

HB 634-FN - AS INTRODUCED

2023 SESSION

23-0681

05/04

HOUSE BILL

634-FN

AN ACT relative to students' participation in religious instruction to satisfy elective curriculum requirements.

SPONSORS: Rep. Gerhard, Merr. 25

COMMITTEE: Education

ANALYSIS

This bill authorizes local boards of education to allow release time for student participation in religious instruction in an elective course for purposes of satisfying certain curriculum requirements in public schools.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to students' participation in religious instruction to satisfy elective curriculum requirements.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Title. This act may be cited as the Time Release Educational Credit Act (TRECA).

2 2 Legislative Findings. The general court finds that:

3 I. Article 5 of the New Hampshire constitution states, "Every individual has a natural and
4 unalienable right to worship God according to the dictates of his own conscience, and reason; and no
5 subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshiping God in
6 the manner and season most agreeable to the dictates of his own conscience; or for his religious
7 profession, sentiments, or persuasion; provided he doth not disturb the public peace or disturb others
8 in their religious worship;"

9 II. The First Amendment of the United States Constitution states that the government
10 "shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;"

11 III. Religion, morality, and knowledge, however, being essential to good government, it
12 remains the duty of this legislature to pass suitable laws to protect every religious denomination in
13 the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means
14 of instruction;

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

18 V. The United States Constitution and state law allows local school districts to offer
19 religious released time education for the benefit of public school students;

20 VI. The purpose of this act is to incorporate a constitutionally acceptable method of allowing
21 school districts to offer released time classes and, in grades where credit is earned, to award
22 students elective credit for classes taken during the school day in released time programs;

23 VII. One of the largest cultural menaces in America is the conformity of the intellectual
24 cliques which, in education as well as the arts, are out to impose upon the nation their modish fads
25 and fallacies, and have nearly succeeded in doing so; and

26 VIII. All education is coercive to some degree, making academic freedom somewhat of a
27 myth, and therefore, enacting TRECA is consistent with allowing a student to exercise their
28 fundamental right under the free exercise clause of the First Amendment of the United States
29 Constitution and Article 5 of the New Hampshire constitution to personally pursue religious
30 instruction to deepen and strengthen the faith of their own choosing.

1 3 New Section; Time Release Credit. Amend RSA 189 by inserting after section 1-e the
2 following new section:

3 189:1-f Time Release Credit.

4 I. As used in this section, "released time" means a period of time during the school day when
5 a student is allowed to participate in an elective course in religious instruction, conducted off school
6 district property, by a private entity.

7 II. The state board of education shall adopt and each local board of education may
8 implement a policy for a student to attend released time as an elective course if all of the following
9 are satisfied:

10 (a) The parent or guardian of the student gives written consent;

11 (b) The religious curriculum of the course elective does not undeniably promote
12 licentiousness or practices that are inconsistent with the peace and safety of the state;

13 (c) The sponsoring entity makes provisions for and assumes liability for the student who
14 is excused for released time;

15 (d) No public funds are expended other than de minimis administrative costs; and

16 (e) No public school personnel are involved in providing the religious instruction.

17 III. In grades where credit is earned, a student who participates in released time may earn
18 elective course credit for participation, as provided by rules adopted by the state board of education
19 for elective courses. Credit awarded may not exceed normal credit given for an elective course in the
20 particular school system. The state board of education shall also adopt minimum standards for class
21 attendance necessary to qualify for credit.

22 IV. A student who participates in religious instruction for elective credit during released
23 time shall be credited with time spent as if the student attended school, and the time shall be
24 calculated as part of the actual school day.

25 V. Transportation to and from the place of released time, including transportation for any
26 student with disabilities, is the complete responsibility of the sponsoring private entity, parent,
27 guardian, or student and may not be arranged, coordinated, or provided by public school personnel.

28 VI. No student shall be released from a required core curriculum class to attend released
29 time.

30 4 Effective Date. This act shall take effect upon its passage.

LBA
23-0681
1/10/23

**HB 634-FN- FISCAL NOTE
AS INTRODUCED**

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FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill, **as introduced**, as it is awaiting information from the Department of Education. The Department was contacted on 12/19/22. When completed, the fiscal note will be forwarded to the House Clerk's Office.

AGENCIES CONTACTED:

Department of Education