

## Beyond the Law: Released Time Policies and the Evangelical Movement in U.S. Public Schools

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Children don't grow up in a vacuum, but in a culture with competing truth claims, fantasies, and mythologies. At the very least, they need to be trained in the art of thinking critically, so as to be able to evaluate these differing concepts.<sup>1</sup>

Much scholarly discourse within modern political theory has encompassed the question of how best to cultivate democratic citizenship in our young. Focusing on the young situates the public school centrally in these discussions. This, then, provides additional avenues for examination in the domains of curriculum, school policies, teacher beliefs, and so on. The modern conversation has yielded important insights. Perhaps of most significance has been the multitude of arguments surrounding critical thinking and individual autonomy.<sup>2</sup>

As one might expect, views on critical thinking and individual autonomy extend from more comprehensive conceptions to less ambitious models. Whether one adopts a robust position on individual autonomy or a more moderate view that takes into account collective identity, most (at least most within the liberal and moderate-conservative traditions) would agree in a very basic manner that helping the young develop the ability to discriminate between different arguments, identify reasons for the views they choose to adopt, respect that others might arrive at different conclusions, and so on, are common interests and goals of public education. Recent emphases on testing notwithstanding, the public schools of a democratic state have a fundamental interest in ensuring that young citizens within these schools develop the skills, tools, and dispositions to become reasonable, thoughtful, and autonomous people.

While the field of philosophy values precision in argument, the point we make regarding the value of autonomy is intentionally imprecise and non-technical. Individual autonomy of some kind and some degree is central to goals and purposes of public schooling and is worth supporting by reasonable citizens. To the extent that school policies, curricula, and teacher attitudes support individual-autonomy development they ought to be at least considered for a place within the public schools. And along the same line of reasoning, to the degree that these components undermine the development of critical thinking skills and the realization of individual autonomy they ought to be considered for exclusion from public schools. This basic understanding of individual autonomy and critical thinking informs the issue that we examine in this essay.

Since the 1940s, the United States Supreme Court has routinely applied the Fourteenth Amendment to the First Amendment, requiring that states, and not just the federal government, refrain from establishing religion and protect the right of free exercise.<sup>3</sup> For nearly seventy-five years, public schools have been at the center of many legal battles as both states and religious proponents have argued for and

against particular rights. Such battles have manifested themselves in both curricular issues — creationism in science classes, content of textbooks, Bible courses — as well as policy issues, such as prayer in school, comprehensive sex education, school vouchers, and religious after-school clubs. Over seventy years of court decisions, in conjunction with federal guidelines that have passed muster in significantly divergent Administrations (Clinton and G.W. Bush), should leave most reasonable people thinking that the days of major threats from the religious right to autonomy development in public schools are behind us. That is, courts have largely decided in favor of autonomy development by ruling against equal time, intelligent design, devotional Bible classes, and prayer in schools. The contemporary Evangelical movement, however, resolute in its commitment to spreading its values and beliefs to young people, has developed new strategies to proselytize to public school students. In some states, Evangelicals have been able to do this with the blessing of the public schools, the very institution whose legitimate aims, we will argue, they seek to undermine.<sup>4</sup>

#### RELEASED TIME FOR RELIGIOUS INSTRUCTION

It is within this context that we carefully examine one such policy issue that has largely flown under the radar, remaining out of the sight of scholars and others who value the efforts of public schools to cultivate autonomous citizens. Many Evangelicals have embraced a policy called released time for religious instruction (“released time”), an arrangement through which students are excused from public schools, during regular hours, to participate in devotional lessons typically conducted by local religious organizations. Since *Zorach v. Clauson*, in 1952, the courts have upheld this practice as long as classes are held off public school premises, with parental permission, and without government aid.<sup>5</sup>

