

BILL ANALYSIS

Senate Research Center

S.B. 1049
By: King
Education K-16
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In the landmark 1952 decision *Zorach v. Clauson*, the United States Supreme Court ruled that public schools may release students during school hours for off-campus religious instruction, provided that there is parental consent and that the program is not publicly funded. The ruling established that public schools allowing release time for religious instruction is constitutional and permissible under United States law.

As interest in release time for religious instruction grows across our state, legislation is needed to strengthen a parent's right to request release time without facing bureaucratic barriers or potential denial by a local school district. S.B. 1049 requires that a school district or open-enrollment charter school, on the request of a parent or legal guardian, excuse a student to attend a "released time course" for at least one but not more than five hours a week. The bill defines a "released time course" as a course in religious instruction offered by a private entity.

(Original Author's/Sponsor's Statement of Intent)

S.B. 1049 amends current law relating to excused absences from public school for the purpose of attending a released time course.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 25.087(b), Education Code, to require a school district to excuse a student from attending school for certain purposes, including travel for those purposes, including for attending a course under Section 25.0875, and to make nonsubstantive changes.

SECTION 2. Amends Subchapter C, Chapter 25, Education Code, by adding Section 25.0875, as follows:

Sec. 25.0875. EXCUSED ABSENCE TO ATTEND RELEASED TIME COURSE. (a) Defines "released time course."

(b) Requires a school district or open-enrollment charter school, on the request of a parent or legal guardian of a student enrolled at the district or school and subject to the policy adopted under Subsection (c), to excuse the student from attending school to attend a released time course for at least one but not more than five hours a week.

(c) Requires each school district and open-enrollment charter school to adopt a policy for excusing a student enrolled at the district or school from attending school to attend a released time course. Provides that the policy is:

(1) required to require the student's parent or legal guardian to provide written consent for the student to attend the released time course; the

private entity offering the released time course to maintain attendance records and make the records available to the district or school at which the student is enrolled; the private entity, parent or legal guardian, or student to assume responsibility for transportation, including transportation for a student with a disability, to and from any location at which the released time course is offered; the private entity to make provisions for and assume liability for the student enrolled in the released time course while the student is under the private entity's care; and the student to assume responsibility for any schoolwork issued during the student's absence;

(2) required to prohibit the district or school from using district or school funds, excluding de minimis costs, to facilitate the provision of a released time course, and the private entity from offering the released time course on district or school property, unless permitted under a neutral policy of equal access that allows community organizations to use district or school property; and

(3) prohibited from interfering with the ability of the student's parent or legal guardian to request or access a released time course for the student.

SECTION 3. Requires each school district and open-enrollment charter school, not later than January 1, 2026, to adopt the excused absence policy required by Section 25.0875, Education Code, as added by this Act.

SECTION 4. Effective date: September 1, 2025.