

2025 HOUSE EDUCATION

HB 1456

2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1456
2/11/2025

Relating to school chaplains in public school districts.
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10:19 a.m. Chairman Heinert called the hearing to order.

Members Present: Chairman Heinert, Vice Chairman Schreiber- Beck, Representatives, Conmy, Hager, Hatlestad, Hauck, Jonas, Longmuir, Maki, Marchall, Morton, Novak, Osowski

Absent: Representative Heilman

Discussion Topics:

- Effectiveness of school chaplains
- School resources
- Religion and the legislature

10:20 a.m. Representative Olson introduced the bill and submitted testimony in favor. #36951 #36952 #36953 #36954 #36955

10:32 a.m. Kurt Chaffee, ND Pastor, testified in favor.

10:38 a.m. Greg Carr, Chaplain, Crisis Care Chaplaincy, testified in favor.

10:42 a.m. Josephy Kennedy, Coach, Pensacola FL, testified in favor and submitted testimony. #36892

10:47 Jim Schmidt, President of Put on Your Armor Foundation, testified in favor and submitted testimony. #36948 #36949

10:50 a.m. Johnny Davis, Chief Development Officer, National School Chaplain Association, testified in favor and submitted testimony. #36857

10:57 a.m. Dr. Amiee Copas, Executive Director, ND CEL, testified in opposition and submitted testimony. #36981

11:04 a.m. Amy De Kok, Executive Director, ND SBA, testified in opposition.

11:06 a.m. Andrew Varvel Alexis, ND Resident, testified in opposition and submitted testimony. #36971

11:08 a.m. Lisa Hermosillo, ND Resident, testified in opposition and submitted testimony. #37009

11:14 a.m. Cody Schuler, American Civil Liberties Union, ACLU, testified in opposition and submitted testimony. #36934

11:24 a.m. Dr Chris Larson, Superintendent, Milnor Public School, testified in opposition and submitted testimony. #36932

Additional written testimony:

#36137, #36157, #36216, #36245, #36249, #36326, #36327, #36329, #36335, #36351, #36455, #36470, #36485, #36506, #36572, #36747, #36777, #36785, #36826, #36884, #36887, #36895, #36917, #36963, #36965, #36510, #36817, #37008, #36347

11:26 Chairman Heinert closed the hearing.

Addison Randazzo for Leah Kuball, Committee Clerk

My name is Nick Amb. I am the elementary principal at North Border-Walhalla. I'm a spouse, an adult dad to three grown children, and have had the joy of sharing our lives with four foster children. I've been in education for 33 years. While I share my views today with the committee that are rooted in over 20 years teaching government, and 10 as an administrator...my views are my own as a private citizen and do not necessarily reflect the views of my district.

I am opposed to HR 1456 the chaplain bill.

I cannot believe these ideas are being thrown around in seriousness. It's a pretty simple concept. The separation of church and state is wise, and good governance. Most importantly, it is the law. Every representative and senator has taken an oath to uphold the United States Constitution.

These issues belong with families. While some families may appreciate this sentiment, what denomination or religion would the school select? Consider a family who attends a Baptist church, and the school selects an Episcopalian chaplain. Perhaps a Unitarian Universalist chaplain is available, but many families attend an Missouri Synod Lutheran church. Would this be a good fit? This is

not a criticism of the correctness of any of these views. It is simply to illustrate the reason for things like this to be a family choice.

What if that chaplain has the intention of not just being that caring adult who can be there for kids when they need, but to share their version of “the truth.” I can see many opportunities for proselytizing.

When the need arises, school officials often can and do call upon people of faith in their communities. When I served in Minnesota, we had the horrible experience of losing a young man, a senior.

Dylan had passed in his sleep, a sudden medical event.. We learned literally five minutes before student arrival. I was the one who had to go in and tell my seniors.

Our students and staff were shaken. We reached out and had a local pastor to come in and “just listen” and just be with whatever kids needed/wanted, in their moment of grief and loss. We aren’t tone deaf to this need that can arise. In my current district, we have an amazing community person who we have called upon. She has been here when we had the loss of a teacher to cancer, and when we have had other issues where kids just needed a supportive ear.

She is adored by kids and respected by families. We didn't need a state law or a money to pull this off.

The larger issue here is "why." If administrators who know the community already partner in a time of need, why do we need to expend state tax dollars and have a law to do it?

We do not need state paid chaplains, the Ten Commandments, mandatory patriotism, or portraits of Donald Trump on classroom walls. (I somewhat kid here, but wouldn't be completely shocked if this wasn't on someone's list for law ideas), mandatory psych assessments for counselors, money grabs for charter and private religious schools (which are explicitly outlined as a no-no in our state constitution.)

I am opposed to all of these "culture war initiatives" which seem to be thrown out for likes and cheers, and I would guess are good for campaign donations as well. But these are almost always at odds with the principles of a clear separation of church and state. I trust my families with these issues. These issues are not for the school. The family has many choices and options on their own to pursue a solid spiritual guidance path that works for them.

This bill is another culture war “red meat” bill, an idea seemingly lifted from other states.

What we do need is a solid funding package, and one that solidly addresses the real issue of sparsity and prior consolidation efforts that are now coming back to actually be financially detrimental to our local taxpayers and will make serving the kids who live in our district harder and harder, with fewer and fewer resources.

Our little elementary up here is consistently in the top echelon of both achievement and growth in ELA and math. It costs real money to run two plants in remote and rural ND. I would invite anyone to come and see for themselves the work of a high flying rural school.

I urge you on behalf of our staff and kids. Please focus your time and efforts on meaningful work that will improve the lives of our kids, families, and staff.

With regards,

Nick Amb

Walhalla

February 7, 2025

I am strongly opposed to Bill 1456. It violates the first amendment by providing public funds for religious purposes. This money should go toward helping schools recruit more teachers and aides.

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Vote NO on 1456

RaNae Jochim

South Bismarck Resident

Dear members of the committee, my name is Whitney Benter. I was born and raised in Bismarck, ND and live here today with my husband and two children with our third due any day now. Our son attends Kindergarten at a public school here in Bismarck as will our other children—we are the constituents this Bill would directly affect, and we are urging a **DO NOT PASS on HB 1456**.

Our public schools need to remain free from any religious affiliation or be open to **ALL** religious affiliations. In our family, we do not subscribe to any theocratic ideology and do not force any one religion onto our children, but we have taught them about Christian values... as well as Buddhist values, Judaic values, Indigenous beliefs, Islamic beliefs and simple non-belief.

If the State of ND would like to install a Chaplain into public schools--which faith ideology would that Chaplain be aligned with? Surely not just Christian teachings as our schools house a myriad of children from different belief backgrounds. Is the state willing to force its taxpayers to dole out millions of dollars to appoint figures of all religions represented in schools so not one child feels ostracized by the lack of inclusion? I would like to subtly interject that the Church of Satan does exist and there are children associated with this belief system right here in North Dakota. Personally, I would fight for their ideologies to be represented in schools right alongside that Christian chaplain this bill would place in front of them every day.

Rather than possibly excluding multiple religions in favor of just one, would it not make much more sense to keep any and all religious figures out of our public schools? Should parents like their children to have access to religious guidance, they have the option to attend Church or even enroll their children into Private schools where this already exists.

Separation of church and state is one of our nation's founding cornerstone beliefs. Put in place so not one religion is favored or pressed onto our constituents above another. This bill stands in direct opposition of that.

Perhaps if my more religious constituents would like to force a faithful and "Christian" presence in public school systems, we could start by instituting free breakfast and lunches for our youth. Surely the \$500,000+ taxpayer dollars escheated to hiring an irrelevant religious figure would be better served by feeding our hungry children.

"Suppose a brother or sister is without clothes and daily food. / If one of you tells him, "Go in peace; stay warm and well fed," but does not provide for his physical needs, what good is that?" —James Chapter 2, Verse 15.

For the sake of common sense and upholding the very core value of Separation of Church and State, I am urging you **DO NOT PASS Bill 1456**. Thank you.

Whitney Benter

February 7, 2025

I am opposed to Bill 1456.

I googled “How many churches are in ND?” There are 1,138 religious organizations and churches. Combined, these earn more than \$29 million in revenue each year and have assets of \$96 million.

I then googled “How many schools are there in ND?” There are 484 schools. There are clearly enough religious organizations across the state to help serve the religious needs of North Dakota’s students. Religious organizations are extremely well represented in our state and benefit from significant tax breaks. Religious figures need not be given additional money from ND taxpayers to work in our schools offering “support, services, and programs” for students.

There should be a clear separation of church and state in our public schools. Public schools should not be staffed with taxpayer-funded chaplains, forced to post the ten commandments, or any other religious propaganda, no matter the denomination. Religious beliefs and direction are private, personal family matters that should remain OUTSIDE of our schools.

As a parent of a child in school, I do not want ANY religious focus being pushed on my child, from any religion. Not only is keeping the separation of church and state a respectful way to manage the varied religious beliefs of our diverse school population, but it is the law. Public schools are not intended to advance religious views that conflict with the beliefs of students and their families.

Please DO NOT PASS Bill 1456, and please do what you can to prevent bills like this from taking up your valuable time and our state’s resources in the future.

Lisa Rask

Bismarck, ND

To the ND Legislative Staff,

I am writing to express my strong opposition to the introduction of chaplains in public schools. The presence of chaplains in these institutions raises significant concerns regarding the separation of church and state, the potential for religious coercion, and the adequacy of their qualifications to provide essential student support services.

Public schools are intended to be secular environments where students of all religious backgrounds, as well as those with no religious affiliation, can learn without religious influence. Introducing chaplains into these settings risks infringing upon this principle, potentially leading to religious coercion and the undermining of students' religious freedom rights. There are plenty of parochial schools for those who desire that type of learning environment.

Chaplains are typically not trained or certified to provide educational or mental health services to youth. Allowing them to assume roles traditionally filled by qualified professionals, such as counselors, could compromise the quality of support services available to students.

The introduction of chaplains into public schools may lead to religious coercion, where students feel pressured to participate in religious activities or adopt specific religious beliefs. This environment can be particularly challenging for students from diverse religious backgrounds or those who are nonreligious.

Thank you for considering my perspective on this important issue.

Sincerely,

Lindsey Heinrich

To: State legislators
From: Trained chaplains in the United States
Re: Public school chaplain programs
Date: March 6, 2024

We, the undersigned chaplains, write in opposition to legislation in states across the country that would install chaplains in our public schools. **Because of our training and experience, we urge you to reject public school “chaplain” legislation: The proposals are harmful to our public schools and the students and families they serve.**

Government-sanctioned chaplains make sense in some settings, but not in our public schools. We come from a diversity of faith and ethical traditions, and we proudly serve or have served in various capacities. Many of us have served in contexts in which individuals cannot access their religious services — such as the military, a prison, or hospital — which is hardly the case for children in public school. Military members may have security or language barriers in finding a house of worship while on deployment. Incarcerated individuals are not given a “religious hall pass” to leave prison and attend the corporate worship service of their own choosing. Hospitalized patients may be too sick or far away from their congregations to engage in meaningful religious exercise. **Public school children do not face the barriers to religious exercise that service members, prisoners, and patients face.**

We care about student mental health and safety concerns, and we believe those concerns should be addressed by the professionals most skilled to meet those concerns. As trained chaplains, we are not qualified to address the needs of public school students that these proposals purport to address. We cooperate with mental health counselors — we do not compete with them. Further, professions that help children with sensitive matters, such as therapists and police investigators, typically require special training on how to interview and treat juveniles. Few chaplains have this expertise.

As trained chaplains, we strongly caution against the government assertion of authority for the spiritual development and formation of our public school children. Families and religious institutions—not public school officials—should direct the religious education of our children. Introducing religious leaders into official school positions to serve students in schools will cause division among student bodies that are made up of many religions and nonreligious students.

