

SENATE BILL NO. 112

BY SENATORS HODGES AND MIGUEZ

1 AN ACT

2 To enact Subpart E of Part III of Chapter 1 of Title 17 of the Louisiana Revised Statutes of
3 1950, to be comprised of R.S. 17:288.1 through 288.5, and R.S. 17:3996(B)(92),
4 relative to parental choice in education; to authorize released time courses under
5 certain circumstances; to provide for religious education subject to parental
6 authorization; to authorize public school boards to adopt certain policies; to provide
7 for immunity from liability for public school boards that authorize released time; to
8 require parental consent for minor students; to provide for requirements; to require
9 that parents receive certain information; to authorize academic credit; to provide for
10 legislative intent; to provide for definitions; to provide for constitutional protections;
11 to provide for an effective date; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Subpart E of Part III of Chapter 1 of Title 17 of the Louisiana Revised
14 Statutes of 1950, comprised of R.S. 17:288.1 through 288.5, and R.S. 17:3996(B)(92) are
15 hereby enacted to read as follows:

16 **SUBPART E. SCHOOL RELEASED TIME EDUCATION ACT**

17 **§288.1. Short title; legislative intent**

18 **A. This Subpart shall be known as and may be cited as the "School**
19 **Released Time Education Act".**

20 **B. The legislature finds all of the following:**

21 **(1) In 1952, the Supreme Court of the United States ruled that public**
22 **schools may release students during school hours for off-campus religious**
23 **instruction, provided that there is parental consent and that the program is not**
24 **publicly funded. The ruling established that public schools allowing released**

1 time for religious instruction is permissible under the Constitution of the United
2 States of America. (*Zorach v. Clauson*, 343 U.S. 306).

3 (2) Article 101 of the Louisiana Children's Code declares that "(t)he
4 people of Louisiana recognize the family as the most fundamental unit of human
5 society; that preserving families is essential to a free society; that the
6 relationship between parent and child is preeminent in establishing and
7 maintaining the well-being of the child; that parents have the responsibility for
8 providing the basic necessities of life as well as love and affection to their
9 children; that parents have the paramount right to raise their children in
10 accordance with their own values and traditions; that parents should make the
11 decisions regarding where and with whom the child shall reside, the
12 educational, moral, ethical, and religious training of the child..."

13 (3) As interest grows across Louisiana, legislation is needed to show
14 support for parents' rights to request released time courses of education for
15 their children.

16 **§288.2. Definitions**

17 Unless otherwise indicated, the following definitions shall apply to this
18 **Subpart:**

19 (1) "Department" means the state Department of Education.

20 (2) "Parent" means a biological birth parent, an adoptive parent, or the
21 legal guardian who is authorized by law to make decisions regarding the
22 education of his minor child.

23 (3) "Released time course" means a course in religious instruction taught
24 by a sponsoring entity in which a student is allowed to attend, subject to prior
25 approval by the minor student's parent, at an off-campus location, unless the
26 equal access provisions in R.S. 17:288.3 allow for the course to be taught on
27 campus.

28 (4) "School" means a public school, as defined in R.S. 17:236, that is
29 under the jurisdiction of the school board.

30 (5) "School board" means a city, parish, or other local public school

1 board that operates a public school, subject to the provisions of this Title.

2 (6) "Sponsoring entity" means a church or other religious organization
3 that is qualified as a tax-exempt organization under Section 501(c) of the United
4 States Internal Revenue Code, and receives written parental permission from
5 parents and authorization from the school board, to operate a released time
6 course program.

7 (7) "Student adult" means a person who is eighteen years of age or older
8 or is an emancipated minor who is authorized by law to make his own decisions
9 regarding his education.

10 §288.3. Released time courses; authorization; parental approval; requirements;
11 limitation on liability

12 A. Each school board may adopt a policy that allows students, subject to
13 parental approval, to participate in a released time course.

14 B. The policy adopted by the school board shall require all of the
15 following:

16 (1) That the minor student's parent gives written consent for the minor
17 student to attend a released time course.

18 (2) That the student adult indicates, in writing, his consent to attend the
19 released time course.

20 (3) That any sponsoring entity of a released time course that provides
21 transportation of students to or from a released time course maintain
22 automobile liability insurance with coverage limits in an amount not less than
23 the minimum coverage required by the school board for school buses operated
24 by or on behalf of the school system. Proof of such insurance shall be furnished
25 to the school board as a condition of providing such transportation.

26 C. The written consent, required in this Section, shall be on a form
27 created by the school board and shall include a notice that contains the
28 following:

29 (1) That the school and school board are free from liability for any injury
30 that occurs while the student is off campus at a released time course.

1 (2) That the school and school board are free from liability while the
2 student is being transported to or from the released time course.