Originally conceived as part of an effort to bolster the teaching of morality in public schools without inflaming sectarian passions, the first released time program in the United States was established in Gary, Indiana, in 1914. The Gary plan, through which pupils were “released” from public school supervision to the care of local religious leaders for instruction in their parents’ religion, became a model for released time programs across the country. Interestingly, many Evangelical Protestant organizations originally opposed released time because they thought it encroached upon the parents’ right to sole dominion over their children’s religious education, that it undermined national unity by highlighting student differences, and that it impeded the assimilation of religious minorities into mainstream American society.<sup>6</sup>

Over the twentieth century, American public schools gradually shifted away from a nondenominational Protestant ethos toward a more secular approach to education. As Evangelicals began to lose their ascendant position and came to the realization that a state establishment of Protestantism was no longer likely, they began looking for other ways to influence the direction of the public schools. Evangelicals began to argue on the basis of free exercise, through the language of multiculturalism, to bring their religious perspective back into the schools. Advocating for particular curricular choices was one such way they sought to do this, but a rethinking of the released time policy was another.

While it is both an interesting and legitimate question to ask whether released time, generally speaking, ought to have a place in public schools, our purpose in this essay is to examine a related but far more problematic policy of awarding high school graduation credits for participation in devotional released time courses. This policy, we argue, undermines many important and legitimate aims of public schooling in pluralistic, democratic states.

Although school districts in a few states, including Utah, Georgia, and South Carolina, award some form of high school credit for participation in released time courses in religion, South Carolina is the only state to have passed legislation specifically sanctioning the practice.<sup>7</sup> The Evangelical majority in South Carolina was successful in lobbying for passage of *The South Carolina Released Time Credit Act* (SCRTCA) in 2006. The bill authorized public schools to award high school elective credits for released time courses. Its passage was critical to the survival, indeed the proliferation of released time programs, as the state had recently increased the number of total credits required to receive a high school diploma. The bill appears to have accomplished what its proponents hoped, as programs across the state have not only survived, but are growing.

Given the devotional rather than strictly academic nature of these programs, the issuance of public school credits for released time is problematic. In fact, the establishment of a released time program in Spartanburg County, South Carolina, eventually led to *Moss v. Spartanburg County School District Number 7*,<sup>8</sup> a federal court case in which a group of parents and students, along with the Freedom From Religion Foundation, filed suit against their school district. The plaintiffs, invoking the *Lemon test*,<sup>9</sup> argued that the district's released time policy was improper because: "(1) it lack[ed] a predominately secular purpose; (2) its principal effect [wa]s to advance religion; and (3) it foster[ed] excessive entanglement with religion."<sup>10</sup>

The school district responded that its released time policy was consistent with the Establishment Clause and that the allegations against it were unfounded. The court sided with the district, ruling: "that a school district's award of academic credit for off-campus religious instruction does not violate the First Amendment's Establishment Clause" and that, "the school district's release time policy was a passive measure aimed at satisfying the constitutionally permissible purpose of accommodating students' religious beliefs."<sup>11</sup> The plaintiffs appealed to the Fourth Circuit Court of Appeals, and a three-judge panel upheld the original ruling. The plaintiffs then asked for another hearing in front of the full court, but their request was denied. They later appealed the case to the Supreme Court but were denied a hearing.<sup>12</sup>

In awarding public high school graduation credits for released time courses, the state grants credence to certain goals and values that are harmful to the legitimate aim of cultivating critical citizens who can intelligently and ethically navigate an increasingly complex world. They do so by showing little respect for evidence, reason, independent thinking, and the questioning of "fixed beliefs." And while the hypocrisy of a state sanctioning a policy that allows an outside agency to accord public school credits, without any meaningful regulation,<sup>13</sup> in an age of excessive

public school accountability has not gone unnoticed, we focus the present critique on how such a policy serves to undermine legitimate purposes of public schooling in a pluralistic, democratic state. Closer examination of the stated goals of released time programs in South Carolina in comparison with the aims of South Carolina's Common Core State Standards (CCSS) lends support to our argument.<sup>14</sup>