Public schools are fully funded by the government and serve people of all faith traditions and of no faith tradition. Having government-sponsored chaplains, paid or volunteer, is inappropriate and threatens to harm **our public schools and the students and families they serve.**

Respectfully,

Susan Abold
United Methodist Church
Healthcare Chaplain
TX

Robert Adrian
Baptist
Healthcare Chaplain
TX

Rev. Jann Aldredge-Clanton
Baptist
Healthcare Chaplain
TX

Sheri Allen
Judaism
Healthcare Chaplain
TX

Paul Alley
Baptist
Healthcare Chaplain
FL

Erskine Alvis
Cooperative Baptist Fellowship
Military, Healthcare Chaplain
NC

Meredith Anderson
Unitarian Universalism
Healthcare, Correctional and Rehabilitation
Chaplain
VT

Allison Angell
United Methodist Church
Healthcare Chaplain
TX

Krysta Baglien
Baptist
Healthcare Chaplain
ID

Tricia Baldwin
Cooperative Baptist Fellowship
Healthcare Chaplain
TX

Karen Ballard
Baptist
Healthcare Chaplain
SC

Claire Bamberg
United Church of Christ
Healthcare Chaplain
VT

Beach Beauchamp
Episcopal Church
Military Chaplain
NM

Tom Becraft
Seventh-day Adventist
Healthcare Chaplain
WA

Sarah Berel-Harrop
Unitarian Universalism
Healthcare Chaplain
TX

Kathy Berry
Cooperative Baptist Fellowship
Healthcare Chaplain
VA

Charline Berry
Baptist
Healthcare Chaplain
MD

Andrew Bowles
Cooperative Baptist Fellowship
Healthcare Chaplain
TX

Mary Bradley
Baptist
Healthcare, Homeless Chaplain
TX

Jim Browning
Baptist
Military, Education Chaplain
TX

The Rev. Dan Buchin
Episcopal Church
Civic, Private Chaplain
MI

Kristin Burrow
Christian Church (Disciples of Christ)
Healthcare Chaplain
TX

Wanda Burton-Crutchfield
Baptist
Hospice Chaplain
NC

Cyrus Bush
Cooperative Baptist Fellowship
Healthcare Chaplain
NC

Paul Byrd
Baptist
Healthcare, Retired Chaplain
GA

Karen Calafat
Episcopal Church
Healthcare, Hospice Chaplain
TX

Patrick Cardwell
Cooperative Baptist Fellowship
Healthcare Chaplain
NC

Jacob Christian
Christian Church (Disciples of Christ)
Healthcare Chaplain
GA

Colleen Clark
Unitarian Universalism
Hospice Chaplain
NC

Craig Clark
Episcopal Church
Hospice Chaplain
NJ

James Clarke
Unitarian Universalism
Healthcare, Public Safety Chaplain
PA

Michael Tevya Cohen
Judaism
Senior Community Chaplain
TX

Deborah Cole
Unitarian Universalism
Hospice Chaplain
MD

Harry Conner
Church of Christ
Healthcare, Hospice Chaplain
KY

Jeni Cook
Baptist
Healthcare Chaplain
TX

William Cork
Other
Military, Healthcare, Education Chaplain
TX

David Cowell
United Church of Christ
Healthcare Chaplain
CA

Rev. Nicole Cruz-Talkington
Presbyterian Church (USA)
Healthcare Chaplain
TX

Terri Daniel
Not Religious
Hospice Chaplain
OR

David Deming
Cooperative Baptist Fellowship
Healthcare, Hospice Chaplain
SC

Inge Detweiler
United Church of Christ
Community Chaplain
AZ

Donna Dickerson
Society of Friends (Quaker)
Healthcare, Private Chaplain
TX

Bobby Dickerson
Christian Church (Disciples of Christ)
Military, Healthcare, Hospice Chaplain
FL

Rev. Zorena Dombrowski
Other
Family, Business Chaplain
CA

Susan Douglas
Episcopal Church
Healthcare, Education Chaplain
TX

E. Scott Dow
Baptist
Healthcare Chaplain
ME

Vicki Dullye
Other
Retired Chaplain
TX

Robert Duvall
Cooperative Baptist Fellowship
Healthcare Chaplain
GA

Raye Nell Dyer
Baptist
Healthcare Chaplain
TN

Lisa Easterling
Presbyterian Church (USA)
Healthcare Chaplain
MS

Steven Edmonds
Southern Baptist Church
Healthcare Chaplain
MS

Kimberly Emery
Cooperative Baptist Fellowship
Private Chaplain
TX

Alton Ethridge
Baptist
Military, Healthcare Chaplain
TX

Charlotte Evans
Baptist
Healthcare Chaplain
VA

James Farinet
United Church of Christ
Healthcare Chaplain
OH

Joe Farry
Baptist
Hospice Chaplain
SC

Rya Fordice
Humanism
Healthcare, Hospice Chaplain
IL

Joy Freeman
Baptist
Healthcare Chaplain
KS

Sharon Fry
Baptist
Healthcare Chaplain
VA

Matthew Fuller
Cooperative Baptist Fellowship
Healthcare Chaplain
WI

Sarah Galo
Episcopal Church
Healthcare Chaplain
NJ

Francisco Gamez
Humanism
Healthcare Chaplain
TX

David Gladson
Cooperative Baptist Fellowship
Healthcare, Hospice Chaplain
GA

Alicia Gomes
Episcopal Church
Parochial School Chaplain
FL

R. Mark Grace
Baptist
Healthcare Chaplain
TX

Lauren Greenwade
Episcopal Church
Hospice Chaplain
TX

Dagmar Grefe
United Church of Christ
Healthcare Chaplain
CA

Kelly Gregory
Presbyterian Church (USA)
Healthcare Chaplain
NM

Susan Gregory-Davis
United Church of Christ
Healthcare Chaplain
NH

Dorie Griggs
Non-Denominational
Healthcare, Public Safety Chaplain
GA

Olen Grubbs
Cooperative Baptist Fellowship
Healthcare Chaplain
TN

Christine Haider-Winnett
Roman Catholic
Healthcare, Hospice Chaplain
CA

Lisa Hair
Evangelical Lutheran Church in America
Education Chaplain
PA

Marion Hamermesh
Other
Hospice Chaplain
DE

Kirsten Hancock
Baptist
Hospice Chaplain
TX

James Harper
Baptist
Healthcare Chaplain
KS

Brenda Harris
Other
Healthcare Chaplain
NC

Elizabeth Harris-Lamkin
Baptist
Military, Healthcare Chaplain
NC

Arden Heath
Non-Denominational
Healthcare Chaplain
WI

Cynthia Henderson
Cooperative Baptist Fellowship
Private Chaplain
NC

Erin Hensley
Episcopal Church
Hospice Chaplain
TX

Britt Hicks
United Church of Christ
Healthcare Chaplain
TX

Tami Higdon
Baptist
Healthcare Chaplain
FL

Maurice Himson
Baptist
Hospice Chaplain
SC

Dean Hokel
United Church of Christ
Healthcare, Hospice Chaplain
AZ

Carrie Holley-Hurt
Unitarian Universalism
Social Movement Chaplain
TX

Daniel Horwitz
Judaism
Private Chaplain
TX

David Howard
United Methodist Church
Healthcare Chaplain
NC

C. Brent Hoy-Bianchi
Evangelical Lutheran Church in America
Healthcare Chaplain
NV

Claude Huguley
Cooperative Baptist Fellowship
Healthcare Chaplain
TN

Gerry Hutchinson
Cooperative Baptist Fellowship
Military Chaplain
GA

Andi Ingram
Baptist
Military Chaplain
TX

Virginia Ireland
Other
Hospice Chaplain
TN

Steve Isenman
United Methodist Church
Hospice Chaplain
CA

Kelly Jackson
United Methodist Church
Education Chaplain
VA

Elizabeth Jackson-Jordan
Baptist
Healthcare Chaplain
GA

Annamma Johns
Buddhism
Healthcare Chaplain
TX

Remington Johnson
Presbyterian Church (USA)
Healthcare Chaplain
TX

Maggie Johnson
United Methodist Church
Healthcare, Hospice Chaplain
TX

Mark Johnson
Baptist
Healthcare Chaplain
AL

Sheree Jones
Cooperative Baptist Fellowship
Healthcare Chaplain
NC

Betsy Kammerdiener
Baptist
Healthcare Chaplain
TN

Anna Kendig Flores, BCC
Presbyterian Church (USA)
Justice Chaplain
MN

Rev. Dan King
Unitarian Universalism
Healthcare, Hospice, Private Chaplain
TX

Jo Kirkendall
Baptist
Healthcare Chaplain
MS

Kristin Klade
Evangelical Lutheran Church in America
Healthcare, Hospice Chaplain
TX

Mary Klaehn
United Methodist Church
Healthcare Chaplain
AZ

Charles Kniker
United Church of Christ
Chaplain
IA

Kay Kopatich
Non-Denominational
Healthcare, Correctional and Rehabilitation,
Education Chaplain
IA

Sue Krayner
Christian Church (Disciples of Christ)
Healthcare Chaplain
TX

James Lavoy
Other
Healthcare, Hospice Chaplain
PA

Doug Laws
United Methodist Church
Healthcare Chaplain
TX

Stacy Lawton
Baptist
Healthcare, Hospice Chaplain
SC

Chelsea Leitcher
Presbyterian Church (USA)
Healthcare, Hospice Chaplain
CA

Stephen Lemons, BCC
Presbyterian Church (USA)
Healthcare Chaplain
SC

Linda Lewis
Cooperative Baptist Fellowship
Hospice Chaplain
NC

Eugene Locke
Presbyterian Church (USA)
Healthcare Chaplain
VA

April Long
Other
Hospice Chaplain
TX

Britt Luby
Roman Catholic
Healthcare Chaplain
TX

Deborah Lynn
Baptist
Hospice Chaplain
TN

Karen MacDonald
United Church of Christ
Hospice Chaplain
AZ

Shawn Mai
Evangelical Lutheran Church in America
Healthcare Chaplain
MN

Michael Maness
Southern Baptist Church
Correctional and Rehabilitation Chaplain
TX

Ann Carol Mann
Baptist
Healthcare Chaplain
AL

Donna Manning
Cooperative Baptist Fellowship
Military, Healthcare, Correctional and
Rehabilitation Chaplain
TX

Mary Martin
Unitarian Universalism
Healthcare, Hospice Chaplain
NC

Irene Martinez
Non-Denominational
Chaplain
FL

Chris Mason
Other
Healthcare Chaplain
WV

Sandra Masters
Presbyterian
Healthcare Chaplain
NY

Rev. Patrick McCollum
Non-Denominational
Hospice, Correctional and Rehabilitation, Civic,
Private Chaplain
CA

Jordan McGinnis
Humanism
Healthcare, Hospice Chaplain
TX

Lynn McLaughlin
Baptist
Healthcare, Prison Chaplain
NC

Rev. Linda McWhorter
Christian Church (Disciples of Christ)
Hospice Chaplain
TX

Wyatt Miles
Baptist
Healthcare Chaplain
GA

Stan Moody
Baptist
Healthcare, Correctional and Rehabilitation,
Private Chaplain
ME

Susan Morgan
United Methodist Church
Hospice, Retired Chaplain
AZ

Ryan Mulkowsky
Humanism
Hospice Chaplain
GA

Jean Murphy
Presbyterian Church (USA)
Healthcare Chaplain
KS

Rev. Dr. Chad Mustain
Cooperative Baptist Fellowship
Healthcare Chaplain
TX

Sarah Neeley
Baptist
Healthcare Chaplain
TX

Drew Nelson
Not Religious
Healthcare, Hospice Chaplain
TX

Twyla Nelson
Baptist
Hospice Chaplain
NC

Lucas Neville
United Church of Christ
Healthcare, Correctional and Rehabilitation
Chaplain
TX

Ric Olsen
Baptist
Public Safety Chaplain
CA

Donna Olsen
Non-Denominational
Private Chaplain
ND

Christopher O'Rear
Baptist
Former Hospital Chaplain, currently religiously
endorsed pastoral psychotherapist
TN

Staci Orr
United Methodist Church
Healthcare Chaplain
TX

Randolph Parks
Cooperative Baptist Fellowship
Healthcare Chaplain
NJ

Charlie Patrick
Baptist
Healthcare, Hospice Chaplain
NC

Kate Perry
Baptist
Healthcare Chaplain
ME

Thomas Phillips
United Methodist Church
Hospice Chaplain
FL

Nancy Piggott
United Church of Christ
Healthcare Chaplain
TX

David Plummer
Non-Denominational
Endorsing Chaplain
FL

Russ Pollock
Evangelical Lutheran Church in America
Education Chaplain
OK

Jeremy Pope
Christian Church (Disciples of Christ)
Hospice Chaplain
TX

James Pope
Cooperative Baptist Fellowship
Military Chaplain
FL

Edward Porter
United Church of Christ
Healthcare, Veterans Affairs Chaplain
MI

Kenneth Ramsey
Baptist
Healthcare Chaplain
TX

Deborah Reeves
Baptist
Healthcare Chaplain
TX

Charles Reynolds
Cooperative Baptist Fellowship
Military, Correctional and Rehabilitation Chaplain,
Chaplain Endorser
SC

Matthew Rhodes
Presbyterian Church (USA)
Healthcare Chaplain
NJ

Claire Richardson
Other
Healthcare Chaplain
CA

Paul Robertson
Baptist
Healthcare Chaplain
TX

Layne Rogerson
Cooperative Baptist Fellowship
Hospice Chaplain
SC

Diane Root
Episcopal Church
Healthcare Chaplain
NH

Cody Sanders
Baptist
Theological Educator of Chaplains
MN

Daniel Schlorff
Congregational Church
Healthcare Chaplain
CT

Lisa D. Schoenwetter
United Church of Christ
Retired Chaplain
WI

Pastor Tom Schwolert
Evangelical Lutheran Church in America
Adolescent Mental Health Chaplain
TX

Salvatore Seirmarco
Presbyterian Church (USA)
Healthcare, Hospice Chaplain
NJ

Katrina Shawgo
Presbyterian Church (USA)
Hospice Chaplain
TX

Elisabeth Shewmaker
Evangelical Lutheran Church in America
Private Chaplain
NH

Leslie Smith
United Methodist Church
Healthcare Chaplain
TX

Mark Smith
Reformed Church in America
Healthcare, Hospice Chaplain
NJ

Lynne Spencer
Baptist
Healthcare Chaplain
TX

Tom Stephenson
United Methodist Church
Hospice Chaplain
TX

James Sterling
Christian Church (Disciples of Christ)
Healthcare Chaplain
AZ

Ben Stewart
Presbyterian Church (USA)
Seafarers Chaplain
KY

Eileen Stone
Other
Healthcare Chaplain
FL

Valerie Storms
Other
Healthcare Chaplain
FL

Bert Strange
Cooperative Baptist Fellowship
Military, Hospice, Education Chaplain
SC

Thomas Stratman
Non-Denominational
Military, Healthcare, Hospice Chaplain
MO

Jan Sullivan
Christian Church (Disciples of Christ)
Healthcare, Public Safety Chaplain
TX

Lauri Swann
Baptist
Healthcare, Psychiatric Chaplain
DC

Don Tastad
Evangelical Lutheran Church in America
Healthcare, Private Chaplain
MN

