

OPINION
61-199

December 8, 1961 (OPINION)

SCHOOLS

RE: Religious Instruction - Release Time

We have received your letter dated November 29, 1961, with reference to release time in your school.

When you called at this office we advised you that we believed your school district was justified in acceding to the wish of parents in your district that school children be permitted to go to the church of their choice to attend religious instruction classes for one hour per school week. This is authorized by section 15-34-07 of the North Dakota Century Code which reads as follows:

PREPARATION FOR RELIGIOUS DUTIES - ABSENCE FROM PUBLIC SCHOOLS - DEAF, BLIND, FEEBLEMINDED MAY NOT BE PAID TRANSPORTATION. Parents, guardians, or other persons having control of a child of compulsory school age may have such child excused from school attendance for the purpose of sending him to any parochial school to prepare such child for religious duties, for a total period of not exceeding six months in the aggregate, and such period may extend over one or more years. No transportation shall be furnished and no payments shall be made under the provisions of this chapter for any child who is attending a parochial school under the provisions of this section nor for any deaf, blind, or feeble-minded child who is not attending the public schools of the district lawfully."

This office has previously held this to be a release time statute.

Therefore, if your school board has requests from parents that their children be allowed to attend these religious instruction classes for one hour per week it is our opinion that you are required by law to abide by the wishes of the parents in this matter.

LESLIE R. BURGUM

Attorney General