

Released Time Law

Tennessee is one of several states that requires schools to permit students to attend Released Time. Under Tennessee law, schools shall excuse a student to participate in religious instruction for up to one hour per day upon receiving a written request from a parent so long as the Released Time program satisfies certain requirements, such as the Released Time program occurring off-campus, the program handling all transportation of students, and the program not conflicting with certain state required classes. Students shall be excused regardless of whether a school has a formal released time policy.

In addition, Tennessee authorizes (but does not require) school districts to adopt a formal released time policy and establishes certain requirements for what a policy must contain. However, school districts must adopt a policy in order to award academic credit to high school students for participation in a Released Time program. Under such policy, students can receive up to one unit of elective credit for each released Time course completed.

Any Released Time program must also comply with the court-approved guideposts for Released Time programs. These include:

- 1) The school cannot fund the Released Time program, other than *de minimis* administrative costs (such as those related to adopting and maintaining the district's Released Time policy).
- 2) Released Time programs cannot take place on school premises; and
- 3) Student participation in Released Time programs must be voluntary. There cannot be any coercion from school officials.

These three points are not exclusive. It is important to review the latest state and federal laws and court decisions to ensure the Released Time program follows current guidelines.

T. C. A. § 49-2-130

(Effective July 1, 2025)

§ 49-2-130. Released time course in religious moral instruction; policy

Currentness

(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 no more than one (1) class period per school day; 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)(A) 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;

(B) Notwithstanding subdivision (b)(4)(A), a local board of education that provides school transportation services for students under chapter 6, part 21 of this title may provide students attending a released time course with transportation to and from the place of instruction if the independent entity reimburses the LEA for the costs and expenses of providing the transportation services;

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.

(g)(1) A local board of education may adopt a policy to award students credit for work completed in a released time course that is substantiated by a transcript from the entity that provided the released time course. If a board adopts a policy in accordance with this subsection (g), then a student may be awarded one (1) unit of elective credit for the completion of each released time course.

(g)(2) In order to determine whether elective credit may be awarded for the student's completion of a released time course, the local board of education shall evaluate the course in a neutral manner that does not involve any test for religious content or denominational affiliation. For purposes of this subsection (g), the secular criteria used to evaluate a released time course may include:

- A. The amount of classroom instruction time;
- B. The course syllabus, which reflects the course requirements and any materials used in the course;
- C. Methods of assessment used in the course; and
- D. Whether the course was taught by an instructor licensed pursuant to chapter 5 of this title.

(h) A public school shall, upon the request of a student's parent or legal guardian, excuse a student from school to attend a released time course in religious moral instruction for one (1) hour per school day, regardless of whether the local board of education has adopted a policy under subsection (b), if the requirements listed in subdivisions (b)(1)-(9) are met. Subsections (c)-(f) of this section apply to students attending a released time course under this subsection (h).

(i) In addition to the requirements in subdivisions (b)(1)-(9), and notwithstanding subsection (h), before excusing a student from school to attend a released time course:

1. The independent entity must identify each released time course instructor, as well as any other person holding a position with the independent entity requiring proximity to students participating in a released time course;
2. Each released time course instructor for the independent entity, as well as any other person holding a position with the independent entity requiring proximity to students participating in a released time course, must:
 - A. Submit to a criminal history background check prior to the beginning of the 2025-2026 school year or prior to becoming a released time course instructor or holding a position with the independent entity requiring proximity to students participating in a released time course and at least every five (5) years thereafter; and
 - B. Release the results of the individual's criminal history records check to the independent entity for examination for purposes of verifying that the individual has not been convicted of an offense listed in § 49-5-417(a); and
3. The independent entity must certify to the LEA in writing that:
 - A. Each released time course instructor for the independent entity, as well as any other person holding a position with the independent entity requiring proximity to students participating in a released time course, has complied with the requirements in subdivision (i)(2); and
 - B. No released time course instructor for the independent entity, or any other person holding a position with the independent entity requiring proximity to students participating in a released time course, has been convicted of an offense listed in § 49-5-417(a).