Jamez Terry
Other
Healthcare Chaplain
AK

Bob Thomason
Cooperative Baptist Fellowship
Disabilities and Special Needs Chaplain
SC

Michele Thompson
Church of Christ
Healthcare Chaplain
TX

Chris Towles
Cooperative Baptist Fellowship
Education Chaplain
NC

Alice Tremaine
Cooperative Baptist Fellowship
Healthcare Chaplain
KY

Kory Trinrud
United Methodist Church
Healthcare Chaplain
GA

Adam Tyler
Baptist
Healthcare Chaplain
VA

Terri Tyson
Non-Denominational
Healthcare Chaplain
IL

Humberto Vargas-Vidal
Church of Christ
Healthcare, Hospice, Civic Chaplain
FL

William von Dohlen
Baptist
Military Chaplain
TN

Cecelia Walker
Baptist
Healthcare Chaplain
AL

Kurt Walker
Presbyterian Church (USA)
Healthcare Chaplain
OH

Erin Walter
Unitarian Universalism
Civic Chaplain
TX

Todd Walter
Cooperative Baptist Fellowship
Healthcare Chaplain
SC

Willim Ware
Unitarian Universalism
Private Chaplain
OR

Clyde Waters
Baptist
Public Safety Chaplain
SC

David Watson
United Church of Christ
Healthcare Chaplain
OR

Rev. Mary Lewis Webb
Christian Church (Disciples of Christ)
Healthcare, Veterans Affairs Chaplain
VT

Todd Weber
Cooperative Baptist Fellowship
Military, Hospice Chaplain
KY

Amanda Wertz
Baptist
Healthcare Chaplain
TX

Lawrence Whitney
Other
Education Chaplain
MA

Nancy Wiener
Judaism
Chaplain
NY

Dennis Wienk
Episcopal Church
Healthcare Chaplain
NY

Linda Wilkerson
Baptist
Military, Healthcare Chaplain
TX

Ben Williams
Church of the Nazarene
Healthcare Chaplain
OH

Rev. Sue Wintz
Presbyterian Church (USA)
Retired Healthcare Chaplain
AZ

Paula Womack
Baptist
Hospice Chaplain
NC

Christy Wood
United Church of Christ
Hospice Chaplain
TX

John Woodruff
Evangelical Lutheran Church in America
Healthcare Chaplain
MN

Ellen Woodruff
Evangelical Lutheran Church in America
Healthcare Chaplain
MN

George Worthington
Humanism
Private Chaplain
TX

L. Darrel Wridner
Presbyterian Church (USA)
Healthcare Chaplain
IA

James Wright
Cooperative Baptist Fellowship
Healthcare, Hospice Chaplain
TX

Alan Wright
Baptist
Healthcare Chaplain
TX

Rev. Mike Wright-Chapman
United Church of Christ
Hospice Chaplain
TX

Donna Zuroweste
Roman Catholic
Healthcare, Public Safety, Private Chaplain
MO

Faith Organizations' Open Letter Regarding Public School Chaplains

March 6, 2024

As organizations that represent or serve religious denominations or are formally affiliated with religious communities, we express our deep concern about legislation in states across the country that would install chaplains in our public schools. Although we appreciate the desire to provide our students with additional resources, the proposals to place chaplains in our public schools are greatly flawed and threaten the well-being, education, and religious freedom of our students.

Chaplains can play a vital role in helping people engage in the practices and traditions of their religions and beliefs, but most chaplains are not trained or qualified to perform the duties of school counselors or school support staff. School counselors and other student support staff must complete professional training and certification ensuring that they can implement school counseling and other programs to deliver services that support students' academic, career, social, and emotional development. They must demonstrate that they are qualified to provide appropriate responses and interventions for students of all backgrounds and abilities.

Chaplains, by contrast, are trained as religious leaders to provide religious services and spiritual care. They do not have the same academic and professional credentials as school counselors and other support staff. Relying on any untrained and uncertified individual to serve students could lead to real harm to students, and schools could be held liable.

Furthermore, installing chaplains in our public schools would violate students' and families' religious freedom. The First Amendment to the United States Constitution guarantees us all the right to choose for ourselves which faith, if any, to follow—without pressure or influence from government officials. Religious freedom means that all students should feel welcome in our public schools, and no student should have to sacrifice their religious freedom to access counseling or other support services.

Having a school chaplain of any faith would amount to government-sponsored religion and create an environment ripe for religious coercion and the indoctrination of students. That is why courts have repeatedly ruled that it is unconstitutional for public schools to invite religious leaders onto campus to engage in religious activities, such as prayer and religious counseling, with students.

Public school students are young, vulnerable, and susceptible to peer pressure and the influence of teachers and school officials. A student who is referred to a chaplain would likely feel pressured to consent to participate in or submit to religious activities and counseling in order to get the services they need. Students may even forgo seeking services altogether if they know that the chaplain's religious views conflict with their own or the help they need will be provided by someone who is not trained and certified in working with students.

Government-sanctioned chaplains may be permissible in some limited settings—but not in our public schools. For example, the government has provided chaplains in the military, prisons, and hospitals—places where chaplains are needed to accommodate the religious-exercise rights of people who would otherwise not be able to access religious services. Public school children face no such barriers.

Requiring parental consent does not save these proposals. School-sponsored religious activities are unconstitutional even if parents give permission for their child to participate. And parental consent would not alleviate the threat of harm to students that a well-meaning, but untrained, chaplain might cause.

The families and students in our nation practice a wide variety of faiths, and many are nonreligious. All students—regardless of their religion—have the right to receive services free from religious proselytization. We therefore urge you to reject any proposed policy that would create chaplain programs in our public schools. Our students deserve better.

Alliance of Baptists
American Conference of Cantors
The Ancient Apostolic Church of Alexandria
ADL (Anti-Defamation League)
Association of Reform Jewish Educators
B'nai B'rith International
Baptist Joint Committee for Religious Liberty (BJC)
Bend the Arc: Jewish Action
Central Conference of American Rabbis
Cooperative Baptist Fellowship (CBF)
Disciples Center for Public Witness
Disciples Justice Action Network
Equal Partners in Faith
Hadassah, The Women's Zionist Organization of America
Hindus for Human Rights
Interfaith Alliance
Jewish Council for Public Affairs
Keshet
Men of Reform Judaism
Muslim Public Affairs Council (MPAC)
National Council of Jewish Women
Network of Jewish Human Service Agencies
North American Federation of Temple Youth
Rabbinical Assembly
Reconstructionist Rabbinical Association
Religious Coalition for Reproductive Choice
The Sikh Coalition
Society for Humanistic Judaism
SOJOURN: Southern Jewish Resource Network for Gender & Sexual Diversity
Sojourners-SojoAction
Southern Christian Coalition
T'ruah: The Rabbinic Call for Human Rights
The Shalom Center
Union for Reform Judaism

Unitarian Universalist Association
Unitarian Universalists for Social Justice
United Church of Christ
Women of Reform Judaism

March 6, 2024

Re: Legislation proposing public-school chaplains

Dear State Legislators:

As organizations long dedicated to protecting civil rights and civil liberties, including religious freedom, we are deeply opposed to any bill that would install chaplains in our public schools. Our societal and constitutional commitment to religious freedom guarantees all students the right to attend public school and to access the full range of school services without having government-sponsored religion imposed on them. Allowing chaplains to assume official positions—whether paid or voluntary—in public schools as counselors or other support staff will undermine this right by creating an environment ripe for evangelizing and religious coercion of students in violation of the First Amendment to the U.S. Constitution.

There are “heightened concerns with protecting freedom of conscience from subtle coercive pressure in the elementary and secondary public schools.”¹ Thus, in the public-school context, the U.S. Supreme Court “has been particularly vigilant in monitoring compliance with the Establishment Clause” of the First Amendment.² To that end, the Court has repeatedly recognized that public schools “may not coerce anyone to support or participate in religion or its exercise.”³ Less than two years ago, in *Kennedy v. Bremerton School District*, the Court reaffirmed this fundamental Establishment Clause principle.⁴

The primary role of chaplains is to provide pastoral or religious counseling to people in spiritual need. They are, therefore, not likely to have the training and experience necessary to ensure that they adhere to public schools’ educational mandates and avoid veering into impermissible religious counseling and other promotion of religion. Indeed, many of the school-chaplain bills proposed across the country specifically state that chaplains need not have any of the same qualifications or certifications as school counselors or staff who provide other support services for students. As a result, students will be vulnerable to religious indoctrination. For example, students may feel pressure to submit to religious proselytizing by chaplains or to join them in prayer.

This is precisely the kind of coercion that the Establishment Clause forbids. Courts have repeatedly ruled that it is unconstitutional for public schools to invite religious leaders onto campus to engage in religious activities, such as prayer and religious counseling, with students.⁵ In fact,

¹ *Lee v. Weisman*, 505 U.S. 577, 592 (1992).

² *Edwards v. Aguillard*, 482 U.S. 578, 583 (1987).

³ *Lee*, 505 U.S. at 587.

⁴ 597 U.S. 507, 537, 541-42 (2022).

⁵ See, e.g., *Lee*, 505 U.S. at 597-99 (public school forbidden from inviting clergy to deliver prayers at graduation ceremonies); *McCollum v. Bd. of Educ.*, 333 U.S. 203, 211-12 (1948) (Establishment Clause prohibited public school from allowing clergy and others to teach religious classes on campus during school day); *Doe v. S. Iron R-I Sch. Dist.*, 498 F.3d 878, 882 (8th Cir. 2007) (holding that public school could not permit religious group to distribute Bibles to

the Supreme Court has issued a “long line of cases carving out of the Establishment Clause what essentially amounts to a *per se* rule prohibiting public-school[] . . . -initiated religious expression or indoctrination.”⁶ These cases make clear that permitting volunteers to act as chaplains and evangelize students in public schools—let alone employing them—would violate the First Amendment.⁷

To be sure, some courts have upheld the constitutionality of government-provided chaplains in very limited settings. Generally, the government may provide chaplains only where they are needed to accommodate the religious-exercise rights of people who would otherwise lack the capacity to access religious services—specifically, for those in prison, confined to a public hospital, or serving in the military—or where chaplains have played a unique historical role in a particular setting, as in legislatures.⁸ Neither circumstance applies to public schools. Public-school students have unfettered access to religious services in their communities and through their families. They do not need chaplains, selected and imposed by the government, to practice their faith.⁹

In specially designating chaplains for critical student-support roles, and exempting them from the training and certification requirements that apply to school counselors, teachers, and other educational professionals, these bills violate the Establishment Clause in another way: They result in an unconstitutional preference for religion over nonreligion.¹⁰ And the danger here goes beyond

students in school); *Doe v. Porter*, 370 F.3d 558, 562-64 (6th Cir. 2004) (barring public school from allowing volunteers from local religious college to conduct proselytizing Bible-study class during school day); *Berger v. Rensselaer Cent. Sch. Corp.*, 982 F.2d 1160, 1170-71 (7th Cir. 1993) (ruling that public schools could not authorize religious group to distribute Bibles to students in classrooms or auditoriums); cf. *Busch v. Marple Newtown Sch. Dist.*, 567 F.3d 89, 100-01 (3d Cir. 2009) (upholding school district’s refusal, on Establishment Clause grounds, to allow parent to read Bible to kindergarten students).

⁶ *Doe v. Duncanville Indep. Sch. Dist.*, 994 F.2d 160, 165 (5th Cir. 1993).

⁷ Some school-chaplain bills require parental consent for chaplains to work with students. But parental consent for chaplains in schools does not cure the constitutional violation—just as parental consent for a public school to teach creationism to a child would not make it constitutionally permissible to do so. See, e.g., *Edwards*, 482 U.S. at 596-97 (striking down statute that required public schools to teach creation-science alongside creationism).

⁸ See, e.g., *Marsh v. Chambers*, 463 U.S. 783, 790-91 (1983) (upholding chaplain-led legislative prayer in light of “unique history” dating back to drafting of the First Amendment); *Johnson-Bey v. Lane*, 863 F.2d 1308, 1312 (7th Cir. 1988) (“Patients in public hospitals, members of the armed forces . . . and prisoners . . . have restricted or even no access to religious services unless government takes an active role in supplying those services.”); *Katcoff v. Marsh*, 755 F.2d 223, 237 (2d Cir. 1985) (upholding military chaplaincy); *Carter v. Broadlawns Med. Ctr.*, 857 F.2d 448, 457 (8th Cir. 1988) (upholding county hospital chaplaincy); see also, e.g., *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203, 297 (1963) (Brennan, J., concurring) (providing chaplains for prisoners or military personnel can be “sustained on constitutional grounds as necessary to secure to the members of the Armed Forces and prisoners those rights of worship guaranteed under the Free Exercise Clause”).

⁹ Cf. *Voswinkel v. City of Charlotte*, 495 F. Supp. 588, 597 (W.D.N.C. 1980) (government provision of chaplains for police officers was unconstitutional because it was “inconsistent with th[e] fundamental rule of neutrality,” and police officers do not face “the extraordinary restraint to which both soldiers and prisoners are subjected” that would limit their ability “to pursue their spiritual needs”).

