



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 328**

**SENATE BILL NO. 1246**

**By Bailey**

Substituted for: House Bill No. 834

By Powers, DeBerry

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 2, Part 1, relative to released time courses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 2, Part 1, is amended by adding the following language as a new section:

(a) As used in this section, "released time course" means a period of time during which a student is excused from school to attend a course in religious moral instruction taught by an independent entity off school property.

(b) A local board of education may adopt a policy that excuses a student from school to attend a released time course in religious moral instruction for up to one (1) class period during each school week; provided, that:

(1) The student's parent or legal guardian signs a written consent form prior to the student's participation in the released time course;

(2) The released time course shall be conducted off public school property;

(3) The independent entity maintains attendance records and makes the records available to the LEA and the local board of education;

(4) Any transportation to and from the place of instruction, including transportation for students with disabilities, is the responsibility of the independent entity, parent, legal guardian, or student;

(5) The independent entity assumes liability for the student attending the released time course from the time that the student leaves the school until the student returns to the school;

(6) No public funds are expended and no public school personnel are involved in providing the instruction for released time courses;

(7) The student assumes responsibility for any missed schoolwork;

(8) The principal of the school, or the principal's designee, shall determine the classes from which the student may be excused to participate in the released time course; provided, that the student may not be excused to participate in a released time course during any class in which subject matter is taught for which the state requires an examination for state or federal accountability purposes; and

(9) The released time courses shall coincide with school class schedules.

(c) The LEA, the local board of education, the local governing authority, and the state shall not be liable for the student who participates in the released time course.

(d) The written consent form under subdivision (b)(1) shall provide a disclaimer that:

(1) Eliminates any actual or perceived affirmative school sponsorship or attribution to the LEA of an endorsement of a religious instruction; and

(2) Waives any right of the student's parent or legal guardian to hold the school, the LEA, the employees of the school or LEA, or the state liable for the student participating in a released time course.

(e) Instructors of released time courses are not required to be licensed or certificated pursuant to chapter 5 of this title. Instructors and other employees of the released time courses shall be hired by the independent entity.

(f) A student who attends a released time course 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.

SECTION 2. The state board of education is authorized to promulgate rules to effectuate the purposes of this act. The rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act shall be severable.

SECTION 4. For purposes of rulemaking, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2015, the public welfare requiring it.

SENATE BILL NO. 1246

PASSED: April 14, 2015

  
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RON RAMSEY  
SPEAKER OF THE SENATE

  
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BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 28<sup>th</sup> day of April 2015

  
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BILL HASLAM, GOVERNOR