#### RELEASED TIME PROGRAMS IN SOUTH CAROLINA

The primary goals of South Carolina's released time programs, openly stated in their literature, are to immerse students in a devotional study of the Bible as the literal and inerrant word of God, to reach "unchurched" public school students, and to lead these students to make lifelong commitments to Jesus Christ.<sup>15</sup> South Carolina's released time programs are designed to help students become "committed lovers of the Bible who will continue to study it and apply it throughout the rest of their lives" (*SCBEST*). Their stated hope is that, "all students will become ... not merely lukewarm Christians but truly committed believers who understand the claims of God on their lives" (*SCBEST*). Through training in religious apologetics, they expect that "Students will be confident and competent to explain and defend their faith in higher academic settings."<sup>16</sup> Finally, the program's ultimate goal is to "help students make a rock-solid, life-long commitment to Christ" (*SCBEST*).

In addition to these stated goals, the foundations for the curriculum emerge from the premise that

The Bible is the divinely inspired Word of God. Our classes are rooted in this presupposition and thus all of our curriculum flows from a Biblical ethos. We treat the Bible with the utmost reverence by allowing it to speak, in its entirety, and by striving not to force our personal biases or emphases onto it. (*SCBEST*)

Released time curricula in South Carolina are rooted in the conviction that "The Bible is the inspired word of God, without error in the autographs. It is the ultimate rule of authority in the life of the believer, and the standard by which truth is measured," (*SCBEST*) and "the scriptures are fully trustworthy in all that they affirm and are our highest authority for faith and life."<sup>17</sup>

Finally, program materials reveal the epistemological foundations from which released time curricula are developed, "If we believe that all truth is God's truth, then we have the most coherent and comprehensive worldview from which to understand what we learn" (*SCBEST*). Furthermore, "If life is not about the glory of God, then life is about nothing, and this certainly applies to our academic endeavors ... [U]ltimately all of our efforts are for the glory of God. We strive to keep this teleological understanding in view at all times" (*SCBEST*).

#### COMMON CORE STATE STANDARDS OF SOUTH CAROLINA

In contrast to the overwhelmingly fundamentalist and evangelical vision articulated above, we examine the English Language Arts Common Core State Standards adopted in South Carolina.<sup>18</sup> The standards' stated purpose is to develop students who, "habitually perform the critical reading necessary to pick carefully through the staggering amount of information available today ... [and who] actively seek wide, deep, and thoughtful engagement with high quality literary and

informational texts that build knowledge, enlarge experiences, and broaden worldviews” (CCSS, 7). The purpose of Common Core is to help students “reflexively demonstrate the cogent reasoning and use of evidence that is essential to both private deliberation and responsible citizenship in a democratic republic” (CCSS, 7). South Carolina’s students should learn to “demonstrate independence ... [and] comprehend as well as critique” (CCSS, 12). It is the expectation of the state of South Carolina that students become “engaged and open-minded-but discerning-readers and listeners ... [,] they work diligently to understand precisely what an author or speaker is saying, but they also question an author’s or speaker’s assumptions and premises and assess the veracity of claims and soundness of reasoning” (CCSS, 12).

South Carolina’s Common Core Standards are “(1) research and evidenced based, (2) aligned with college and work expectations, (3) rigorous, and (4) internationally benchmarked” (CCSS, 3). With a nod toward the scientific spirit, South Carolina proudly proclaims, “The Standards are intended to be a living work: as new and better evidence emerges, the Standards will be revised accordingly” (CCSS, 3). These standards have been organized with an eye toward the future: “The Standards lay out a vision of what it means to be a literate person in the twenty-first century. Indeed, the skills and understandings students are expected to demonstrate have wide applicability outside the classroom or workplace” (CCSS, 3).

South Carolina’s standards emphasize the importance of critical analysis. They expect that students will be able to “evaluate authors’ differing points of view on the same historical event or issue by assessing the authors’ claims, reasoning, and evidence ... noting discrepancies among sources” (CCSS, 61). Students are expected to compare “fictional portrayals of a time, place, or character and a historical account of the same period as a means of understanding how authors of fiction use or alter history” (CCSS, 37). Furthermore, they will consider the “date and origin of the information” as well as provide “a summary of the text distinct from personal opinions or judgments” (CCSS, 36).