¹⁰ The Supreme Court has recognized that government, including public schools, cannot favor religion over nonreligion. See, e.g., *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Schempp*, 374 U.S. at 216, 226; *Everson v. Bd. of Educ.*, 330 U.S. 1, 15-16 (1947).

the constitutional violation. In relying on uncertified, unqualified clergy to perform student-support duties, such as counseling, schools risk students receiving inadequate or inappropriate care and could be held liable for this negligence.¹¹

Finally, because chaplains are generally affiliated with specific religious denominations and traditions, in deciding which chaplains to hire or accept as volunteers, schools will inherently give preference to particular denominations, violating the “clearest command” of the Establishment Clause: “[O]ne religious denomination cannot be officially preferred over another.”¹² Schools that do so and decline to accept chaplains of minority religions, even controversial ones, will place themselves at even greater risk of liability.

Across the country, families and students practice a wide variety of faiths, and many are nonreligious. All should feel welcome in public schools. Even well-intentioned chaplain policies will undermine this fundamental premise of our public-education system and violate our longstanding First Amendment principles. We urge lawmakers to reject school-chaplain proposals and look for ways to better serve public-school students that do not involve unconstitutional school-sponsored religion.

Sincerely,

American Civil Liberties Union (ACLU)

Americans United for Separation of Church and State

FFRF Action Fund

American Atheists

American Humanist Association

Baptist Joint Committee for Religious Liberty (BJC)

Center for Inquiry (CFI)

CenterLink: The Community of LGBTQ Centers

Clearinghouse on Women’s Issues

Council of Administrators of Special Education

EducateUS

Equality Federation

Feminist Majority Foundation

First Focus Campaign for Children

¹¹ In some circumstances, state and/or federal laws may *require* certain students to have access to licensed or certified school-based mental health professionals. Chaplains do not qualify.

¹² *Larson v. Valente*, 456 U.S. 228, 244 (1982).

FORGE, Inc.
Gender Justice
GLMA: Health Professionals Advancing LGBTQ+ Equality
GLSEN
Interfaith Alliance
Japanese American Citizens League (JACL)
Law, Rights & Religion Project
MomsRising
National Center for Transgender Equality
National Council of Jewish Women
National Education Association
National LGBT Cancer Network
National LGBTQ Task Force
National Women's Law Center
People For the American Way
PFLAG National
Secular Student Alliance
State Innovation Exchange (SIX) Action
Transgender Legal Defense and Education Fund (TLDEF)
Union for Reform Judaism

Dear Chairman and Members of the Committee,

I am writing to encourage a vote **IN OPPOSITION** to HB 1456. I am a lifelong resident of ND.

Our country was founded by colonists who left Europe to escape restrictive laws compelling them to support and attend government-favored churches. The concept of religious freedom is literally what our country was founded upon, and what is enshrined in the First Amendment to our Constitution.

There are hundreds of religions other than Christianity being practiced in our society, including right here in ND. Additionally, there has been a gradual decline in Americans identifying as Christian over many years. For some reason there is a group of vocal Christians pushing legislation that would affect ALL OF US in this state, including those who do not share the same religious beliefs. Where is the constitutional integrity?

Over 200 individual chaplains, 38 faith groups, and 34 civil rights organizations have spoken out against legislation installing chaplains in public schools across the country.

Religion has **NO PLACE** in law or government or **public** education. Certainly, people should have the freedom to practice the religion of their choosing at home, or church, or in private schools.

These funds could be directed toward other vitally necessary avenues in our public education system such as increasing hiring of social workers/counselors/teachers/aides, increasing educator salaries, providing subsidized school breakfast/lunch, etc.

Please consider the values of ALL of your constituents, and the values of the Founding Fathers of our constitution, and **DO NOT PASS** HB 1456. Thank you.

Opposition to House Bill No. 1456 – School Chaplains in Public School Districts

Dear Legislators,

I respectfully submit my opposition to the proposed bill, House Bill No. 1456, which seeks to authorize the employment or volunteer service of certified chaplains within North Dakota public school districts. While the intention of providing support services to students and staff is commendable, there are several critical concerns that need to be addressed before advancing such a measure.


1. **Separation of Church and State:** The most pressing concern with this bill is its potential violation of the principle of the separation of church and state, which is a cornerstone of our public education system. Public schools are meant to provide an inclusive, secular environment where students and staff are free from religious endorsement or coercion. By allowing chaplains – individuals explicitly connected to religious organizations – into public schools, this bill may unduly influence students' beliefs and create an atmosphere that could pressure students to conform to specific religious viewpoints.
2. **Equity Across Religious Denominations:** If the state intends to allow a "Christian chaplain" as described in this bill, it creates a serious equity issue. Public schools should not show preferential treatment to any one religion over others. If the bill allows for a Christian chaplain, then, by the same logic, the state should be required to provide access to religious representatives from all faith traditions. This includes, but is not limited to, representatives from Jewish, Muslim, Hindu, Buddhist, and other belief systems. Without this requirement, the bill could be seen as endorsing a single religion, which contradicts the values of inclusivity and diversity that public education should promote.
3. **Funding and Resource Allocation:** The proposed appropriation of \$500,000, as outlined in Section 2 of the bill, raises concerns regarding the efficient use of public funds. Rather than investing significant resources into hiring and overseeing chaplains, those funds could be better allocated to critical educational needs such as improving mental health counseling services, hiring additional school counselors, or providing academic support programs. These alternatives would ensure that all students, regardless of religious affiliation, have access to appropriate and comprehensive support services.
4. **Lack of Clear Accountability:** The bill's provision that no cause of action arises against a certified chaplain unless their actions are malicious or intended to harm raises significant questions about accountability and transparency. What constitutes "malicious" intent is subjective and could result in a lack of clear guidelines for chaplains, leading to potential overreach or misuse of their position within schools.
5. **Unintended Consequences for Vulnerable Students:** Students from diverse backgrounds or those who may not adhere to any particular faith could find themselves in a difficult and potentially uncomfortable situation if religious figures are placed in their school environment. For some students, being exposed to religious support services may feel coercive, particularly if they are in crisis or seeking guidance. Without proper safeguards and clear boundaries, this could exacerbate feelings of alienation or marginalization.

Conclusion: While it is important to address the emotional and psychological needs of students in public schools, this bill does so in a way that raises significant constitutional, ethical, and practical concerns. If the intention is to provide support services, then the focus should be on professional mental health counselors, social workers, or other trained personnel who can offer guidance and assistance without the potential for religious coercion.

I urge lawmakers to reconsider this bill and explore alternative solutions that would support all students in a way that respects the principles of inclusivity, equality, and the separation of church and state. Should religious representatives be introduced into schools, they must be provided in an equitable manner, representing a diverse array of beliefs and respecting the personal convictions of each student.

Thank you for considering this opposition.

Sincerely,


Alisen Santer (Feb 8, 2025 18:14 EST)

Alisen Santer
1006 Campbell Drive
Grand forks, ND 58201
Alisen22@gmail.com
218-79-0522

Testimony on HB 1456 – In Opposition

February 8, 2025

Dear House Education Committee:

My name is Jacqueline Beller and I'm a Fargo resident in D46.

I am a person of faith, and I vehemently oppose this bill.

The funds that would be appropriated for this bill (doing the math, it looks like this could cost ND \$35,800,000) could much more effectively be spent to feed and educate our kids. I don't think there would be a sufficient return on our investment here.

There is a separation of Church and State for a reason. If a child or school employee needs to speak with a faith advisor, it is unlikely that they would need to do this during school. We have houses of worship who are equipped to do this and we don't have to pay a cent for it. This proposal is wasteful and unnecessary.

I ask for a Do Not Pass recommendation on this bill.

February 9, 2025

Dear Representatives,

I am writing in strong opposition to HB 1456: Putting chaplains into public schools.

I am going to put this very simply: Religion and public education should not mix. The only possible exception to this is if (at a minimum) every religion practiced by your students and staff is represented. Most of our private schools possess religion backings. Parents are more than welcome to have their children attend those establishments, or, just teach their preferred faith at home. If students not having enough emotional support is a concern, then advocate getting more trained school counselors.

Sincerely,

Tammy Kruger

Do NOT Pass HB 1456

Chairman Heinert and Education Committee members,

Do NOT Pass HB 1456.

Separation of church and state is one of our nation's founding principles. This bill stands in direct opposition of this principle. Vote do NOT Pass.

The estimated \$500,000 price tag could support finding for public schools or funding school lunch programs for all school children.

Do NOT Pass HB 1456.
Thank you.

Connie Hoffman
Fargo, ND

701.557.1500 » info.naswnd@socialworkers.org » naswnd.socialworkers.org



Testimony on HB 1456
National Association of Social Workers – North Dakota Chapter
House Education Committee
February 11, 2025

Chairman Heinert and Members of the House Education Committee:

The North Dakota Chapter of the National Association of Social Workers (NASW-ND) opposes HB 1456 due to concerns about its impact on inclusivity and respect for students' rights. While we recognize the importance of providing support to students, we believe that employing certified chaplains in public schools risks promoting religious practices that may alienate students who do not share Judeo-Christian beliefs. This could create an environment where students feel pressured to conform, hindering their ability to express their beliefs freely.

NASW-ND firmly believes in the inherent dignity of every person and in maintaining pluralistic environments in schools. Bringing certified chaplains into schools risks undermining the inclusive, diverse, and respectful educational space essential for students of all backgrounds. The presence of chaplains may inadvertently create discomfort for some students, hindering their ability to freely express their beliefs and fully engage in their educational experiences – making schools inherently less inclusive.

Furthermore, HB 1456 diverts state funds to bring chaplains into schools. Social workers and counselors already provide support to students with concerns to their social and emotional health in the school system. If more support is needed, the state should consider further supporting and expanding resources for the personnel who already exist in the system, not create and fund new, potentially divisive positions.

For these reasons, NASW-ND urges the committee to carefully consider the impact of this bill on the inclusive and pluralistic nature of public education in North Dakota. We believe that while support services are crucial, the involvement of religious figures in public school settings may not align with the fundamental principles of equality and respect for all students. Therefore, NASW-ND respectfully urges a **"Do Not Pass"** recommendation for HB 1456.

Respectfully,

Sydney Trottier, MSW, LBSW
Advocacy Committee Member
North Dakota Chapter of the National Association of Social Workers

Kristin Nelson

2/9/25

5409 20th Street South

Fargo, ND 58104

District 46

DO NOT PASS HB 1456

Chairman Heinert and members of the House Education Committee:

I am writing to you today to urge a **DO NOT PASS on HB 1456**. School districts already have partnerships with various professionals to fulfill counseling needs. Our state **does not** educate children of one religion, and this bill again would bring **constitutional challenges**.

DO NOT PASS HB 1456.

Respectfully submitted:

Kristin Nelson (she/her)

Dear Chairman and Members of the Committee,

I am writing to encourage a vote IN OPPOSITION to HB 1456.

I am a longtime resident of ND. Our country was founded by colonists who left Europe to escape restrictive laws compelling them to support and attend government-favored churches. The concept of religious freedom is literally what our country was founded upon, and what is enshrined in the First Amendment to our Constitution.

There are hundreds of religions other than Christianity being practiced in our society, including right here in ND. Additionally, there has been a gradual decline in Americans identifying as Christian over many years. For some reason there is a group of vocal Christians pushing legislation that would affect ALL OF US in this state, including those who do not share the same religious beliefs.

Where is the constitutional integrity. Over 200 individual chaplains, 38 faith groups, and 34 civil rights organizations have spoken out against legislation installing chaplains in public schools across the country.

Religion has NO PLACE in law or government or public education. Certainly, people should have the freedom to practice the religion of their choosing at home, or church, or in private schools.

These funds could be directed toward other vitally necessary avenues in our public education system such as increasing hiring of social workers/counselors/teachers/aides, increasing educator salaries, providing subsidized school breakfast/lunch, etc.

Please consider the values of ALL of your constituents, and the values of the Founding Fathers of our constitution, and DO NOT PASS HB 1456.

Thank you.

North Dakota Legislative Assembly
600 E Boulevard Ave
Bismarck, ND 58505

Opposition to House Bill 1456 – Requiring Chaplains in Public Schools

Dear Members of the North Dakota Legislative Assembly,

I am writing to express my strong opposition to House Bill 1456, which seeks to mandate the presence of chaplains in public schools, most likely Christian in nature. This bill is not only unconstitutional but also creates an environment of inequity, exclusion, and potential harm to students and families of diverse backgrounds.

Public schools are institutions designed to serve all students, regardless of their religious beliefs. Chaplains in these schools directly contradicts the foundational principle of separation of church and state, as outlined in the Establishment Clause of the First Amendment. Such a mandate marginalizes students and families who follow different faith traditions than the Christian clerical professional likely to be found—or those who choose not to follow any religion at all. It is crucial that public schools remain neutral spaces where all students feel included and respected, not places that favor a specific religious ideology.

Beyond issues of fairness and legality, this bill also presents serious safety concerns. Given the documented history of clerical sexual abuse within religious institutions, requiring chaplains in schools could introduce additional risks to vulnerable students. Unlike professional school counselors, chaplains may not be held to the same professional ethical standards or regulatory oversight. Placing individuals in positions of authority over children without stringent safeguards is deeply irresponsible and contradicts the very mission of protecting students. Furthermore, we are all aware that background checks alone are insufficient in preventing clerical predators from gaining access to children, as history has repeatedly shown.

Additionally, the financing for this initiative comes from a fund that should be allocated to already underserved educators. Public school teachers and staff are in dire need of resources, support, and fair compensation. Diverting funds to impose religious figures in schools instead of addressing critical educational and mental health needs is a blatant misuse of public funds and a disservice to both students and educators.

Furthermore, implementing this bill would divert critical resources away from evidence-based mental health support that students desperately need. School counselors, social workers, and psychologists are trained professionals who provide essential, secular support to students struggling with academic, social, and emotional challenges. Instead of mandating religious figures, legislators should focus on strengthening mental health services in schools, ensuring that students have access to qualified professionals who can meet their needs in an inclusive and ethical manner.

