



Subject: Released Time Religious Education	Legal Reference:
Date Issued: December 10, 2024	RSA 193:1 <i>Zorach v. Clauson</i> , 343 US 306 (1952)

This Technical Advisory affirms the legality of released time religious instruction for public school students.

The New Hampshire Department of Education has received inquiries regarding the legalities of “released time” religious instruction under New Hampshire law. Released time religious instruction allows public school children to leave the school campus, during the day, to attend community supported religious instruction. These programs exist in many states and permit public school students to receive religious instruction during the school day.

New Hampshire law, relating to school attendance, enables local school districts to permit students to participate in school day release time religious instruction. RSA 193:1 allows such temporary excusals that comply with the statutory framework. See RSA:1(I)(c) (The relevant school district superintendent has excused a child from attendance because the child is physically or mentally unable to attend school or has been temporarily excused upon the request of the parent for purposes agreed upon by the school authorities and the parent. Such excused absences shall not be permitted if they cause a serious adverse effect upon the student's educational progress. Students excused for such temporary absences may be claimed as full-time pupils for purposes of calculating state aid under RSA 186-C:18 and adequate education grants under RSA 198:41).

Such released time instruction programs may also be legally operated within the bounds of the First Amendment. These programs are not a violation of the constitutional doctrine of establishment and support the constitutional doctrine of free exercise. In *Zorach v. Clauson* (1952), the Supreme Court upheld the constitutionality of released time programs so long as they meet these three requirements:

1. Parents must give permissions for their children to participate, ensuring that the participation of the student is voluntary and not required by the public school;
2. Religious instruction takes place off school grounds, maintaining the separation between the facilities of the public school and the facilities used for religious instruction; and
3. Government funding is not used to facilitate or transport the students to the off-site religious instruction.

For Questions related to this Technical Advisory, please contact:

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