



# AMERICAN ATHEISTS

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March 3, 2020

The Honorable Rep. Mark White  
Chairperson, House Education Committee  
425 5<sup>th</sup> Avenue North  
Suite 624 Cordell Hull Building  
Nashville, Tennessee 37243

**Re: OPPOSE HB 2542, Concerning Released Time Courses in Public Schools**

Dear Chairperson White and Members of the House Education Committee:

American Atheists, on behalf of its more than 900 constituents in Tennessee, writes in opposition to HB 2542, which would mandate that every public school excuse students to attend religious released time courses regardless of school district policy. Proponents of release time argue that this program accommodates an individual student's religious practice during school time, but more often these programs are used by religious groups to pressure and proselytize to students during the school day. This legislation is harmful to atheist and religious minority students, who may be targeted by other students or religious groups and subject to bullying and harassment. Moreover, released time distracts from the efforts of public schools to prioritize quality education, evidence-based practices, and student degree completion. We strongly urge you to oppose this unconstitutional and harmful bill.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the "wall of separation" between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation's communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. As advocates for religious liberty, American Atheists believes that no young person should be subject to religious coercion by the government.

Released time programs have frequently faced First Amendment challenge because they promote religion in public schools. As the U.S. Supreme Court ruled in *Zorach v. Clauson*,<sup>1</sup> school districts are able to create policies that allow students to receive religious instruction during public school time, as long as they are off campus, students have parental permission, and they are conducted without government aid. This ruling was intended to accommodate the religious freedom of parents and their children. While the intention is to make accommodation while preserving the separation of religion and government, in recent years religious groups have exploited and expanded these released time programs to gain access to public school students, in order to engage in proselytization and indoctrination on school time.

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<sup>1</sup> 343 US 306 (1952).

HB 2542 represents a groundbreaking expansion of these programs, because in effect, it overrides school districts' decisions about whether to allow released time and instead imposes this educational impediment on every public school in Tennessee. This will not only leave more students vulnerable to religious coercion during school hours, it will harm public education across the state. Instead of relying on local school boards to make decisions best suited for the needs of their communities and schools, HB 2542 would impose a one-size-fits-all state mandate on school districts, forcing all schools to spend valuable school time implementing this program, to the detriment of student education.

The bill allows up to one hour per day of released time, which, for a typical eight-hour school day, accounts for 12.5% of the time students spend in school. Schools can't continue to provide mandatory education during this time – it would leave the students taking released time behind – so this bill would, in effect, cut substantive school programming by 12.5% in many areas. Over the course of a typical, 180-day school year, this would account for the loss of 22.5 school days – nearly a full month of lost education time.

In addition to circumventing local school boards and wasting educational resources, HB 2452 also unconstitutionally allows usage of school resources to provide transportation to released time classes. This directly violated Supreme Court precedent. While the bill does require reimbursement of the school district, it is unclear how this would work in practice or what the remedy would be if the school district is not reimbursed. Do lawmakers really want school districts suing churches for unpaid transportation fees?

Moreover, the image of school busses transporting students to churches and other religious organizations is clearly an implied endorsement of religion and specific religious perspectives, impermissible under the Establishment Clause.

Perhaps most concerning, HB 2542 has no safeguards to prevent the religious coercion of students. Indeed, the very point of these programs is to pressure “unchurched” students to conform to dominant religious beliefs, as specifically stated by proponents of released time programs.<sup>2</sup> School Ministries claims that “50% to 70% of youth entering this program are unchurched when they enter the program,” and that, “Released Time Bible Education not only increases the biblical knowledge of children already going to church, it can reach our unchurched youth in extraordinary ways.”<sup>3</sup> The programs rely on other students to “minister” to their peers, that is, to pressure atheist and religious minority students to attend. Our research indicates that nearly one in three (29.4%) of nonreligious people surveyed faced harassment, discrimination, and other negative experiences in school because of their beliefs.<sup>4</sup> It is simply unacceptable, a betrayal of the very heart of religious freedom, for lawmakers to encourage and force schools to allow this coercive behavior.

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<sup>2</sup> See Bindewald, B.J. (2014). Public School Credits for Devotional Courses on Religion: The Evangelical Reconceptualization of Released Time. Clemson University, Dissertations.

<sup>3</sup> School Ministries. Tales of Grace in a Time of Violence, p. 8.

<sup>4</sup> American Atheists. Data from the U.S. Secular Survey (2019), a survey of nearly 34,000 nonreligious people, not yet published.

Currently, about 24% of adults are religiously unaffiliated, and atheists and agnostics make up about 7% of the total population.<sup>5</sup> Studies show that approximately 13% of youth ages 13-18 identify as atheists and more than one third are nonreligious.<sup>6</sup> Another 6% of Americans follow various non-Christian faiths.<sup>7</sup> Tennessee should not marginalize this substantial and growing population by passing exclusionary legislation that promotes religious coercion in schools.

Between the implied endorsement of religion and the religious coercion of students this bill will foster, HB 2542 creates substantial risk of liability for school districts. Taxpayer dollars should fund public education, not be wasted on efforts to indoctrinate students, nor to defend such unconstitutional indoctrination in court.

It is clear that HB 2452 is not about individual religious freedom for students – in fact, it undermines that goal. Instead, this bill is a wasteful use of scarce educational resources to improperly promote religion in public schools; one that puts schools in dangerous legal territory and fosters harmful religious coercion of students. We strongly urge you to vote against this controversial bill. If you should have any questions regarding American Atheists' opposition to HB 2542, please contact me at 908.276.7300 x309 or by email at [agill@atheists.org](mailto:agill@atheists.org).

Very truly yours,



Alison Gill, Esq.  
Vice President, Legal & Policy

cc: All Members of the Tennessee House Education Committee

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<sup>5</sup> Cox D & Jones RP. (2017). *America's Changing Religious Identity: Findings from the 2016 American Values Atlas*. Public Religion Research Institution: Washington, DC.

<sup>6</sup> The Barna Group. (2018). *Gen Z: The Culture, Beliefs and Motivations Shaping the Next Generation*. The Barna Group and Impact 360 Institute: Ventura, CA.

<sup>7</sup> Smith G, et al. (2015). *America's Changing Religious Landscape*. Pew Research Center.