Having Christian chaplains in public schools not only fosters division but also undermines the legal, ethical, and educational integrity of our institutions. I urge you to reject House Bill 1456

and instead work toward policies that promote true inclusivity, student safety, and equal access to necessary support services for all children, regardless of their religious background.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chaleigh Pedrini-Clark', with a stylized, flowing script.

Chaleigh Pedrini-Clark, PhD, NCC
Professional School Counselor
Nationally Certified Mental Health Counselor
Central Regional Education Association (CREA)
208-819-0248



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

AMERICAN ATHEISTS

225 Cristiani Street • Cranford, NJ 07016-3214
(908) 276-7300 • www.atheists.org

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,

A handwritten signature in black ink that reads "Victoria Anderson". The signature is fluid and cursive, with the first name "Victoria" written in a larger, more prominent script than the last name "Anderson".

Victoria Anderson
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

February 10, 2025

House Education Committee

Bismarck, ND

Dear Committee Members,

I would like to urge a NO vote on HB 1456, First of all, why do certain legislators in our state feel that they do not have to abide by the constitution of the United States regarding separation of church and state. In addition, the cost to cover salaries, training, oversight, and governance of school chaplains would be a significant burden to the budget. And where in the world would ND find 179 chaplains to work in the schools?

I urge you to focus on matters that will benefit students without bringing religion into our schools. There are private church schools for children to attend if the parents feel their students need that type of education.

Sincerely,

Paulette Nelson

Opposition to House Bill 1456**2/10/2025****Dear Chair and Members of the House Education Committee,**

I'm writing to strongly oppose House Bill 1456, which would allow public school districts to employ or accept volunteer chaplains to provide support to students, staff, and families. While I understand the intent behind the bill—to offer additional support to school communities—it raises serious concerns about religious neutrality, legal accountability, and the responsible use of public education resources.

The parts of this bill that trouble me the most are:

Lack of Training and Oversight: Unlike teachers, school counselors, or social workers, chaplains would not be required to meet the rigorous standards set by the Education Standards and Practices Board. That means individuals providing support to students wouldn't necessarily have training in child development, trauma-informed care, or mental health best practices. Without clear guidelines or oversight, there's no guarantee that chaplains would provide consistent, professional, or even safe guidance to students.

Limited Accountability: The bill grants chaplains legal immunity except in cases of willful harm. This drastically reduces accountability and could leave families with little recourse if a chaplain oversteps boundaries or causes harm—whether intentional or not. Schools should be places where students receive support from trained professionals, not individuals who are shielded from responsibility.

Beyond these concerns, the introduction of religiously affiliated chaplains into public schools raises serious constitutional issues. Public schools are meant to be religiously neutral so that all students—regardless of their faith or beliefs—feel welcome, included, and respected. Bringing in chaplains, who are certified by religious organizations, creates the perception (and possibly the reality) of government endorsement of certain religious beliefs. This could lead to legal challenges and further divisions in our school communities.

Even if participation in chaplain services is technically voluntary, students may still feel pressure to engage—especially in environments where adults hold influence over them. Students from different religious backgrounds, or those who don't practice any religion, might feel left out or even stigmatized. Public schools should be a place where every child feels like they belong—not where they feel excluded or subtly pressured based on their beliefs.

Finally, **this bill comes with a \$500,000 price tag**—public funds that could instead be used to address real, pressing needs in our schools. We should be investing in mental health counseling, teacher retention, and academic support programs—proven strategies that actually help students. Instead, this bill diverts resources to a program that introduces constitutional and social risks while offering little to no evidence-based benefit.

I urge you to vote against this bill and instead focus on initiatives that ensure all students receive inclusive, professional, and well-regulated support in North Dakota's public schools.

Sincerely,

Kara L. Geiger
Mandan, ND

CONCERNED WOMEN *for* AMERICA

LEGISLATIVE ACTION COMMITTEE

February 11, 2025
House Education Committee
Testimony in Support of HB 1456

Chairman Pat Heinert and members of the House Education Committee, I am Linda Thorson, State Director for Concerned Women for America of North Dakota, testifying for Concerned Women for America Legislative Action Committee. I am here today on behalf of our North Dakota members in support of HB 1456.

Concerned Women for America, the state's largest public policy women's organization, has as its mission to protect and promote Biblical values and Constitutional principles through prayer, education, and advocacy. We strongly support the provisions in HB 1456; it meets our goal of providing quality education to a level of excellence in academic achievement.

Enabling schools to hire certified chaplain volunteers to serve as trusted guides and spiritual leaders within school communities is a way to provide a healthy environment that enriches children's academic skills during a critical time of their development.

1. Educational Research Supports Mentors

- According to [leading educational researchers](#), learning environments play a significant role in student success. Enhanced learning environments include opportunities for students to talk about themselves. Communication and maintaining relationships have also been found to hold an important role for students to achieve success.ⁱ
- Comprehensive character education is "the deliberate effort to cultivate virtue."ⁱⁱ Students spend nearly 900 hours a year in school, so schools must develop [respectful environments](#) where they learn core, ethical values, and have opportunities to communicate with a trusted adult.
- Mentoring programs have been shown to have positive effects on children. Those outcomes include improved reading scores,ⁱⁱⁱ increased social competence, emotional adjustment, and a more positive self-image.^{iv}
- School counselor shortages are significantly impacting children as they struggle with their mental health at alarming rates.^v

2. Religious Liberty

- Chaplaincy programs are offered in various settings including the military, hospitals, prisons, and legislative bodies. These programs have been consistently upheld in the courts.^{vi} Students should not be prohibited from the same environment lawgivers are granted. Each day in our state, at the beginning of floor sessions of both bodies, a chaplain provides legislators with spiritual guidance through prayer.
- The [U.S. Supreme Court, in *Kennedy v. Bremerton School District*](#), ruled that a government action that advances religion does not violate the Establishment Clause. The First Amendment’s Establishment Clause does not “‘compel the government to purge from the public sphere’ anything an objective observer could reasonably infer endorses or ‘partakes of the religious.’” As the Court concluded, “Respect for religious expressions is indispensable to life in a free and diverse Republic—whether those expressions take place in a sanctuary or on a field, and whether they manifest through the spoken word or a bowed head.”^{vii}

Chaplaincy programs provide crucial support services, recognizing that many students and school personnel value the opportunity to seek support that is provided from a religious perspective.^{viii} Certified chaplains made available to help students express their feelings in non-destructive ways, could ultimately diffuse tension before it escalates into conflict.^{ix}

While schools have a long record of opening their doors to volunteer spiritual leaders when tragedies occur, HB 1456 allows certified chaplains to provide support to students and faculty on a much more regular basis to enhance learning environments.

Please vote "Do Pass" on HB 1456.

ⁱ Editorial Board, Overview of Robert Marzano’s Model of Effectiveness, (10/31/12), Resilient Educator, [Overview of Marzano’s Model of Teaching Effectiveness | Resilient Educator](#)

ⁱⁱ Lickona, Thomas (2004), Character matters: How to help our children develop good judgment, integrity, and other essential virtues. New York: Touchstone

ⁱⁱⁱ Hornery, S. (2011). Reading for life: A multi-method test of the efficacy of a volunteer-administered intervention targeting the reading skills and reading self-concept of young children with reading difficulties, University of Western Sydney, Australia.

^{iv} DuBois, D. L., Holloway, B. E., Valentine, J. C., & Cooper, H. (2002). Effectiveness of mentoring programs for youth: A meta-analytic review. *American Journal of Community Psychology*, 30, 157–197.

^v Rock, Amy, (12/18/2023) School Counselor Shortages by State and Its Impact on Students, Campus Safety, [School Counselor Shortages by State and Its Impact on Students](#)

^{vi} See *Katcoff v. Marsh*, 755 F.2d 223 (2d Cir. 1985) (upholding military chaplaincy); *Marsh v. Chambers*, 463 U.S. 783 (1983) (upholding state legislature’s practice of opening sessions with prayers by a State-employed chaplain); *Theriault v. Silber*, 547 F.2d 1279 (5th Cir. 1977) (upholding prison chaplains); *Carter v. Broadlawns Med. Ctr.*, 857 F.2d 448 (8th Cir. 1988) (upholding public hospital chaplaincy); *Freedom From Religion Found. v. Mack*, 49 F.4th 941 (5th Cir. 2022) (upholding justice of the peace’s chaplaincy and courtroom prayer program); see also *Murray v. Buchanan*, 720 F.2d 689, 690 (D.C. Cir. 1983) (upholding public funding of congressional chaplains).

^{vii} Diaz, Mario, Esq. (6/30/2022), No Freedom Without Prayer, Concerned Women for America, [No Freedom Without Prayer – Concerned Women for America](#)

^{viii} Gomez, Jorge, (03/24/2024) Volunteer Chaplains are Constitutional and Beneficial for Students, First Liberty Org., [Volunteer Chaplains in Public Schools Are Constitutional—and Beneficial for Students - News - First Liberty](#)

^{ix} National School Chaplaincy Association, (10/07/24), [A Calm Campus: How School Chaplains Promote Peace and Well-being. — National School Chaplain Association](#)

Hello

I strongly oppose having a Christian Chapelins in public School districts. 1 I feel it's s violation of the separation of church and state. 2 If a parent feels the need of this they can send their child to a private Christian school. 3 Will You provide religious figures for all other religions of the students in the school districts? Because obviously not every student is Christian



National School Chaplain Association

2025 Edition

School Chaplain Legislation Facts Sheet

- Data sources hyperlinked to keywords
- Supporting Organizations (pg. 3)
- Talking Points (pg. 4)

School chaplain legislation

is a critical and bipartisan measure to introduce school chaplains into our public schools. This initiative seeks to address the urgent challenges facing students, teachers, and schools across our state, including escalating mental health concerns, rising violence, and increasing teacher burnout.

For over 250 years, chaplains have played a vital role in shaping our nation's moral and spiritual foundation. Their ability to [provide care to individuals](#) from all walks of life—regardless of race, belief, culture, or orientation—has made them invaluable in institutions such as the military, hospitals, prisons, and corporations. Today, their unique skills are critically needed in our schools.

The Challenges We Face

- **Teacher Stress and Burnout:** According to the [National Education Association](#), teachers are experiencing unprecedented levels of stress and burnout, with many considering early retirement.
- **Mental Health Crisis:** [Violence in schools](#) continues to rise while children face record levels of [mental health](#) challenges and [hopelessness](#).
- **Shortage of Support:** Public schools lack sufficient [licensed professional counselors](#), leaving students and teachers without essential emotional and spiritual care.

The Evidence: Dr. Lisa Miller's Research

Dr. Lisa Miller, a leading researcher and clinical psychologist at Columbia University, has demonstrated through groundbreaking studies that spiritual development significantly reduces the [likelihood of mental illness](#) and destructive behavior in young people. Her research reveals that children and adolescents with a strong spiritual foundation are:

- **40% less likely to abuse substances.**
- **60% less likely to suffer from depression.**
- **80% more likely to have high resilience and emotional well-being levels.**

Chaplains trained to provide spiritual and emotional care are uniquely positioned to apply these findings in schools, fostering healthier, more resilient students and reducing destructive behaviors.

The Solution: School Chaplains

Chaplains are uniquely equipped to bridge critical gaps, offering:

- **Trauma Care and Crisis Intervention:** [Immediate support during and after critical incidents.](#)
- **Confidential, Safe Spaces:** [For students, teachers, and staff](#) to address personal challenges.
- **Enhanced School Security:** They are also trained as resource officers and possess [ancillary safety certifications](#) (Active Shooter, Stop the Bleed, Behavioral Threat Assessment) that greatly improve situational awareness and risk assessment.
- **Student Support:** Fostering better relationships, goal setting, and confidence building.

Proven Impact

As the world's largest provider of certified school chaplains, the National School Chaplain Association (NSCA) has [documented remarkable outcomes](#) in schools where chaplains are present:

- Reductions in violence, bullying, and disciplinary actions.
- Improvements in academic performance and student-teacher relationships.
- Enhanced overall school safety.

Backed by Science and Research

The benefits of chaplaincy are not anecdotal—they are supported by rigorous research. In addition to Dr. Miller's findings, a [peer-reviewed study by the U.S. Army](#) revealed that individuals receiving spiritual care demonstrated greater resilience and productivity. These findings align with the NSCA's data, highlighting chaplaincy's transformative impact on mental and emotional well-being.

A Call to Action

School chaplain legislation allows us to bring meaningful change to our schools, equipping students and teachers with the needed resources. Chaplains represent a cost-effective, impactful solution to some of the most pressing issues in education today.

Thank you for considering this vital measure.

Sincerely,



Rocky J. Malloy, CEO
rocky.malloy@campuschaplains.org
858.472.6084



SB763 – June 18th, 2023
Signed by Texas Gov. Abbott



HB931 – April 18th, 2024
Signed by Florida Gov. DeSantis



HB334 – June 19th, 2024
Signed by Louisiana Gov. Landry

STATES WITH SCHOOL CHAPLAINS



PO Box 720746, Norman, OK 73070-4574
www.NationalSchoolChaplainAssociation.org – 405.831.3299

These organizations support school chaplains.

Improved: Teacher Retention, School Safety, Graduation Rates, Grades
Decreased: Teen Pregnancies, Dropouts, Bullying, Substance Abuse
Zero: Suicides Reported after two years or more in the program



School Chaplain Facts

State School Chaplain Bills permit the option of a full-time campus chaplain.

