



ROSENSTEIN, FIST & RINGOLD

RED BANNER UPDATE

Date: June 11, 2024

Re: HB 1425

Signed: June 5, 2024

Effective: 90 Days Sine Die (August 28, 2024)

Topic: Released Time Course

Summary: This bill creates a new law (70 O.S. § 11-101.3) requiring a school district to develop a policy excusing a student from school to attend a released time course for no more than 3 class periods per week or a maximum of 125 class periods per school year. A released time course is defined as “a period of time during which a student is excused from school to attend a course in religious or moral instruction taught by an independent entity off school property.” A student attending such a course shall be considered in attendance at the district and the time shall be calculated as part of the school day.

A student may participate in a released time course provided:

1. The student’s parent or legal guardian provides written consent prior to the student’s participation in the released time course;
2. No school district funds other than de minimis administrative costs are expended and no school district personnel, equipment, or resources are involved in providing the instruction;
3. The independent entity maintains attendance records and makes them available to the school district and its board of education;
4. Any transportation provided to and from the place of instruction is the sole responsibility of the independent entity, the student, or the student’s parent or legal guardian;
5. The independent entity or the student’s parent or legal guardian indemnifies the school district and holds it harmless with regard to any liability arising from conduct that does not occur on school property under the control or supervision of the school district, and the independent entity maintains adequate insurance for that purpose;
6. The student assumes responsibility for any missed school work; and

7. The school district superintendent, the principal for the school site in which the student is enrolled, or their designees have reasonable discretion over the scheduling and timing of released time courses; provided, the student may not be excused to participate in a released time course during any class in which the subject matter being taught is subject to the assessment requirements of Section 1210.508 of Title 70 of the Oklahoma Statutes.

The new law also provides for student credit for work completed in a released time course that is substantiated by a transcript from the independent entity providing the course. In addition, a student shall be awarded elective credit for the completion of each released time course. To determine whether elective credit may be awarded as provided for in this subsection, the district is required to evaluate the course in a neutral and secular manner that does not involve any test for religious content or denominational affiliation. The secular criteria used to evaluate a released time course may include:

1. The amount of classroom instruction time;
2. The course syllabus, which reflects the course requirements and any materials used in the course;
3. Methods of assessment used in the course; and
4. The qualifications of the course instructor.

The section regarding credit for completed work does not apply to charter schools established pursuant to Section 3-132 of Title 70 of the Oklahoma Statutes or charter schools or virtual charter schools established pursuant to Section 3-134 of Title 70 of the Oklahoma Statutes.

The new law further releases a district from liability for the student when the student is not under the control or supervision of the district. It further specifies that released time course instructors are not required to be licensed or certified teachers.

Legal counsel at the firm is currently reviewing this legislation and will be advising clients as to any recommended changes to existing district policies.