Finally, the standards place a premium on the consideration of evidence. South Carolina’s public school students will “value evidence ... cite specific evidence when offering an oral or written interpretation of a text ... use relevant evidence when supporting their own points ... [and] constructively evaluate others’ use of evidence” (CCSS, 7). They are to “trace and evaluate the argument and specific claims in a text, distinguishing claims that are supported by reasons and evidence from those claims that are not” (CCSS, 50). They will be able to “evaluate a speaker’s point of view, reasoning, and use of evidence and rhetoric, identifying any fallacious reasoning or exaggerated or distorted evidence” (CCSS, 50).

In light of such sharp distinctions presented in the above quotations, we contend that in offering high school graduation credits for released time courses, the State legitimates an educational alternative that is counterproductive to the aims of liberalism and pluralism. We are not arguing that religious belief and reason are incompatible. Nor are we arguing that open and critical discussions of religious ideas are inadmissible in schools. We are, however, arguing that major principles

communicated by fundamentalist Evangelical released time programs and the driving principles of public schools are incompatible and that by according high school credit for participation in these programs, the schools, in effect, send conflicting messages to students. Several stark contrasts emerge from analysis of released time literature and public school academic standards.

#### BIBLE-BASED VS. RESEARCH-BASED CURRICULA

Released time curricula in South Carolina are based on literalist and absolutist interpretations of the Bible. Everything that students learn in these classes is supposed to be based on that premise. Students are encouraged to view the Bible as a timeless, flawless, divinely inspired text that contains the answers to all of life's most pressing problems. The course goals of encouraging students to adopt a Christian moral framework and worldview, to make lifelong commitments to Jesus Christ, and to evangelize to other "unchurched" students are all based on Biblical principles.

The Common Core Standards, on the other hand, are research-based. Professionals and community stakeholders developed the standards through a rigorous process. Inclusion of each skill mentioned in the standards is based on the most recent research available. These standards are legitimately described as "a living work," as they are to be revised with the emergence of new and better evidence. Furthermore, they are internationally benchmarked to prepare students for global citizenship.

#### FAITH-BASED VS. EVIDENCE-BASED REASONING

South Carolina's released time programs present faith as a virtue. When the Bible is presented as "the standard by which truth is measured" and "the ultimate rule of authority," students are encouraged to accept those premises on the basis of faith. Literalist interpretations of the Bible communicate to students that to require evidence as a prerequisite to belief is to disappoint God by relying on one's own intellect in place of divine revelation.

The state standards, on the other hand, clearly show preference for evidence-based reasoning, treating faith-based assertions as suspect. The standards require students to scrutinize the claims made by the authors of the texts they encounter. Students are encouraged to distinguish between claims supported by reasons and evidence and those that are not. In consideration of the reliability of a source, students are to consider when it was written and by whom and to compare it with other documents produced during the same time period.

#### CONSIDERATION OF SINGULAR VS. MULTIPLE POINTS OF VIEW

Released time course content is delivered dogmatically — the Bible is the Word of God, period. It appears that this assumption is the only viewpoint on the matter that is presented to students in released time courses. Furthermore, students must contend with a form of intellectual coercion, in effect being told to "either accept the premises of the Bible as literal and absolute truth and be rewarded with everlasting life, enveloped by God's love *or* reject them and be condemned to eternal torture and abandonment by God." Aside from the psychological terror that this must cause,

following these ideas to their logical conclusions would lead students to the mindset that conflicting ideas, regardless of the degree of evidence supporting them, are simply wrong and dangerous and ought to be rejected out of hand. Teaching students that the Bible, or any book for that matter, is literal, inerrant, absolute truth, communicates to them that they need look no further for guidance or answers to life's important questions.

The Common Core Standards, on the other hand, encourage students to consider multiple sources of evidence before drawing conclusions about any particular topic. Students are encouraged to use triangulation to make good decisions, based on a variety of points of view. Unlike the "fixed truth" conception of scripture, communicated by released time programs, the scientific view that knowledge is fallible and subject to revision in the face of better evidence is impressed upon students throughout the standards.