What are the Unique Qualifications of NSCA School Chaplains?

- Trained in situational awareness and risk assessment
- Provide religious/non-religious holistic care
- Provide another layer of school security
- Safe space for teachers and students
- Liaison between staff and parents
- Acquainted with referral agencies
- Crisis intervention and support
- Represent God *not a church*
- Trained in trauma care

[Click to view 2022 Poll](#)

GALLUP 

“...people who have interacted with a Chaplain almost universally ascribe positive characteristics to that person, with **95% calling them compassionate and roughly nine in 10** recalling them being good listeners, spiritual, helpful, trustworthy, and knowledgeable.”

Key words for talking points.

DO SAY:

Chaplains are

- Certified
- Paraprofessionals
- Trained
- Qualified
- Vetted
- Cyber Secured
- Helper
- Facilitator
- Care Provider
- Trustworthy
- Confidant
- Safety Officer
- Parent Advocate
- Teacher's Friend
- Conflict Resolution
- Motivator
- Peace Maker
- Community Builder
- Advocate
- Teammate
- Skilled Responder
- Mental Health

DON'T SAY:

- Counselor
- Religious
- Pastor
- Preacher
- Priest
- Denomination
- Seminary
- Christian
- Therapist
- Theologian
- Youth Pastor
- Prayer Partner
- Church
- Elder
- Ministry
- Bible

Are Chaplains legal in public schools?

YES

The U.S. federal government employs more than 6,000 chaplains.

Will funding School Chaplains open Pandora's Box flooding our school with woke clergy?

According to U.S. Labor Statistics, 91% of Chaplains are Protestant, 7% are Catholic, and 2% are everything else.

NO



Want more info?

[Click to view legal precedent](#)

Written Testimony Opposing House Bill 1456

Date of Hearing 2/11/2025

David Gipson 1314 8th St NW APT 207 Minot, ND 58701

Members of the Legislative Assembly,

I strongly oppose HB 1456, which would allow uncertified chaplains to serve in North Dakota public schools. This bill raises significant concerns about the separation of church and state, the qualifications of those providing support to students, and the potential for religious influence in public education.

Public schools should be inclusive environments where all students, regardless of their religious background, feel safe and supported. Allowing chaplains—who are not required to be licensed educators or trained mental health professionals—to provide "support, services, and programs" creates a dangerous gray area where religious influence may be imposed on vulnerable students. This could lead to exclusion, coercion, or even harm, particularly for students from diverse faiths or non-religious backgrounds.

Furthermore, the bill provides legal immunity to chaplains except in cases of deliberate harm. This lack of accountability is alarming, especially when dealing with sensitive student issues. Counselors, social workers, and educators undergo rigorous training and certification to support students effectively. Chaplains, even if well-intentioned, do not have the same professional standards.

Rather than funding an unnecessary and constitutionally questionable program, we should invest in licensed school counselors and mental health professionals who are trained to provide evidence-based support to all students. I urge you to reject HB 1456 and prioritize resources that serve every student fairly and equitably.

Thank you.

David Gipson

1314 8th St NW APT 207

Minot. ND 58701

Written Testimony in Opposition to HB 1456

Date of Hearing: 2/11/2025

Rev. Ellery Dykeman

1840 12th St SW – Minot, ND 58701

As a Lutheran pastor here in Minot, I stand in opposition to HB 1456, requiring public school districts to be financially responsible for providing chaplains in schools.

As someone who has gone through extensive chaplaincy training to become a pastor, I am aware of the intense training and personal psychological work that goes into becoming a chaplain. I don't believe we have even remotely enough people who have done this work and could volunteer to do this professional level work in our schools. I fear we would have some people taking on this work with ulterior motives and religious agendas seeking to proselytize more than help.

Although I appreciate the desire to help students and provide trusting and safe adults to support them, it seems to me that our resources would be better spent in hiring more school counselors, who are trained and qualified to do this important work with our kids.

Again, I urge you to vote No on this bill.

Thank you for your consideration.

Rev. Ellery Dykeman

1840 12th St. SW- Minot, ND 58701

Testimony of Coach Joe Kennedy

2/10/25

Honorable Members of the North Dakota House Education Committee

Thank you for allowing me to speak today. My name is **Joe Kennedy**, and I am here to share my story—not just as a former football coach, but as someone who has fought for faith and freedom in our schools. My journey took me from the **football field** to the **Supreme Court**, and now to this room, where I stand in support of something greater than my personal case: the need for **school chaplains**.

For years, I was privileged to coach young men in **Bremerton, Washington**. Like many coaches, I saw my role as far more than drawing up plays. I was there to **guide, encourage, and support** students as they navigated the challenges of growing up. After each game, I made it a habit to kneel in prayer at midfield—a personal act of gratitude. Over time, some players noticed, a few joined in, and eventually, many of them sought me out—not just for football advice, but for **direction, wisdom, and hope**.

But rather than recognizing the **positive influence** this had on students, the school district saw it as a problem. I was told to stop, placed on leave, and ultimately pushed out of the job I loved—all because I refused to abandon a fundamental part of who I am.

For seven years, I fought in court, and in **2022, the Supreme Court ruled in my favor**, affirming that public school employees **do not have to give up their faith** in order to serve students. But this fight was never just about me. It was about every **teacher, coach, and mentor** who wants to support young people **without fear of losing their job**.

The Crisis in Our Schools

Every day, students walk into classrooms carrying **burdens far heavier than a backpack**. They face **broken families, depression, bullying, addiction, and even thoughts of suicide**. Many of them have no one to turn to. During my time as a coach, I saw firsthand how having **a trusted adult who cared about their well-being** made all the difference.

But I was just one coach, and I could only do so much. Imagine if **every school** had a chaplain—someone students could go to for **encouragement, prayer, and guidance**. Someone to remind them they are not alone. Someone to offer **strength, support, and perspective** during the most challenging moments of their lives.

The impact of chaplains in schools is undeniable. In schools where they have served, we have seen:

- ✓ **Lower suicide rates**
- ✓ **Decreased behavioral issues**
- ✓ **Higher graduation rates**
- ✓ **Greater emotional resilience among students and teachers**

These aren't just statistics. These are lives. These are **kids who need hope**. A young man struggling with anger because his dad left. A girl who's been bullied so much that she doesn't want to come to school. A teacher who's exhausted and questioning whether their work even matters. **Chaplains are there in those moments, offering support, encouragement, and faith.**

The Opportunity Before Us

When my case was decided, it was a reminder that **faith has a place in our schools**. And now, you have an opportunity to take that a step further. This **school chaplain bill** is not about forcing religion on anyone. It's about ensuring that students and teachers **who want** spiritual support have someone they can turn to.

I didn't fight for my rights just for myself—I fought for every student, teacher, and coach who believes that faith belongs in our schools. Today, I urge you to fight for them too. Passing this bill means giving students **access to encouragement, wisdom, and a source of strength** in their most difficult moments.

Let's do what is right for our children. Let's bring **faith, hope, and guidance** back into our schools.

Thank you, and may God bless you and the students of North Dakota.

Coach Joe Kennedy

Testimony on HB 1456
February 10, 2025

As a former University Professor of Educational Leadership and Dean of the College of Education and Human Development at UND, (retired) and earlier in my career an ordained United Methodist Minister, I **oppose** HB 1456.

1. The bill would allow chaplains in public schools for students from kindergarten through secondary school. While the government provides chaplains to the military, those in the military are adults. School students are minors. The sponsors of this bill do not understand the difference the role of religion plays in the lives of minors vs. that of adults. Adults are of the age of consent, legally. Minors are not. Having the government place religious chaplains in public schools is therefore clearly inappropriate and unethical, if not illegal. Students could be subjected to religious indoctrination.
2. ND is increasingly very ethnically, culturally and religiously diverse. Which religions will the school chaplains represent? This law would create confusion and controversy for students, parents, and school officials.
3. The chaplains are permitted “to provide support, services, and programs,” according to the bill. But this language is so broad and vague that the chaplains may do virtually anything they wish. For example, a chaplain could offer a “program” on creationism, which would conflict with the biology curriculum. Creationism is a religious belief about the origins of life on earth and is not based on science. What “support and services” would the chaplains provide? Counseling, even though they may not have any qualifications to do counseling?
4. If the sponsors are concerned about not having adequate support and services for students, they should authorize more funding for qualified school counselors and social workers.
5. In reality, if the bill becomes law, the vast majority of school chaplains will be Christian. Which raises the suspicion that the sponsors are advocates for Christian Nationalism, a distortion of the Christian Faith according to many Christian denominations represented in North Dakota.

Daniel Rice, Fargo (My testimony does not purport to represent the position of UND.)

Cami Jo Krueger
1031 W. Owens Ave.
Bismarck, ND 58501

February 10, 2025

Dear Chairperson Pat Heinert and Members of the House Education Committee,

I am writing to express my opposition to HB 1456, which proposes allowing chaplains to serve in public school districts. There are significant concerns about the implications of this bill for our public schools, our students, and the separation of church and state.

Public schools are a place where students of all backgrounds—regardless of their faith, beliefs, or lack thereof—should feel included and supported. Introducing chaplains into public schools risks undermining the inclusive environment we strive to maintain, as chaplains are inherently tied to specific religious perspectives. While the role of faith leaders is vital in their respective communities, public schools are not the appropriate venue for such roles.

Additionally, HB 1456 raises serious questions about fairness and equity in public education. Rather than diverting attention and resources toward creating chaplain positions, we should be focusing on recruiting and retaining qualified professionals who are trained to meet the diverse and secular needs of our student population.

Moreover, allowing chaplains in public schools risks blurring the line between church and state, a cornerstone of our Constitution. Public education is funded by taxpayers of all backgrounds, and it is critical that our schools remain neutral and inclusive spaces that respect the beliefs and rights of every family. Introducing chaplains into this setting could lead to conflicts, alienation, and legal challenges.

As a parent, my priority is ensuring that schools provide a supportive, inclusive, and equitable environment for all students. This can be achieved by investing in trained, certified school counselors, social workers, and educators who are equipped to address the academic, emotional, and social needs of children in a manner that respects the diversity of our communities.

For these reasons, I urge you to vote against HB 1456. Instead, let us focus on solutions that strengthen our schools and serve the needs of all students while upholding the principles of fairness, inclusivity, and constitutional integrity.

Thank you for your time and thoughtful consideration of this matter.

Sincerely,
Cami Jo Krueger
Cjow04@gmail.com

Milnor Public School District No. 2

530 Fifth Street | P.O. Box 369

Milnor, North Dakota 58060-0369

Phone: 701-427-5237 | Fax: 701-427-5304

www.milnor.k12.nd.us

Chris Larson, Superintendent and Activities Director

Ryan Weber, High School Principal

Theresa Wittich, Elementary Principal

1 Testimony in Opposition to HB 1456

2 Presented to the North Dakota Legislative Assembly
3 February 11, 2025

4 Chairperson Heinert, members of the committee, my name is Dr. Chris Larson and I serve as
5 Superintendent at Milnor Public School. I appreciate the opportunity to testify in opposition to House
6 Bill 1456.

7 While I respect the intent of this legislation to provide additional support for students and staff, I have
8 serious concerns about the fiscal responsibility, lack of supervision and accountability, and the potential
9 for taxpayer dollars to be directed toward an unnecessary and unproven program.

10 Misuse of Public Funds

11 HB 1456 proposes to allocate **\$500,000 from the general fund** to support salaries, training, and
12 oversight of school chaplains. While the bill states that **no single district may receive more than**
13 **\$200,000**, there is no clear justification for this spending, nor is there an outlined system for how this
14 money will be distributed fairly among schools.

15 At a time when **public schools are struggling with budget constraints**, this funding would be far
16 better spent on **proven, evidence-based student support programs**.

- 17
- 18 • We already have trained school counselors, social workers, and mental health professionals who
19 are qualified to provide support to students. Instead of funding a new category of personnel, the
20 state should be increasing resources for existing staff and programs that are trained to address
21 student mental health and well-being.
 - 22 • This bill does not define how chaplains will be trained, supervised, or evaluated, yet taxpayer
23 dollars will be used to fund their salaries and oversight. There is no mechanism to ensure that
24 this money is being spent effectively or that students are receiving the best possible care.
 - 25 • There is no accountability for outcomes. If we are investing public funds into a program, there
26 should be clear metrics for success. The bill does not outline how the effectiveness of school
27 chaplains will be measured, who will be responsible for oversight, or how results will be
reported to the public.

28 Lack of Supervision and Accountability

29 One of the most alarming aspects of HB 1456 is that it exempts school chaplains from professional
30 licensing requirements.

Milnor Public School District No. 2

530 Fifth Street | P.O. Box 369

Milnor, North Dakota 58060-0369

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www.milnor.k12.nd.us

Chris Larson, Superintendent and Activities Director

Ryan Weber, High School Principal

Theresa Wittich, Elementary Principal

- Chaplains do not have to be licensed by the Education Standards and Practices Board, meaning they are not subject to the same professional or ethical standards as school counselors or mental health professionals.
- The bill does not require school chaplains to report to a supervisor within the school district or adhere to standardized confidentiality and student safety protocols. Without a clear chain of accountability, how can we ensure chaplains are operating in the best interest of students?
- There is no disciplinary process outlined. If a school counselor, teacher, or administrator engages in misconduct, there are clear procedures for disciplinary action. What process exists for a chaplain who oversteps professional boundaries? The bill is silent on this issue.
- The bill limits liability for chaplains, stating that they cannot be sued unless they act "maliciously, willfully, and deliberately" to harm, harass, or intimidate. This creates a dangerous loophole in which chaplains can act without the same level of accountability as licensed professionals.

