Release Time for Religious Instruction

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OHIO EDUCATION ASSOCIATION

EDUCATION POLICY RESEARCH & MEMBER ADVOCACY DEPARTMENT

Release Time for Religious Instruction (RTRI)

The Ohio 130th General Assembly introduced RTRI via HB 171 which became effective on September 11, 2014. This first law created the option for a local board to develop a release time policy allowing students ...*to attend religious instruction conducted by a private entity off of school district property.* Six (6) stipulations were set forth:

- A parent/guardian must give written consent.
- The entity must maintain and make available to the district student(s) attendance.
- All transportation is the responsibility of the entity, parent, guardian, or student, including those with disabilities.
- The entity must make provisions for and assume all liability for students.
- Involve no public funds or school personnel in the religious instruction.
- The student is held responsible for any missed schoolwork.

If a local board chose to develop a RTRI policy under Ohio Revised Code (ORC)3313.6022, the student should not be considered or marked absent nor be released during core curriculum courses and the policy may allow a high school (HS) student to earn no more than two (2) units of credits which can substitute for those referenced in ORC 3313.603 (C)(8).[1] The local board is tasked with evaluating the course based upon purely secular criteria and by comparison to *similar nonpublic high school courses.* Evaluation cannot involve any test of religious content or denominational affiliation. The law provides examples of possible secular criteria such as hours of classroom instruction time[2], review of course syllabus and materials, and assessment methods. If granting credit, the law requires the course instructor to have 'similar qualifications' to other teachers[3] within the district.

HB 8

In December, the 135th general assembly made one change to the existing law via HB 8 with an effective date of April 9th, 2025. Under this law each board ...*must collaborate with a sponsoring entity to identify a time to offer the course during the school day.* There was no change in allowing, but not requiring, a background check for volunteers and/or contracted entity staff.

HB 96 – Budget Bill

Ohio's most recent budget bill added two new requirements for the district policy:

- The policy must authorize student RTRI attendance periods[4] per week, not to exceed two (2) for elementary or middle school age students. For High School students, attendance may not exceed the number of periods equivalent to 2 (two) units of credit.

- The policy should not prohibit students from bringing external educational and program materials[5] into the public school.

Sub HB 57

With an effective date of January 19, 2026, the law's language is tweaked again:

- *Unless otherwise specified in a school district's policy,* a student shall not be excused to attend a released timed course in religious instruction for longer than the defined periods above.

Bargaining Implications

Ohio Rev. Code 3313.6022 has no impact on the terms and conditions of employment; therefore, no bargaining implications exist. Additionally, since all employees are specifically released from civil liability, there are no employment or related advocacy concerns that should arise due to *student* participation in the RTRI program.

Professional Issue Implications

While RTRI law states employees are released from civil liability, these individuals are not protected from expectations in Ohio code for those certificated, licensed, permit holding, and/or registered through the State Board of Education (SBOE). It is important all educational employees conduct themselves in a manner consistent with the expectations of Ohio law and specifically the Licensure Code of Professional Conduct for Educators.

Even though RTRI must occur off campus, situations may arise during the regular school day, and/or with released students' possession of external educational and program materials. The Code of Conduct states:

- *Principle 1e - Disparaging a colleague, peer, or other school personnel while working in a professional setting (teaching, coaching, supervising or conferencing) on the basis of race or ethnicity, socioeconomic status, gender, national origin, sexual orientation, political or religious affiliation, physical characteristics, age, disability or English language proficiency*

- *Principle 2e - Disparaging a student on the basis of race or ethnicity, socioeconomic status, gender, national origin, sexual orientation, political or religious affiliation, physical characteristics, academic or athletic performance, disability, or English language proficiency.*

Various state and federal laws which create reporting expectations for school employees remain applicable. If employees become aware of staff and/or student bullying, harassment, discrimination or a third-party providing sexuality content as defined by HB8, it should be reported in writing to their immediate supervisor as soon as possible. It is also important to comply with any existing board policies relating to these concerns. Report documents should take care to ensure student data privacy laws are followed, including SB 29 as the report may rise to the definition of a public and/or educational record. Mandatory reporting should be completed per the state required process.

The law states *no public-school personnel are to be involved in providing religious instruction*. This raises the question whether employees who are off the clock during the designated RTRI period may either volunteer and/or be contracted by the entity as long as they are not providing the actual

religious instruction. Prudence dictates individuals should consult their employer in writing first and, in all scenarios, assume conduct expectations associated with permits, licensure, and registration will remain the same. As employees of a district, educators are expected to follow the board adopted curriculum and standards and to not use their publicly funded position to proselytize.

[1] *For appropriately licensed purposes, core curriculum courses are defined in ORC 3319.074(A)(1) as ...Reading and English language arts, mathematics, science, social studies, foreign language, and fine arts. It would also include any courses eligible for and/or required for graduation pathways.*

ORC 3313.603 (C)(B) (8) Five units consisting of one or any combination of foreign language, fine arts, business, career-technical education, family and consumer sciences, technology which may include computer science, agricultural education, a junior reserve officer training corps (JROTC) program approved by the congress of the United States under title 10 of the United States Code, or English language arts, mathematics, science, or social studies courses not otherwise required. At this time, the Department of Education and Workforce has not provided guidance on the ability to substitute earned religious instruction credit.

[2] *The law's use of the term 'classroom instruction time' should not be construed to as that which is provided by the public-school district as part of* its *curriculum and/or district employees and their existing job requirements.*

[3] While current flexibilities in response to actual and perceived teacher shortages do allow districts to employ individuals with only a high school degree or non- related bachelor's degree, at the time of this bulletin, appropriately licensed teachers are the standard in state law and should be used as the determinant of 'similar qualifications' for awarding HS credit. (See footnote number *1)*

[4] *Period is not defined in law but would most likely be the time students are physically absent from the public-school campus which would not be synonymous with actual religious instruction for the possible purpose of course credit. HB96 places limits on the periods per week.*

[5] The phrase external educational and program materials is not defined in law but may include tchotchkes, food, completed or homework assignments, progress updates, information for parents, and advertisement for the program. It is the district's responsibility to address issues as to if students may have such items out during non-religious instruction time and any issue relating to safe food handling, nut allergies, etc. If employees are asked to display or disseminate any material to other students, they should seek administrative guidance first.

Interesting Fact -
Although often alleged as existing in the United States Constitution, the phrase 'separation of church and state' was a metaphor used by individuals involved in the early days of the nation. At that time, its origin and use were representative of the fear any government involvement in church would result in corruption of the latter. Colonists and early Americans were essentially recovering from the trauma of dictated religious practice under a variety of different monarchies while trying to build government, religion, and tolerance in their new homeland.

Hana Ryman, and J Mark Alcorn. "Establishment Clause: Separation of Church and State." The Free Speech Center, 3 Jan. 2025, firstamendment.mtsu.edu/article/establishment-clause-separation-of-church-and-state/.