

GREEN SHEET REDIGEST

HB 371

2025 Regular Session

Amedee

RELIGIOUS ORGANIZATIONS: Provides relative to the free exercise of religion

DIGEST

Present law provides for the "Preservation of Religious Freedom Act" and provides that the free exercise of religion is a fundamental right of the highest order in this state.

Proposed law provides that in 2023, the legislature adopted Article XII, Section 17 of the Constitution of La. which affirms the freedom of worship in churches or other places of worship.

Present law defines "person" to include an individual and also includes a church, association of churches or other religious order, body or institution which qualifies for exemption from taxation under the Internal Revenue Code. Provides that government is not to substantially burden a person's exercise of religion, even if the burden results from a facially neutral rule or a rule of general applicability, unless it demonstrates that application of the burden to the person is both:

- (1) In furtherance of a compelling governmental interest.
- (2) The least restrictive means of furthering that compelling governmental interest.

Proposed law further provides that the government shall not discriminate against a church or other place of worship by requiring restrictions that are greater than the least severe restrictions that are imposed upon or enforced against any secular business, service, or assembly.

Proposed law provides that, if a church or other place of worship has met the requirements for zoning, building code, and fire safety regulation, and has received an occupancy license, the government shall not restrict or deny the use of the building in any of the following manners:

- (1) Based upon the day of the week the building is being used.
- (2) Based upon the content or types of religious instruction, education, or activities conducted in the building.
- (3) For a mother's day out program.
- (4) For a meeting of two or more parents or children participating in a home study program or home study cooperative.
- (5) For a Vacation Bible School or Bible Camp.
- (6) For a meeting of two or more parents whose child attends a public virtual school.

Proposed law provides that nothing in proposed law shall prevent enforcement of Title 14 of the La. Revised Statutes of 1950 or any other applicable provisions of criminal law.

Present law provides that the definition of "compelling state interest" includes the interest of the state to protect the best interest of a child and the health, safety, and welfare of a child.

Proposed law retains present law and provides also that "compelling state interest" is a government interest of the highest magnitude that cannot otherwise be achieved without burdening a person's right to the free exercise of religion.

Present law provides that the "exercise of religion" means the practice or observance of religion under the First Amendment of the U.S. Constitution and under La. Constitution and

includes the ability to act or refuse to act in a manner substantially motivated by a sincerely-held religious belief, whether or not the exercise is compulsory or a central part or central requirement of the person's religious belief.

Proposed law retains present law and provides that the "exercise of religion" also means the freedom of worship in churches or other places of worship under the La. Constitution.

Present law provides that a violation of the Preservation of Religious Freedom Act is asserted as a claim or defense in judicial proceeding.

Proposed law retains present law and provides that a violation of the Preservation of Religious Freedom Act is asserted as a claim or defense in an administrative proceeding and a judicial proceeding, including an injunction. Provides that remedies also include court approved expert witness fees.

Proposed law provides that a person is to bring an action to assert a claim for damages not later than one year after the date that an action was dismissed by an administrative law judge or a court, or there was a finding in favor of the person on the merit which resulted in a claim authorized pursuant to the Preservation of Religious Freedom Act.

Proposed law provides that an action can be asserted no later than one year from the 75th day after the date on which the notice is mailed pursuant to present law.

Proposed law provides that two or more parents whose children are participating in an approved home study program may form a home study education cooperative for any of the following purposes:

- (1) Increasing a child's academic performance.
- (2) Completing courses typically studied in preparation for college admission.
- (3) Facilitating socialization for student enrichment.
- (4) Facilitating student recreational or athletic activities.

Proposed law defines "home study education cooperative" and "mother's day out program".

Proposed law defines "camp" to include a Vacation Bible School or Bible Camp.

Proposed law provides that each city, parish, or other local public school board may adopt a policy to make available opportunities for after-school religious instruction programs and may adopt a policy to provide for released time for students enrolled in the schools under its jurisdiction. Provides that parental consent must be obtained, in writing, for the student to participate in release time.

