**A** **BILL**

TO AMEND SECTION 59‑39‑112 OF THE 1976 CODE, RELATING TO ELECTIVE CREDIT FOR RELEASED TIME CLASSES IN RELIGIOUS INSTRUCTION FOR HIGH SCHOOL STUDENTS, TO PROVIDE THAT THE SCHOOL DISTRICT BOARD OF TRUSTEES MAY, AS A MEANS TO ENSURE EVALUATION OF INSTRUCTION ON THE BASIS OF PURELY SECULAR CRITERIA, ACCEPT TIME RELEASED CREDITS AS TRANSFER CREDITS FROM AN ACCREDITED PRIVATE SCHOOL THAT HAS AWARDED PRIVATE SCHOOL CREDITS FOR A RELEASED TIME PROGRAM OPERATED BY AN UNACCREDITED ENTITY.

Whereas, the South Carolina General Assembly finds that:

(1) The free exercise of religion is an inherent, fundamental, and inalienable right secured by the First Amendment to the United States Constitution.

(2) The free exercise of religion is important to the intellectual, moral, civic, and ethical development of students in South Carolina, and that any such exercise must be conducted in a constitutionally appropriate manner.

(3) The United States Supreme Court, in its decision, *Zorach v. Clauson*, 343 U.S. 306 (1952), upheld the constitutionality of released time programs for religious instruction during the school day if the programs take place away from school grounds, school officials do not promote attendance at religious classes, and solicitation of students to attend is not done at the expense of public schools.

(4) The United States Fourth Circuit Court of Appeals, in *Moss v. Spartanburg County School District Seven*, 683 F.3d 599 (4th Cir. 2012), held, without requiring the practice, that a public school district could constitutionally accept credits for a released time program approved by an accredited private school but operated by an unaccredited private entity.

(5) The federal Constitution and state law allow the state's school districts to offer religious released time education for the benefit of the state's public school students.

(6) The purpose of this act is to incorporate a constitutionally acceptable method of allowing school districts to award the state's public high school students elective Carnegie unit credits for classes in religious instruction taken during the school day in released time programs, because the absence of an ability to award such credits has essentially eliminated the school districts' ability to accommodate parents' and students' desires to participate in released time programs. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 59‑39‑112(A) of the 1976 Code is amended to read:

“Section 59‑39‑112. (A) A school district board of trustees may award high school students no more than two elective Carnegie units for the completion of released time classes in religious instruction as specified in Section 59‑1‑460 if:

(1) for the purpose of awarding elective Carnegie units, the released time classes in religious instruction are evaluated on the basis of purely secular criteria that are substantially the same criteria used to evaluate similar classes at established private high schools for the purpose of determining whether a student transferring to a public high school from a private high school will be awarded elective Carnegie units for such classes. To ensure the school district board of trustees evaluates the instruction on the basis of purely secular criteria, the school district may accept released time credits as transfer credits from an accredited private school that has awarded private school credits for a released time program operated by an unaccredited entity. ~~However, any~~ Any criteria that released time classes must be taken at an accredited private school is not applicable for the purpose of awarding Carnegie unit credits for released time classes; and

(2) the decision to award elective Carnegie units is neutral as to, and does not involve any test for, religious content or denominational affiliation.”

SECTION 2. This act takes effect upon approval by the Governor.

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