

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 442

By Senator Rucker

[Introduced February 13, 2025; referred
to the Committee on Education; and then to the
Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
2 designated §18-36-1, §18-36-2, §18-36-3, §18-36-4, and §18-36-5, relating to the creation
3 of the West Virginia Released Time Education Act; providing for a title; creating definitions;
4 providing for released time excusal policies; providing credit for released time courses; and
5 providing for remedies.

Be it enacted by the Legislature of West Virginia:

ARTICLE 36. WEST VIRGINIA RELEASED TIME EDUCATION ACT.

§18-36-1. Title.

1 This article may be cited as the "West Virginia Released Time Education Act".

§18-36-2. Definitions.

1 (a) "Released time course" means a course in religious instruction taught by an
2 independent sponsoring entity and which a student is excused from school to attend.

3 (b) "School district" means county school districts and public charter school districts as
4 otherwise provided for in this chapter.

§18-36-3. Released time excusal policies.

1 (a) Each school district shall adopt a policy that excuses students from school to attend a
2 released time course for at least one hour per week [but not more than five (5) hours per week].

3 (b) The policy shall require that:

4 (1) The student's parent or legal guardian gives written consent for the student to attend
5 the released time course;

6 (2) The entity sponsoring the released time course maintains attendance records and
7 makes them available to the school district the student attends;

8 (3) Transportation to and from the place of instruction, including transportation for students
9 with disabilities, is the complete responsibility of the sponsoring entity, parent, guardian, or
10 student;

11 (4) The sponsoring entity makes provisions for and assumes liability for the student while

under the control of the sponsoring entity;

(5) No school district funds (other than *de minimis* administrative costs) are expended in providing the released time course;

(6) Released time courses are not to be held on school property unless permitted under a neutral policy of equal access opening school property for use by community groups; and

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

(c) Notwithstanding any law to the contrary, any period for which a student is excused to attend a released time course shall be considered as the student attending the school from which the student is excused for the purposes of determining school funding and satisfying attendance requirements.

(d) Nothing in this article shall be interpreted to deny a released time course or the sponsoring entity equal access to funds, benefits, or services that the local school system may provide or make available to community groups or other independent entities.

§18-36-4. Credit for released time courses.

(a) A school district shall adopt a policy that awards academic credit for the completion of a released time course and recognizes the credits of an independently accredited provider of released time courses.

(b) In determining how much credit to award for completion of such a course, the school district shall evaluate the course based on purely secular criteria that are substantially the same criteria used to evaluate similar courses for purposes of determining how much credit to award for such courses. The decision to award credit for a released time course shall be neutral to, and shall not involve any test for, religious content or denominational affiliation.

(c) For purposes of this section, secular criteria may include, but are not limited to, the following:

(1) The number of hours of classroom instruction time;

(2) A review of the course syllabus that reflects course requirements and materials used;

- 13 (3) The methods of assessment used in the course; and
14 (4) The qualifications of the course instructor, which shall be similar to the qualifications of
15 other teachers within the district.

§18-36-5.**Remedies.**

- 1 Any person or organization aggrieved by a violation of this article may bring an action
2 against the school district responsible for the violation and seek appropriate relief, including, but
3 not limited to, injunctive relief, monetary damages, reasonable attorneys' fees, and court costs.

NOTE: The purpose of this bill is to create the West Virginia Released Time Education Act. The bill provides for a title. The bill creates definitions. The bill provides for released time excusal policies. The bill provides credit for released time courses. Finally, the bill provides for remedies.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.