



1 **Testimony in opposition due to issues with House Bill 1456**

2 Chairman Heinert, and Members of the committee, while House Bill 1456 I’m sure has a
3 positive intention as it seeks to introduce school chaplains into North Dakota public schools,
4 several **constitutional, practical, and legal concerns** arise, which could make implementation
5 difficult or controversial.

6 **1. Potential Violation of the First Amendment**

- 7 • **Church-State Separation Concerns:** The bill may face **constitutional challenges** under
8 the **Establishment Clause** of the First Amendment, which prohibits government
9 endorsement of religion.
10 • Public schools are **secular institutions**, and the introduction of religious chaplains—
11 especially if affiliated with specific faith groups—may be seen as an unconstitutional
12 government endorsement of religion.
13 • Even though the bill allows chaplains **from various organizations**, the inclusion of faith-
14 based roles in public schools could still lead to legal scrutiny and lawsuits.

15 **2. Lack of Licensing or Educational Training Requirements**

- 16 • The bill allows school chaplains to provide **support and services** to students and staff
17 **without requiring licensure** from the Education Standards and Practices Board.
18 • Unlike **licensed school counselors**, who have training in **child development, mental**
19 **health, and ethical standards**, chaplains would not be required to meet these same
20 professional requirements.
21 • This creates a **dual standard** for student support staff, potentially exposing students to
22 individuals **without formal training** in handling sensitive youth issues such as trauma,
23 abuse, mental health crises, and academic counseling.

24 **3. Potential Conflicts with School Counselors & Mental Health Professionals**

- 25 • **Overlapping Roles:** Chaplains may offer emotional and moral support, but **they are not**
26 **trained mental health professionals**.
27 • This could lead to confusion regarding **who provides what type of support** and may
28 undermine existing counseling programs.
29 • The bill does not clarify whether chaplains would be expected to **follow confidentiality**
30 **laws** that apply to school counselors, raising **privacy concerns**.

31 **4. Lack of Accountability & Legal Liability Concerns**

- 32 • The bill includes a provision shielding chaplains from lawsuits **unless** their actions were
33 “maliciously, willfully, and deliberately intended to cause harm.”
34 • This **high legal threshold** for liability could make it difficult for families or students to
35 take legal action if inappropriate advice or harm occurs.
36 • Unlike teachers, counselors, and social workers—who must adhere to **strict ethical**
37 **codes and professional standards**—chaplains would **not be held to the same level of**
38 **oversight**.

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5. Risk of Religious Discrimination & Exclusion

- While the bill does not **explicitly limit** chaplains to one faith tradition, **some religious groups may be overrepresented while others may be excluded.**
- Schools may struggle with **fairly selecting chaplains** from different religious traditions, which could lead to accusations of favoritism or religious discrimination.
- Students from **non-religious or minority religious backgrounds** may feel excluded or pressured, even if participation is voluntary.

6. Vague Role Definition & Implementation Challenges

- The bill does not define:
 - What **specific duties** school chaplains would have beyond “support, services, and programs.”
 - How they would interact with **existing school counselors, psychologists, or social workers.**
 - Whether chaplains can **lead religious discussions, prayer, or faith-based counseling**—which would likely lead to legal disputes.
- The lack of clarity **puts school districts at risk of unintentionally violating constitutional protections.**

7. Funding & Sustainability Issues

• The bill allocates **\$500,000** to the Department of Public Instruction for salaries, training, oversight, and evaluation.

- However, with **no clear long-term funding mechanism**, this could create a **financial burden on school districts** if the program is expanded in the future.
- The bill allows **individual districts to receive up to \$200,000**, meaning only a handful of schools would benefit unless further funding is allocated later.

Conclusion

House Bill 1456 presents **significant constitutional, practical, and ethical concerns**, particularly regarding **church-state separation, lack of licensing requirements, and potential legal liability issues.** While the intent may be to provide additional student support, **the bill's vague language and lack of safeguards** could lead to unintended consequences, including **legal challenges, ethical conflicts, and funding sustainability concerns.**

For these reasons, **the bill may face strong opposition and legal scrutiny.** It is not a bill that would be wise to put into North Dakota century code.