall adopt rules  
2 and policies necessary for implementing the requirements of  
3 this act, including a requirement that curriculum standards  
4 submitted by a public school or school district for approval  
5 of an elective study of the Bible course shall meet the  
6 academic rigor and curriculum standards of other elective  
7 courses approved by the board.

8           Section 2. (a) Elective courses offered pursuant to  
9 this act shall be designed to do all of the following:

10           (1) Teach students about Bible characters, poetry,  
11 and narratives that are useful for understanding history and  
12 contemporary society and culture, including art, music, social  
13 mores, oration, and public policy.

14           (2) Familiarize students with the following:

- 15           a. The contents of the Bible and religious history.  
16           b. The history of the Bible and religious history.  
17           c. The literary style and structure of the Bible.  
18           d. The influence of the Bible on law, history,  
19 government, literature, art, music, customs, morals, values,  
20 and cultures.

21           (b) A teacher of a course offered pursuant to this  
22 act shall comply with applicable law and all federal and state  
23 guidelines regarding maintaining religious neutrality and  
24 accommodating the diverse religious views, traditions, and  
25 perspectives of students in the school.

1           (c) A teacher of a course offered pursuant to this  
2 act may not endorse, favor, promote, disfavor, or show  
3 hostility toward any particular religion or nonreligious faith  
4 or religious perspective.

5           (d) The State Board of Education, in complying with  
6 this section, may not violate the United States Constitution,  
7 federal law, the Constitution of Alabama of 1901, state law,  
8 or any administrative rule or regulation of the United States  
9 Department of Education or the State Board of Education.

10          (e) A school principal may authorize the display of  
11 historic artifacts, monuments, symbols, and texts including,  
12 but not limited to, religious materials, if they are displayed  
13 in conjunction with a course of study that includes an  
14 elective course in history, civilization, ethics, comparative  
15 religion, literature, or other subject area that uses the  
16 artifacts, monuments, symbols, and texts as instructional  
17 material, as long as the display is appropriate to the overall  
18 educational purpose of the course and is displayed only  
19 throughout the duration of the course.

20          (f) The local board of education shall incur no  
21 liability and is immune from any liability exposure created by  
22 this act.

23          Section 3. No teacher shall be required to teach any  
24 course under this section and, any provision of the law to the  
25 contrary to notwithstanding, no teacher shall be subject to

1 any retaliation whatsoever for declining to teach such a  
2 course, including, but not limited to, non-renewal of  
3 contract, termination, transfer, reassignment, loss of  
4 extracurricular activity assignments, reassignment of planning  
5 period, or reduction of evaluation score.

6 Section 4. The Attorney General shall defend any  
7 litigation filed against any local board of education in the  
8 state or any officer, employee, or agent thereof based upon  
9 the board's actions in implementing this act without cost to  
10 the local board of education. Should any local board of  
11 education be ordered to pay any fine, court cost, or  
12 attorneys' fees following such litigation, the Legislature  
13 shall appropriate funds for that purpose separate and apart  
14 from any other budget allocation.

15 Section 5. This act shall become effective on the  
16 first day of the third month following its passage and  
17 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

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SB14

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Senate 02-APR-19

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I hereby certify that the within Act originated in and passed the Senate, as amended.

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Senate 30-MAY-19

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I hereby certify that the within Act originated in and passed the Senate, as amended by Conference Committee Report.

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Patrick Harris,  
Secretary.

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House of Representatives  
Passed: 23-MAY-19, as amended

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House of Representatives  
Passed: 30-MAY-2019, as amended by Conference Committee Report.

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**APPROVED** 6-10-19

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By: Senator Melson

**TIME**

2:51 P.M.

Alabama Secretary Of State

Act Num....: 2019-508  
Bill Num....: S-14

  
**GOVERNOR**

Recv'd 06/10/19 04:17pmSLF



SPONSOR

W. J. ...  
PONSORS

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SENATE 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, SB 14

years nays abstain

PATRICK HARRIS,  
Secretary

I hereby certify that the notice & proof is attached to the Bill, SB as required in the General Acts of Alabama, 1975 Act No 919.

PATRICK HARRIS,  
Secretary

CONFERENCE COMMITTEE

Senate Conferees

HOUSE ACTION

DATE: 4-3 2019

RD 1 RFD EP

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on Education Policy was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed w/amend(s) w/sub This 15th day of May, 2019. *Therrell Collins*, Chairperson

DATE: 5-15 2019

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, SB 14

YEAS NAYS

JEFF WOODARD,

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

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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 hour's 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](mailto: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.

ACT #2019- 281

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



1  
2 ENROLLED, An Act,

3 Relating to public K-12 education; to authorize  
4 local boards of education to allow released time for student  
5 participation in religious instruction in an elective course  
6 for purposes of satisfying certain curriculum requirements in  
7 public schools.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. This act shall be known and may be cited  
10 as the Alabama Released Time Credit Act.

11 Section 2. The Legislature finds and declares all of  
12 the following:

13 (1) That the United States Supreme Court, in its  
14 decision in Zorach v. Clauson, 343 U.S. 306 (1952), upheld the  
15 constitutionality of released time programs for religious  
16 instruction for public school students during the school day.

17 (2) That the United States Constitution and state  
18 law allows local school districts to offer religious released  
19 time education for the benefit of public school students.

20 (3) That the purpose of this act is to incorporate a  
21 constitutionally acceptable method of allowing school  
22 districts to offer released time classes and, in grades where  
23 credit is earned, to award students elective credit for  
24 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 McCutchen*

Speaker of the House of Representatives

*[Signature]*

President and Presiding Officer of the Senate

House of Representatives

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

Jeff Woodard  
Clerk

Senate

21-MAY-19

Passed

APPROVED

5/28/19

TIME

6:27pm

*Kay Ivey*  
GOVERNOR

Alabama Secretary Of State

Act Num.....: 2019-281  
Bill Num....: H-291

SOR

Arrett

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:

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RD 1 RFD

This Bill was referred to the Standing Committee of the Senate on

Ed Policy

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:

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RF

RD 2 CAL

DATE:

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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