Proposed law provides for the "Home Study Cooperatives Protection Act" to protect religious freedom and parental choice in education. Provide that the purpose of the Act is to do all of the following:

- (1) Ensure that parents in this state who choose to voluntarily associate to advance the primary education of their children for any reason, including as an exercise of religious freedom or completing courses typically studied in preparation for college admission, are not be subject to any additional restrictions or regulations other than the minimum requirements provided for in present law requiring minor children to comply with compulsory attendance requirements until the age of majority.
- (2) To ensure that a church that allows a home study cooperative to use its facilities retains all religious free exercise rights, including those enumerated under the First Amendment of the U.S. and the La. Constitution, and the remedies provided in the Preservation of Religious Freedom Act, whether or not the operation of a home study cooperative is directed by parents who are members of the church or nonmembers who live in the community.

Present law provides that each city, parish, or other local public school board may adopt a policy that defines attendance at a virtual school for purposes of compliance with compulsory attendance requirements found in present law. Defines "virtual school" as a public school, including a charter school that delivers all or a majority of the instruction provided through the internet or other electronic medium such that a student is not necessarily required to be at a specific location in order to receive instruction from a teacher.

Proposed law retains present law and provides that parents may enter into a voluntary partnership with a partnering church to provide religious education or socialization for their child who is a virtual learner at a public virtual school. Provides for definitions.

Proposed law provides that a parent whose child is participating in a public virtual school, pursuant to present law may voluntarily choose to partner with a church facility to provide religious education or socialization for their child and is not to be penalized because the child is taking the required online courses at a church and the parent shall not be subject to any additional restrictions or regulations other than those required by the public virtual school.

Proposed law provides that a church or other religious organization that partners with a parent or group of parents to provide children who are participating in a public virtual school with a facility for religious education or socialization retains all religious free exercise rights, including those enumerated under the First Amendment of the U.S. Constitution as well as under the La. Constitution, whether or not the operation of the public virtual school is directed by parents who are members of the church or nonmembers who live in the community. Provides that two or more parents whose children are participating in a public virtual school program may meet in a parent's home, church or other place of worship, or a nonprofit community center. Nothing herein shall prohibit the parents from combining the public virtual school curriculum with Bible classes or other religious courses of study.

Proposed law provides that a public virtual student shall be included in the membership count for the city, parish, or other local public school system that operates the public virtual school in which the student is enrolled for all purposes, including state funding through the Minimum Foundation Program formula (MFP).

Proposed law provides that no state agency, city, parish, or local public school board is to adopt a policy prohibiting the parent of a virtual learner in a public virtual school from partnering with a church or other person selected by the parent for any of the following purposes:

- (1) Providing religious education or Bible study.
- (2) Facilitating socialization for student enrichment.
- (3) Supervising the student for the parent while the student is receiving virtual instruction or engaging in virtual learning.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 13:5232(1), 5233, 5234 (3), (5), and (6)(intro. para.), 5237, 5239, and 5240(A) and (B) and R.S. 17:407.33(1); Adds R.S. 13:5232(7) and 5233.1 and R.S. 17:176, 236.1.1, 236.4, and 407.33(9) and (10))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Make technical changes.
2. Make reference to Article XII, Section 17 of the La. Constitution with respect to the legislative findings for the Preservation of Religious Freedom Act.
3. Expand the definition of "compelling state interest" and "exercise of religion".

4. Change that a violation of the Preservation of Religious Freedom Act is asserted as a claim or defense in an administrative proceeding rather than a judicial proceeding.
5. Expand the remedies to include court-approved expert witness fees.
6. Provide that a person shall bring an action to assert a claim for damages not later than one year after the date that an action was dismissed by an administrative law judge or a court, or there was a finding in favor of the person on the merit which resulted in a claim authorized pursuant to the Preservation of Religious Freedom Act.
7. Provide that an action can be asserted no later than one year from the 75th day after the date on which the notice is mailed pursuant to R.S. 13:5238.
8. Remove synagogue and temple.
9. Provide for an effective date.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Define "home study education cooperative" and "mother's day out program".
3. Expand the definition of "camp" to include a Vacation Bible School or Bible Camp.
4. Provide that two or more parents whose children are participating in an approved home study program may form a home study education cooperative in certain circumstances.
5. Provide that home study education cooperative operate no more than 24 hours in a continuous seven-day week.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the reengrossed bill

1. Provide for home study cooperatives that meet in churches or other religious facilities.
2. Provide that public school boards may authorize release time for religious instruction.
3. Provide for partnerships between parents and churches of children who attend public virtual schools.
4. Make technical changes.