3 (3) That any liability for injury that occurs at the released time course
4 is solely the responsibility of the entity sponsoring the released time course.

5 (4) That any liability for injuries that occur during the transportation to
6 or from the released time course shall be solely the responsibility of the
7 sponsoring entity or the person authorized, pursuant to this Subpart, to
8 transport the student.

9 D.(1) The sponsoring entity of the released time course shall maintain
10 attendance records and make them available to the school that the student
11 attends or to the school board.

12 (2) The released time course shall be no less than one hour and no more
13 than five hours per school week.

14 (3) When notification is given to a school, by a parent or student adult,
15 that the student is attending the released time course and subsequently does not
16 attend the course and is not otherwise present at the school, then the student
17 shall be recorded as having an unexcused absence by the school for that time
18 and shall be subject to the provisions of R.S. 17:233.

19 E. Criminal background checks shall be conducted, as provided in R.S.
20 15:587.1 and 587.7, on each instructor and any other person who may have
21 direct contact with or supervisory responsibility over a student participating in
22 a released time course. This requirement shall not apply to other students
23 participating in the course.

24 F.(1) The sponsoring entity assumes liability for the student while under
25 the control of the sponsoring entity.

26 (2) Notwithstanding any other provision of law to the contrary, an
27 authorizing school board, school, or any officer or employee thereof shall be
28 immune from liability from any action or suit for any injury that takes place at
29 a released timed course held off campus or that takes place while the student is
30 being transported to or from the released timed course.

1 **(3) Liability associated with any transportation of students to and from**
2 **a released time course that is at a location other than the school shall be the**
3 **responsibility of whichever of the following that applies:**

4 **(a) The parent who transports the parent's own child.**

5 **(b) Another person designated by the parent to transport the minor**
6 **student.**

7 **(c) The sponsoring entity who is authorized by the parent to transport**
8 **the student.**

9 **(d) The student adult who transports himself.**

10 **G. Any transportation to and from a released time course shall be**
11 **subject to specific prior written authorization by the parent unless the parent**
12 **is transporting the parent's own child.**

13 **H.(1) Released time courses shall not be held on school property unless**
14 **permitted under a neutral policy of equal access that opens school property for**
15 **use by community groups. To the extent that the other community groups are**
16 **allowed to use school property, then the school shall not discriminate against the**
17 **sponsoring entity, the student, or the parent who desires to have the minor**
18 **student attend the released time course.**

19 **(2) Nothing in this Subpart shall be interpreted to deny a released time**
20 **course or the sponsoring entity equal access to funds, benefits, or services that**
21 **the local school system may provide or make available to community groups or**
22 **independent secular entities.**

23 **I. Any school board that awards academic credit for a released time**
24 **course shall do both of the following:**

25 **(1) Require that each instructor for such course satisfy qualification**
26 **standards that are the same as the qualifications established by the school board**
27 **for substitute teachers employed within that school system.**

28 **(2) Require that the instructor or sponsoring entity providing the**
29 **released time course agree to report student grades, attendance, and any other**
30 **information required by the school board to the school in the manner and**

1 format prescribed by the school board.

2 J. Nothing in this Section shall prohibit a school board from offering or
3 recognizing a virtual released time course provided through the internet or
4 other electronic medium in a manner consistent with R.S. 17:236.3.

5 §288.4. Credit for released time courses

6 A. The department shall provide a course credit code that participating
7 schools may use to award academic credit for the completion of a released time
8 course.

9 B. Nothing in this Subpart shall prohibit a participating school from
10 using the course credit code for high school students associated with the
11 academic course taught on the history and literature of the Bible, pursuant to
12 R.S. 17:282.

13 §288.5. Rules of construction; constitutional protections preserved

14 Nothing in this Subpart shall be construed to supersede, limit, or
15 diminish the rights guaranteed under the First Amendment to the Constitution
16 of the United States, Article I, Section 8 of the Constitution of Louisiana, or the
17 Preservation of Religious Freedom Act, R.S. 13:5231 et seq., all of which shall
18 prevail in the event of any conflict with any provision of this Subpart.

19 * * *

20 §3996. Charter schools; exemptions; requirements

21 * * *

22 B. Notwithstanding any state law, rule, or regulation to the contrary and
23 except as may be otherwise specifically provided for in an approved charter, a
24 charter school established and operated in accordance with the provisions of this
25 Chapter and its approved charter and the school's officers and employees shall be
26 exempt from all statutory mandates or other statutory requirements that are
27 applicable to public schools and to public school officers and employees except for
28 the following laws otherwise applicable to public schools with the same grades:

29 * * *

30 (92) Released time, R.S. 17:288.1 et seq.

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____