



AMERICAN ATHEISTS

February 11, 2025

The Honorable Rep. Pat Heinert
Chair, House Education Committee
600 East Boulevard Avenue
Bismark, North Dakota 58505

Re: OPPOSE HB 1456, Allowing Chaplains Access to Public School Students

Dear Chairperson Heinert and Members of the House Education Committee:

American Atheists, on behalf of its constituents in North Dakota, writes in opposition to HB 1456, a bill that would, with minimal requirements, allow chaplains into public schools to serve in roles typically reserved for professionally qualified school counselors. This bill would undermine the religious equality of all North Dakota residents by subjecting students of nonsectarian public schools to religious coercion and interfering with parents' fundamental right to direct the upbringing of their children. We strongly urge you to reject this unconstitutional 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 atheists are accepted as members of our nation's communities and where 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. American Atheists believes that no young person should be subject to religious coercion by the government.

HB 1456 would allow chaplains to serve in support roles for students in public schools, seemingly in place of or alongside properly trained and qualified school counselors. We recognize that there is an ongoing school counselor shortage throughout the country, including in North Dakota. However, allowing school chaplains to volunteer in schools is both an inappropriate and inadequate alternative to resolving this crisis.

Allowing school chaplains access to public school students violates one of our nation's founding principles: Religion and government should remain in separate spheres to ensure all Americans' religious beliefs are respected. The Establishment Clause of the First Amendment requires that the government not favor one religion over another or favor religious belief over nonbelief. This constitutional guardrail is especially critical when children are involved, as they are particularly

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vulnerable to religious coercion within educational settings.¹ Bills such as HB 1456 carve out a space for religion within one of the nation's most important institutions — publicly funded, nonsectarian schools — and create an impermissible risk that students' religious freedom will be violated.

Even if students are not compelled to interact with chaplains against their will, the presence of religious authority figures at school inherently fosters an environment in which religious coercion can flourish. Students may feel pressured by their peers to meet with the chaplain. Even more concerning, they may view the presence of a chaplain as a government endorsement of that chaplain's religious beliefs and therefore feel pressure to conform their beliefs to those that their school or state appears to support. Growing up is challenging enough, and schools must be a space of safe expression for all students — not just those who adhere to particular favored religious beliefs. Lawmakers supporting this bill must ask themselves whether they would continue to support HB 1456 if their child attended a school district where the only source of support was not a qualified counselor but a chaplain of a different faith.

HB 1456 would also interfere with parents' fundamental right to choose how their children are raised by allowing chaplains to proselytize to students under the guise of providing support. This bill does not require parental consent before chaplains interact with students; does not explicitly prohibit chaplains from using their position, paid or otherwise, as an evangelizing opportunity; and does not otherwise mandate that chaplains respect the diverse religious backgrounds of the students in North Dakota's public schools. Instead, it would give chaplains the ability to undermine parents' choices by directly influencing students' religious beliefs.

School chaplains are also not qualified to provide the same types of support as school counselors. School counselors play multiple important roles within public schools, and they provide various forms of support such as academic, professional, mental, and emotional support to help prepare students beyond their postsecondary career.² Becoming a school counselor takes significant training. At minimum, school counselors must hold a master's degree in school counseling or be enrolled in a master's degree program and have completed the majority of their foundational counseling courses. In addition, counselors must meet the state certification and licensure standards while fulfilling the continuing education requirements and upholding ethical and professional standards.

HB 1456 would allow chaplains to serve in place of school counselors despite their lack of qualifications and the fact that they would be exempt from professional standards. In fact, the bill explicitly states that a "certified chaplain employed or volunteering... is not required to be licensed by the education standards and practices board."³ Allowing unqualified chaplains to serve in the same role as a school counselor threatens to negatively impact student outcomes and needlessly undermines the efforts and extensive training required of counselors.

¹ See *Everson v. Bd. of Educ.*, 330 U.S. 1, 15-16 (1947); *Engel v. Vitale*, 370 U.S. 421, 429-33 (1962); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203, 216 (1963); *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968).

² American School Counselor Association. *The role of the school counselor*. Available at: <https://www.schoolcounselor.org/getmedia/ee8b2e1b-d021-4575-982c-c84402cb2cd2/Role-Statement.pdf>.

³ N.D. H.B. 1456.

A chaplain's commitment to their particular religion does not qualify them to serve students, each and every one of whom has distinct needs, backgrounds, and experiences that must be met with extensive training and experience. A multi-state study showed that comprehensive, data-driven school counseling programs improve a range of student learning and behavioral outcomes.⁴ Furthermore, research has shown that student-to-school counselor ratios that meet the American School Counselor Association recommendation in poverty-stricken schools have been linked to improved academic outcomes such as increased attendance, fewer disciplinary incidents, and higher graduation rates.⁵ Finally, school counselors can effectively assist underachieving students by examining school-wide data and use the data to host an effective group intervention.⁶

Instead of placing chaplains in volunteer roles in public schools, the North Dakota legislature should work to provide additional funding so that schools can employ licensed school counselors equipped with the professional skills needed to assist students in their academic, vocational, and personal success.

North Dakota's public schools must be safe and supportive learning environments for all students, and lawmakers should prioritize protecting – not violating – North Dakotans' constitutional right to religious freedom. We strongly urge you to reject this bill.

Should you have any questions regarding American Atheists' opposition to HB 1456, please contact me at vanderson@atheists.org.

Sincerely,



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State Policy Counsel
American Atheists

⁴ Carey, J., & Dimmitt, C. (2012). School counseling and student outcomes: Summary of six statewide studies. *Professional School Counseling*, 16 (2), 146-153.

doi: 10.1177/2156759X0001600204

⁵ Lapan, R. T., Gysbers, N. C., Stanley, B., & Pierce, M. E. (2012). Missouri Professional School Counselors: Ratios Matter, Especially in High-Poverty Schools. *Professional School Counseling*, 16(2). <https://doi.org/10.1177/2156759X0001600207>.

⁶ Berger, C. (2013). Bringing out the Brilliance: A counseling intervention for underachieving students. *Professional School Counseling*, 17 (1), 86-96. doi: 10.1177/2156759X000170012; Bruce, A. M., Getch, Y. Q., & Ziomek-Daigle, J. (2009). Closing the gap: A group counseling approach to improve test performance of African-American students. *Professional School Counseling*, 12 (6), 450-457. doi: 10.1177/2156759X0901200603