Missed Opportunity for Responsible Investment

Instead of funding a program with no clear oversight, no required professional qualifications, and no accountability for results, the Legislature should focus on strengthening existing student support services that already have proven success:

- Invest in school counselors and social workers who have the expertise to support students in a safe, professional, and secular manner.
- Expand mental health resources in schools through funding for behavioral health specialists, school psychologists, and trauma-informed programs.
- Ensure taxpayer dollars are spent on initiatives that provide measurable benefits to all students, rather than introducing a new category of personnel with unclear responsibilities and qualifications.

Conclusion

HB 1456 lacks fiscal responsibility, adequate oversight, and necessary accountability measures. It proposes spending public funds on a program that is vague, unregulated, and redundant, given the existing student support professionals in our schools.

For these reasons, I urge the committee to **vote NO on HB 1456** and instead prioritize funding for **proven student support initiatives** that directly contribute to student success.

Thank you for your time and consideration. I welcome any questions from the committee.

Milnor Public School District No. 2

530 Fifth Street | P.O. Box 369

Milnor, North Dakota 58060-0369

Phone: 701-427-5237 | Fax: 701-427-5304

www.milnor.k12.nd.us

Chris Larson, Superintendent and Activities Director

Ryan Weber, High School Principal

Theresa Wittich, Elementary Principal

1 Respectfully submitted,

2

3 Dr. Chris Larson

4 Superintendent

5 Milnor Public School

6 Chris.larson@k12.nd.us

Sixty-ninth North Dakota Legislative Assembly
House Education Committee
H.B. 1456
February 11, 2025



P.O. Box 1190
Fargo, ND 58107
701-404-7269
aclund.org

Chair Heinert, Vice Chair Schreiber-Beck, and members of the Committee:

On behalf of the ACLU of North Dakota, I submit testimony in opposition of House Bill 1456 relating to school chaplains in public school districts due to its violation of the constitutional rights of students in the First Amendment, Establishment Clause, and protections of the North Dakota Constitution under Article I, Section 3.

The U.S. Constitution protects the right of public-school students to attend a learning environment free from the imposition of religion, evangelization, or religious coercion by school employees. As enshrined in the First Amendment, religious freedom includes two complementary protections: the right to religious belief and expression and a guarantee that the government neither prefers religion over non-religion nor favors particular faiths over others. These dual protections are intended to work hand in hand, allowing religious liberty to thrive, safeguarding both religion and government from the influences of the other. The right to practice religion, or no religion at all, is among the most fundamental of the freedoms guaranteed by the Bill of Rights.

Our state constitution's protections align with the First Amendment ensuring that students in North Dakota have the right to freely practice their religion without government interference or discrimination:

"The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall be forever guaranteed in this state. Nor shall any person be compelled to attend, erect, or support any place of worship, or to maintain any ministry, against his consent. No human authority can, in any case or manner whatsoever, control or interfere with the rights of conscience."

(ND Constitution, Article I, Section 3)

Paid or volunteer chaplains in North Dakota's public schools will undermine this fundamental constitutional principle and make our schools unwelcoming environments for students who may hold different religious beliefs and values than their school's official chaplain. Courts have repeatedly ruled that it is unconstitutional for public schools to invite religious leaders to engage in religious activities with students or to promote religious doctrine to them.

Furthermore, the government is generally prohibited from hiring clergy. Courts have upheld the constitutionality of government-provided chaplains only in very limited settings where they are needed to accommodate the religious-exercise rights of people who would otherwise be unable to access religious services—for example, in prisons, public hospitals, or the military—or where chaplains have played a unique historical role in a particular setting, such as in congress or legislatures. Neither circumstance applies to public schools. Public-school students have broad access to religious services and clergy in their communities and through their families.

In specially designating chaplains for critical student-support roles and exempting them from the training and certification requirements that apply to school counselors, teachers, and

other educational professionals, this bill violates the Establishment Clause by creating an unconstitutional preference for religion over nonreligion.

This concern goes beyond constitutional violation. Authorizing school chaplains in public schools could create liability for school districts. Once a school district allows school chaplains, it cannot turn away chaplain volunteers based on the faith or religion they represent. Schools that do so and decline to accept chaplains of minority religions, even controversial ones like the Satanic Temple, will open themselves to potential litigation.

Additionally, while the bill seeks to provide legal immunity to chaplains for their actions or statements made while in employment or voluntary service, liability may remain open for any harm resulting from allowing unlicensed, uncertified, and untrained individuals to provide mental health services or other services to students. Due to the substantial liability risks for school districts, this bill is financially irresponsible. School funding should be devoted to improving students' educational experiences and outcomes, not defending lawsuits filed due to unwise and unconstitutional legislation and policies.

Across North Dakota, families practice a wide variety of faiths, and many are nonreligious. All students should feel welcome in our public schools. Even well-intentioned chaplain policies will undermine the fundamental premise of our public-education system and violate our First Amendment principles and state religious protections. Our students deserve staff, programs, and funding that do that do not involve unconstitutional school-sponsored religion.

The ACLU of North Dakota urges a “do not pass” on HB1456.

Submitted by:
Cody J. Schuler
Advocacy Manager, ACLU of North Dakota
ND Lobbyist #367
cschuler@aclu.org

Chaplains Help

Proven and Successful Projects in Schools

1. Crisis Intervention and Support

- Coordinated a suicide hotline, posted signage, and found resources for those in need.
- Overheard a threat of violence and intervened (potentially saving lives).
- Helped find a funeral director, care, and meals during the death of a teacher's spouse.
- Bought a headstone for a deceased student whose family had no funds and helped with funeral expenses.

2. Poverty and Essential Needs

- Organized "meals on wheels" in an impoverished school.
- Worked with local non-profits and churches to find backpacks for students.
- Found proper health-approved apparel, such as slip-proof shoes, for students with after-school jobs.
- Fed 60 families Thanksgiving dinners with donated turkeys and coordinated volunteers.
- Worked with local charity to find "coats for kids."
- Found furniture for families in need.
- Found a local food distributor to donate fruit bags.

3. Teacher and Staff Appreciation

- Organized an "extreme teacher lounge makeover" with \$65,000 in donations, supplies, and furnishings.
- Organized a "teacher appreciation luncheon/day" with local business sponsors and had students wash teachers' cars.
- Solicited a coffee company to donate premier coffee for the teachers' lounge.
- Sent flowers to teachers on Valentine's Day by reaching out to local retailers.
- Organized a "Styling Day" with local salons and barbershops donating services for teachers.
- Organized a "custodian and bus drivers appreciation day" banquet.
- Brought in a special appreciation gift/dessert for school cooks during National Restaurant Week.
- Gave rookie teachers a "welcome gift" each year.

4. Student Support and Mentorship

- Found sponsors and discounts for prom dresses and tuxedos.
- Organized an annual Christmas party with gifts and essentials for special needs students.
- Organized after-school pizza parties for late pick-up students.
- Coordinated immigration and translation help for students.
- Organized a monthly "Donuts and Dads" event.
- Helped organize transportation from local churches for parents to attend a playoff game.



Chaplains Help

Proven and Successful Projects in Schools

continued

5. School and Community Events

- Hosted a first-ever post-graduation party with large attendance and prizes.
- Organized a sports banquet, a first for the school.
- Organized a business lunch for CEOs and managers served by culinary students.
- Invited military veterans to speak on Veterans Day.
- Organized a Police Day with attendance prizes and skits, inviting the police chief and other officers.
- Brought in guest speakers, including business leaders, mentors, professional athletes, and celebrities.
- Hosted a talent show in collaboration with band/music teachers, with prizes including studio time and Grammy tickets.

6. Resource and Funding Coordination

- Found alumni to adopt/sponsor underprivileged students.
- Found funding for new sports equipment through churches and non-profits.
- Found band and music equipment for underprivileged students.
- Helped find a marriage officiant and other wedding essentials for a teacher.
- Coordinated furniture donations for families in need.
- Organized discounts, sponsors, and logistics for community and school resources, such as fruit bags for students.

7. School Spirit and Recognition

- Honored a "family of the year" for volunteerism within the school.
- Organized a parent-teacher social event.
- Organized a career fair to support student career development.
- Worked with ROTC to organize tributes for teachers and coaches who are military veterans.

This categorized structure provides a clear overview of chaplain support areas, focusing on intervention, appreciation, support, and community engagement. Each category reflects how chaplains impact students, staff, and families in non-religious ways.





National School Chaplain Association

1/30/2025

Dear Representative SuAnn Olsen,

3-Minute Testimony

I am Rocky Malloy, the founder and CEO of the National School Chaplain Association. Over the past 28 years, we have provided certified professional school chaplains to public, private, and charter schools. Our certified chaplains service 35,000 schools. Based on our data, which encompasses more than 30 million people being serviced by our chaplains and over 35,000 schools, I present the following.

1. Mental Health Support for Students and Staff

The rise in mental health challenges among K-12 students in our nation is undeniable. Anxiety, depression, and suicidal ideation have increased sharply, making schools the first line of defense. School chaplains provide essential emotional and spiritual support, complementing professional counseling services. Unlike therapists, chaplains offer holistic care, providing a safe space for students and staff to share concerns without judgment. Dr. Lida Miller, a leading expert in mental health and spiritual care, has provided compelling evidence that spiritual support significantly reduces anxiety and depression. Her research indicates that the absence of spiritual care in schools correlates with increased mental health disorders. At the same time, the presence of chaplains fosters resilience and emotional well-being, preventing more severe psychological issues.

Chaplains are clergy trained to work in secular environments who often help faculty, staff, students, and their families before problems escalate, reducing the burden on overworked mental health professionals.

2. Character and Moral Development

Schools play a key role in shaping not only students' academic abilities but also their moral character. Chaplains promote empathy, respect, and integrity through mentoring, group discussions, and school events. Their influence extends beyond individual interactions, fostering a culture of kindness and accountability. The impact of chaplaincy demonstrates remarkable outcomes:

- Up to **80% reduction in teen pregnancies**
- **37% increase in graduation rates**
- Dramatic reductions in **school violence and domestic violence**



PO Box 720746, Norman, OK 73070-4574
www.NationalSchoolChaplainAssociation.org • 405 831 3299

- **No suicides** in schools with chaplains present for two or more years.

These outcomes show chaplains are critical in guiding school communities toward positive life choices and healthy relationships. By promoting strong character and positive behaviors, chaplains help create a safer and more supportive school environment where students can thrive academically and personally.

3. School Safety and Preemptive Measures

School safety is a primary concern for communities across the country. Chaplains enhance school safety by operating proactively and taking action before a crisis arises—what the military calls working "left of bang." Rather than responding to violence or emergencies after they occur ("bang"), chaplains focus on building trust and identifying issues early, preventing them from escalating into crises.

The foundation of this proactive approach lies in the unique relationships chaplains develop with students and staff. Chaplains create an environment where students feel safe discussing personal challenges, such as bullying, anger, or family problems. This trust gives chaplains critical insight into potential risks and allows them to intervene early through counseling or mediation. As a result, schools with chaplains report fewer incidents of bullying, violence, and self-harm.

Chaplains' ability to "operate left of bang" by addressing problems before they turn into emergencies is a key reason for increased safety and reduced violence in the schools they serve. Their ongoing presence and relational approach make chaplains uniquely qualified to address crises, creating a safer learning environment preemptively.

4. Crisis Intervention and Grief Counseling

When crises do occur—whether due to the sudden death of a student, a family tragedy, a natural disaster, or a traumatic community event—schools often struggle to provide long-term emotional support. Chaplains offer immediate care and sustained follow-up, ensuring that students and staff receive the comfort and guidance they need during difficult times. Their ability to offer grief counseling, prayer (for those who desire it), and emotional support helps schools maintain stability during such moments. Unlike temporary crisis response teams, chaplains provide continuous care based on trust and relationships, which are crucial for long-term healing and recovery.

Conclusion

Funding school chaplains is a strategic investment in community well-being, safety, and community resilience. Chaplains fill critical gaps in mental health care, foster character development, enhance safety by operating proactively, and offer invaluable support during crises. The data from our schools with chaplains is clear: reductions in teen pregnancies,

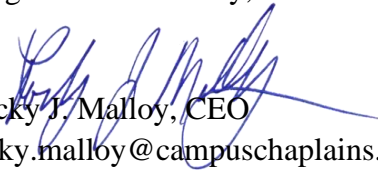
increased graduation rates, improved safety, and the absence of suicides demonstrate that chaplains make a measurable, positive difference.

As public education faces growing pressures, school chaplaincy offers a proven solution to create healthier, more resilient learning environments. Supporting this initiative ensures that students are prepared academically and emotionally supported, morally grounded, and part of a safer, more compassionate school community.

School chaplains provide parents with a campus advocate. Somebody they know is watching out for their child's best spiritual and social interest. The most important thing to a parent is that their children come home safe at the end of the school day.

Your investment in school chaplains is an investment in a better future for students, schools, and society.

Kingdom and Country,



Rocky J. Malloy, CEO
rocky.malloy@campuschaplains.org
858.472.6084

HB 1456: School Chaplains
House Education Committee
February 11, 2025
Presented by Rep. SuAnn Olson

Mr. Chairman and members of the committee, I am excited to bring you HB 1456 which is a bill for school chaplains in either an employed or volunteer capacity. I first heard about school chaplaincy programs about a year and half ago from the National School Chaplain Association. The CEO, Rocky Malloy, explained that in schools where they have had a chaplain in place for two or more years, there had been NO suicides among the more than 35,000 schools and 30 million people they served. NONE. I got chills. We could save lives. In 2023, the most recent year that we have data, 15 ND teens committed suicide. Another 34 were in their 20s. Both are age groups that can be significantly impacted by a school chaplain program.

