

HB 382 - AS INTRODUCED

2023 SESSION

23-0645

10/04

HOUSE BILL **382**

AN ACT authorizing local school boards to give students release time for participation in religious instruction in an elective course for the purposes of satisfying curriculum requirements.

SPONSORS: Rep. Santonastaso, Ches. 18

COMMITTEE: Education

ANALYSIS

This bill requires the state board of education to adopt rules for and authorizes local school boards to implement release time for students' participation in religious instruction in an elective course for the purposes of satisfying curriculum requirements.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 authorizing local school boards to give students release time for participation in religious instruction in an elective course for the purposes of satisfying curriculum requirements.

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

1 1 Legislative Findings. The general court finds that:

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

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

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

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

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

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

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

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

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

189:1-f. Release Time Credit.

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

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

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

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

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

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

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

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

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

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

VI. No student may be released from a required core curriculum class to attend released time.

3 Effective Date. This act shall take effect upon its passage.