



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

September 5, 1995

Informal Opinion

The Honorable Joe Wilson
Senator, Lexington County
P.O. Box 142
Columbia, South Carolina 29202

Dear Senator Wilson:

You have requested additional information regarding the informal opinions dated August 17 and 29, 1995 concerning the legality of parents' releasing their children for religious instructions during study halls, and elective and exploratory class time. As noted in the earlier letters, Zorach v. Clauson, 343 U.S. 306, 72 S.Ct. 679, 96 L.Ed. 954 (1952) and State Board of Education regulation 43-274 (S.C. Code Ann., Vol. 24), as to the authority of local boards of trustees to excuse absences appear to permit a school district to adopt a policy of excusing a student from school for purposes of religious instruction. See also Ops. Atty. Gen. (February 16, 1983); see also Ops. Atty. Gen. (June 17, 1986).

Specifically you would like to know whether a school district has the authority to allow a student to be released for religious instruction during "...normal school classes...so long as such student is meeting all State law education requirements, and so long as attendance at such released time program does not interfere with such student's attendance at classes conducted as part of his regular course work." In response to your question, I note that the above authority appears to allow a District to adopt a policy permitting released time under, at least, these circumstances; however, as noted earlier the extent of time for the release and the procedures for obtaining the release would be a matter for the District to determine under the above authority if the District chose to adopt such a policy.


I hope that this additional information will be of assistance to you. This letter is an informal opinion. It has been written by the designated Assistant Deputy Attorney General and represents the opinion of the undersigned attorney as to the specific

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questions asked. It has not, however, been personally reviewed by the Attorney General nor officially published in the manner of a formal opinion.

Please do not hesitate to contact me if you have additional questions.

Yours very truly,


J. Emory Smith, Jr.
Assistant Deputy Attorney General

JESJr.