#### SUBMISSION VS. AUTONOMY

As we have mentioned, released time programs promote a literalist and absolutist interpretation of the Christian Bible. The Bible, like other holy books, is a collection of assertions about the world, presented usually without evidence and often without explanation. Within the pages of this text, believers are directed to deny themselves and to submit to the will of God, as interpreted by the texts' authors. Human reason and evidence are subordinated to faith in the unobserved.<sup>19</sup> The good Christian should submit to governing authorities because God has put them in power.<sup>20</sup> Girls are taught that women should not hold positions of authority and that the good wife should submit to her husband as the church submits to Christ.<sup>21</sup> Slaves, likewise, are taught to submit to the wisdom and authority of their masters.<sup>22</sup>

If the Bible were studied according to the principles of the Common Core Standards, we assume most students would reach different conclusions than those the Evangelical released time proponents would wish. The standards foster the development of autonomy in students by equipping them with the tools that they will need in order to create and accomplish their own goals in life. Preparing students to think critically enhances their ability to plan for the future and to make intelligent decisions in the face of innumerable options.

Ethics of the Bible are based on the view that an idea or action is good because God allegedly said it was, not because of any reasoned connection between it and human wellbeing. While this sort of thinking can sometimes lead to desirable behavior, it can also lead to the oppression of women, gay people, religious dissenters, and others — not because there are good reasons to treat people this way, but simply because of the belief that God revealed these "truths" to his people. If one doubts that this is the case, one need look no further than to laws in almost every American state that deny marriage rights to gay and lesbian couples primarily due to the influence of obscure Biblical passages labeling homosexuality an abomination to God. These actions are based not on sound thinking, but on uncritical devotion to religious dogma — precisely the sort of devotion advocated through the literature of fundamentalist released time programs.

## CONCLUSION

When students are dismissed from public schools to attend religious courses, they forgo other educational opportunities — generally speaking, opportunities to take more academically rigorous courses. This sort of trade off is difficult to justify, especially when American students are already far behind many other nations in multiple measures of academic performance. Public schools clearly struggle to teach students how to think critically. The fundamentalist vision promoted through released time programs in South Carolina only serves to exacerbate this problem.

In some very general sense, public schools should help prepare young people to be actively and productively engaged in pluralistic, democratic citizenship. In this essay, we have focused entirely on the importance of helping students become autonomous citizens capable of engaging in critical consideration of multiple conceptions of the good life. But there are other reasons to be concerned about a policy of awarding high school credit for doctrinal religious instruction. Public schools in a pluralistic, democratic state should be places where students learn to tolerate and respect people who are different from them and to engage in open-minded inquiry and dialogue. To the extent that released time programs, through absolutist and literalist interpretations of the Bible, undermine these messages, they jeopardize this important civic project. While courts have upheld the constitutionality of released time, the wisdom of policies that grant public school credit for courses that undermine legitimate aims of public schooling is another matter. Already under attack from many angles, the institution of public schooling is further delegitimized when state lawmakers pass this kind of legislation. It runs the risk of leaving public school students more intolerant and less capable of realizing the intellectual and civic needs for pluralistic, democratic citizenship.

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1. Timothy J. Madigan, "Filling a Child's Head with Nonsense," *Free Inquiry* 14, no. 3 (1994): 36.
  2. For example, John Dewey, *Democracy and Education: An Introduction to the Philosophy of Education* (New York: The Macmillan Company, 1916); Amy Gutmann, *Democratic Education* (Princeton, NJ: Princeton University Press, 1987); Stephen Macedo, *Diversity and Distrust: Civic Education in a Multicultural Democracy* (Cambridge, MA: Harvard University Press, 2000); and John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971).
  3. *Cantwell v. Connecticut* (1940) was the first instance in which the principle of Free Exercise was applied to the states; *Everson v. Board of Education* (1947) was the first instance in which the principle of Establishment was applied to the states.
  4. Jonathan Zimmerman uses the terms "fundamentalist" and "evangelical" interchangeably to describe Christians who "hold that the essence of the gospel consists mainly in its doctrines of man's sinful condition and need of salvation, the revelation of God's grace in Christ, the necessity of spiritual renovation, and participation of the experience of redemption through faith"; see, Jonathan Zimmerman, *Whose America? Culture Wars in the Public Schools* (Boston: Harvard University Press, 2002), 268–269, fn. 4. See also, Robert Booth Fowler, Allen Hertzke, Lauren Olson, and Kevin Den Dulk, *Religion and Politics in America: Faith, Culture, and Strategic Choices* (Boulder, CO: Westview Press, 2010), 12; Fowler et al. define Evangelical Christianity as "the branch of Protestantism that is deeply committed to the Bible as the only authoritative source of God's revelation and stresses the adult conversion ('born again') experience and vigorous evangelizing (seeking converts)" (10); they also note evangelicalism's "Puritan tendency to view politics at times as an unambiguous, cosmic struggle between good and evil" (10).

5. *Zorach v. Clauson*, 343 U.S. 306 (1952).
6. James Zucker, "Better a Catholic than a Communist: Reexamining *McCollum v. Board of Education* and *Zorach v. Clauson*," *Virginia Law Review* 93, no. 8 (2007): 2069.
7. Alabama and Ohio are also considering such policies.
8. *Moss v. Spartanburg County Sch. Dist. No. 7*, No. 09–1586 (D.S.C., 2011).
9. Anne Marie Lofaso, *Religion in the Public Schools: A Road Map for Avoiding Lawsuits and Respecting Parents' Legal Rights* (Washington, D.C.: Americans United for Separation of Church and State, 2009), 20; *Lemon v. Kurtzman*, 403 U.S. 602 (1971).
10. *National School Boards Association*, "South Carolina School District's Awarding of Academic Credit for Off-campus Religious Instruction does not Violate Establishment Clause," <http://legalclips.nsba.org/?p=5843>.
11. *Ibid.*
12. The Becket Fund For Religious Liberty, "Moss v. Spartanburg County School District No. 7, South Carolina (2009 – present)," <http://www.becketfund.org/moss-v-spartanburg-county-school-district-no-7-south-carolina-2009-present/>.
13. In the Spartanburg program (the subject of the Moss case), released time courses are evaluated by a private school, which is in turn certified by a private accreditation agency for Christian schools. The courses are then transferred into the public schools without these schools' involvement in the evaluation process.
14. We recognize the fact that Common Core Standards are not uncontroversial. Nevertheless they serve as an important comparative document as they are officially endorsed by the state, the same entity endorsing the released time curricula.
15. These sentiments are expressed throughout the literature produced by two of the largest released time programs in the state, Christian Learning Centers of Greenville (CLCG) and Spartanburg County Bible Education in School Time (SCBEST). See CLCG, "Our Beliefs," <http://www.clcofgreenville.org/our-beliefs.php>; and, SCBEST. "Our Core Beliefs," <http://www.scbest.net/about-scbest.html>. This document will be cited as *SCBEST* in the text for all subsequent references.
16. See, *SCBEST High School Curriculum* PowerPoint Presentation, accessed May 29, 2012, <http://scbest.net/highschoolcurriculum.html> (site updated and page discontinued as of July 19, 2013).
17. CLCG, "Our Beliefs."
18. South Carolina Department of Education, *Common Core State Standards for English Language Arts & Literacy in History/Social Studies, Science and Technical Subjects* 2010, [http://ed.sc.gov/agency/programs-services/190/documents/CCSSI\\_ELASStandards.pdf](http://ed.sc.gov/agency/programs-services/190/documents/CCSSI_ELASStandards.pdf). This document will be cited as *CCSS* in the text for all subsequent references.
19. Hebrews 12:9; Romans 8:7; Romans 10:3.
20. Titus 3:1; 1 Peter 2:13.
21. 1 Timothy 2:12-14; 1 Corinthians 14:34; 1 Corinthians 11:7; Ephesians 5:22.
22. 1 Peter 2:18; Titus 2:9.