Here's a summary of the bill:

HB 1456 adds a new chapter to NDCC 15.1-07.

Section 1, Line 7 explains that a certified chaplain must either be certified by a national or state chaplaincy organization or be ecclesiastically endorsed by a religious organization.

Line 9 explains that a school may employ or utilize a volunteer chaplain.

Lines 12-19 states that a chaplain does not need to be licensed as a teacher but must undergo a background check and of course not be required to register as a sex offender.

Line 20 states that a cause of action does not arise for action or statements made while providing chaplain services unless the action or statement was malicious, willful and deliberately intended to cause harm.

Section 2 of the bill provides for a pilot program for at least 3 school districts so that we can get a few chaplaincy programs off the ground. My goal is that the program will be so fantastically successful that other schools will want to jump on board. Success will mean that teacher retention goes up, classroom disruptions are minimized, and children thrive.

We had a last minute change of plans as two incredibly qualified people were on deck to speak to you in person about chaplains and why they are important in the school setting, but the White House called them over the weekend and wanted them in Washinton DC for a meeting with the newly

formed Faith Office that President Trump is setting up to discuss, among other things, the very topic of our bill today.

Chaplain (Major General) Tom Solhjem USA Ret., who was going to appear today, has submitted testimony and it has been handed out. First, he gives us a good history of religious freedoms, going back to Thomas Jefferson's letter to the Danbury Baptists regarding their concern over one national religion. The true meaning of the separation of church and state is to ensure that the government does not establish a national religion or interfere with individuals' right to practice their faith. He walks us through the various court cases that began in the 1960s and goes on to discuss the Kennedy vs Bremerton School District that was decided in 2022. This case upended what had become known as the "Lemon test" and asserts that the "establishment clause" must be interpreted by reference to historical practices and understandings.

Chaplain Solhjem goes on to summarize the conclusions that are found in two books by noted author and clinical Psychologist, Dr. Lisa Miller, who also got called to the White House. Her two landmark books are *The Spiritual Child* and *The Awakened Brain*. Dr. Miller's research finds that we are inherently, genetically spiritual and that genetic expression of spirituality surges in adolescence. Dr. Miller and her team studied generations of depressed and non-depressed women, their children and grandchildren and took MRIs of their brains. When they collated the data, they discovered that the composite brain of participants with sustained, high spirituality looked vastly different from the low spiritual brain. The high spiritual brain was thicker and stronger in exactly the same regions that weaken and wither in depressed brains.

A strong spiritual core, a personal faith or belief shared with others is like a vaccine. Those with a strong spiritual core are 80% more protected against substance abuse, 60% protected against major depressive disorders, 65-80% more protected from the risk of suicide.

Members of the committee, this bill isn't only about the students. In my Judiciary committee, we heard testimony a few weeks ago about the difficulty schools are having with what the person termed "ungovernable" children. What we've been doing hasn't been working very well. And this has created a strain on teachers. My daughter in law served as a long-term substitute high school teacher this fall. She concurs. The last day couldn't

come soon enough. The National Education Association reports that "teacher burnout" is real; that teachers can feel like they're not doing enough for their students; that they can be overwhelmed by a lack of support. Chaplains are there for them too. In fact, supporting teachers and other staff is a major role for chaplains. Children will do better if their teachers are supported.

I want to direct your attention to the packets that have been distributed. The packet contains a fact sheet, an explanation of the role of chaplains, several pages devoted to the constitutionality of Chaplains, questions and answers, and Model Policies.

We have some very qualified people to talk about school chaplains today via video. The first will be Joe Kennedy, of the Supreme Court case Kennedy vs. Bremerton School District, Next will be Jim Schmidt, then Johnny Davis, both with the National School Chaplains Association and finally Bill Alexson, Chaplain for the NBA.

They can answer many of your questions, so I'd like to defer to them. I will stay in the room and will be happy to answer questions later if you would like.

I respectfully urge you to give HB 1456 a DO PASS recommendation. Thank you.

Chairman, Rep. Patrick Heinert
Members of the ND State Education Committee

Thank you for this opportunity to share my comments with your Education Committee. By way of introduction, I am deeply committed citizen of this great country, a North Dakota native, and servant of God and Country. As a steward of 49 years in the Army, 36 as a chaplain, culminating as the US Army's Chief of Chaplains, it is my aim to assist the federal government, states, local municipalities, institutions, and organizations in developing a model for chaplaincy that builds on a constitutional foundation of free exercise of religion, religious pluralism coupled with evidenced based science and research on spiritual life, faith and belief, shared in community to produce better healthy life outcomes and citizens.

The purpose of my comments today are to show the strongest support for placing properly trained chaplains who understand the importance of religious pluralism and free exercise in schools. First, I want to address points of misunderstanding as it relates to the constitution, law, and policy. Secondly, the critical importance of daily spiritual life, faith and belief shared in community with others, based on evidenced based science, to healthy positive outcomes for our nation's schools and communities. Lastly, what the chaplaincy is and is not. What makes this challenging is the bias, intolerance, and discrimination against religious and spiritual integration in the public square. We do this at our own peril.

1. Several recent Supreme Court cases regarding religious freedoms, liberties, and free exercise are reshaping the relationship of religion and spiritual life in the public square.

The wall of separation between Church and State is not in the constitution. It was referenced from Thomas Jefferson's letter to the Danbury Baptist's concern over one national religion. The true meaning of the separation of church and state is to ensure that the government does not establish a national religion or interfere with the individuals' rights to practice their faith. This principle, rooted in the First Amendment, aims to protect religious freedom while allowing personal beliefs to inform political views without government intervention.

Supreme Court cases, under pressure to be more inclusive, beginning in the 1960's began a trend without historical precedence in law to favor the establishment clause at the expense of free exercise in public education. Engel vs. Vitale (1962) and Abington School District vs. Schempp (1963) are examples of dismantling long standing practices of prayer in school or school related events. The Supreme Court for nearly four decades used the three-pronged Lemon test (Lemon vs. Kurtzman, 1971) to evaluate whether a law or governmental activity violated the establishment clause of the First Amendment.

However, by 2022, the court abandoned the test as a way to measure compliance with the First Amendment's prohibition on government "establishment of religion." In 2022 in Kennedy v. Bremerton, a case involving a high school football coach's group post-game prayers, the authoring Supreme Court justice, Justice Neil Gorsuch, ruled instead that the establishment clause "must be interpreted by 'reference to historical practices and understandings.'" Gorsuch believed that the lower courts had created a "vice between the Establishment Clause on one side and the Free Speech and Free Exercise Clauses on the other."

He associated such conflict with the three-part Lemon test which was ruled unconstitutional. To date several states are joining to gather to reestablish historical practices and understandings under the constitution as it relates to establishment and free exercise. The Chaplain Act or Chaplain in Schools is gaining national approval based in the constitution, law, and policy.

2. Spiritual life embrace coupled with a personal faith and beliefs shared in community with others is the most proven protective factor of anything in the clinical sciences. Evidenced-based scientific research shows the importance of spiritual integration, faith and belief, in adolescence and emerging adults are critical elements of healthy human functioning.

Daily spiritual life development and personal faith integration are key components to health, well-being, and positive life outcomes. Research and surveys show that over 90% of Americans see themselves as spiritual, 70% as religious and religious but less so with GEN Z, and 10% neither religious or spiritual. This generation is however searching for meaning and purpose that institutions are failing to provide so they are pursuing it through social media.

Evidenced base science and research data shows that nothing in the social sciences is as protective, preventive or predictive of healthy life outcomes than a daily religious and spiritual practice that strengthens a person's core and shapes healthy development throughout one's lifetime. Scientific evidence based research shows that we are born spiritual (30% innate and 70% environment), Temperament is 50/50, and IQ is 60/40.

A strong spiritual core, a personal faith or belief shared in community with others breaks down as follows: 80% more protective against substance dependence and abuse; 60% protective against Major Depressive Disorder "Build Muscle"; 70% protective against risk taking; 65-80% decreased relative risk for suicidality & more % with a religious foundation. The cultural misdiagnosis of soaring mental health issues is really a depleted spiritual core which leads to unhealthy physical, mental, and emotional outcomes. You can't keep doing the same thing expecting a different result.

As the Army Chief of Chaplains, I lead an Army-wide holistic health effort in concert with the Army Surgeon General and Chief of Behavioral Health to educate the Army's people on spiritual readiness. The very successful Spiritual Readiness Initiative work with Army leaders, chaplains, soldiers, medical providers, behavioral health, and families etc. brought significant change and improved Army-wide readiness. Observed was a decrease in suicides, substance abuse, respect for others etc. and improved human performance and functioning. Of note this was in the midst of COVID. The integration of the spiritual and faith pillars in the Army demonstrated positive proof that developing spiritual readiness and religious pluralism are critical components to individual and organizational cohesion, teamwork, respect for others, relational and ethical decision-making, and healthy life outcomes.

3. Chaplain integration in K-12, working with parents/guardians, teachers, administrators, superintendents, and communities are critical components to holistic health in our culture. Meaningful professional

chaplain integration in K-12 provides everyone a safe confidant, early warning of negative behaviors such as suicide, suicidal ideation, depression, anxiety, substance abuse, relational dysfunction, bullying, and misuse of social media just to name a few. Chaplains help shape the educational environment with enhanced moral and ethical decision-making, relational ethics, judgment, treatment of others, improved student functioning, academic outcomes, and respect for authority with a greater sense of meaning and purpose often missing in our nation's youth. The right chaplains coupled with evidenced based science on spiritual life and faith/belief efficacy on human thriving and healthy outcomes in adolescence, youth, emerging adults, and adults is sorely needed in our nation's educational system.

The implementation of a chaplain program requires professional training, certification, and credentials by recognized religious institutions that is caring, others focused, religiously pluralistic, promotes spiritual well-being, inclusive of those who are religious and those who are not, and strengthens the community. Chaplaincy does not promote a particular religious group or faith tradition but the constitutionally protected practice of free exercise seen in religious pluralism. Religious pluralism and free exercise are critical components to the foundations of religion and the chaplaincy historically in America.

Chaplains support (perform or provide) the holistic integration of spiritual life, care, confidential counsel, prayer, advisement, and religious practices just to name a few for the entire school system, families, and community of those with a faith practice or no faith affiliation at all. They are educated, trained, certified, and ecclesiastically endorsed religious professionals focused on the spiritual well-being of all individuals who by their very nature are . This also includes personal religious practices and beliefs that chaplains are uniquely qualified to understand, address, deliver or coordinate.

The entire school system and community benefits from and is healthier for the integration of chaplains. This includes but is not limited to: students, teachers, faculty, staff, administrators and superintendents families/guardians, and the local community. Evidenced-based science and research highlights the spiritual pillar as the hub for physical, mental, emotional, and relational healthy outcomes we see in people and most importantly in the development of our nation's youth. It is the most important protective factor know in the clinical sciences. A strong spiritual core, coupled with a personal faith and belief, shared in community with others are the most preventive and protective factors know to combat against harmful behaviors such as substance abuse, suicide/ideation, depression, anxiety, bullying, and how we treat others relationally. Our schools are failing to daily develop the spiritual core. The result is generations of youth that lack a real sense life meaning and purpose, optimism, grit, gratitude, forgiveness, resilience, and the ability to persevere in times of trail or struggle. They would rather quit than fail. An ever increasing sense of entitlement with no consequences for poor ethical or moral decision-making. We now have a culture that is largely religiously illiterate, spiritually non-conversant, morally fractured, lacking in civility towards its fellow citizens and soulmates.

This is a time for action. The inaction of the last decades has produced a real decline in the overall healthy life outcomes, values and, morals of the American youth and our Nation.

VR,

Tom Solhjem

Chaplain (Major General) USA, Retired

ND Suicide Data per hhs.nd.gov/health/NDSDO

hhs.nd.gov/health/NDSDO

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Individuals in crisis can call, text or chat with the 988 Suicide and Crisis Lifeline. Call or text 988, or chat at 988lifeline.org.

Dashboard

Overview Demographics Mortality Trends Mortality Rates Toxicology ESSENCE

North Dakota Suicide Overview (Data Source : NDVDRS (2019-2023))

September 2024
Last Updated

North Dakota Violent Death Reporting System (NDVDRS):

Suicide fatality data presented in this dashboard is obtained through the North Dakota Violent Death Reporting System (NDVDRS). NDVDRS is a state-based surveillance system that collects data on all violent deaths, including suicides. Data is collected from a variety of sources including death certificates, coroner/medical examiner reports, law enforcement reports, crime laboratory reports, and toxicology results. This data is linked together to provide a clearer picture of the circumstances surrounding suicide deaths.

The numbers include all deaths where the injury occurred in ND and is not dependent on ND residency. Therefore, these numbers will not match ND Vital Records data.

Note: The years that have '*' in their suffix is preliminary data.



Individuals in crisis can call, text or chat with the 988 Suicide and Crisis

2023* Suicide Deaths

146
(Statewide)

2022 Suicide Deaths

184
(Statewide)

2021 Suicide Deaths

166
(Statewide)

2020 Suicide Deaths

147
(Statewide)

Use the dropdown box to select the year of interest or hold the Ctrl key and click to select more than one year.

Death Year

2023*

Click on a button below to see the different graphs

Suicides by County

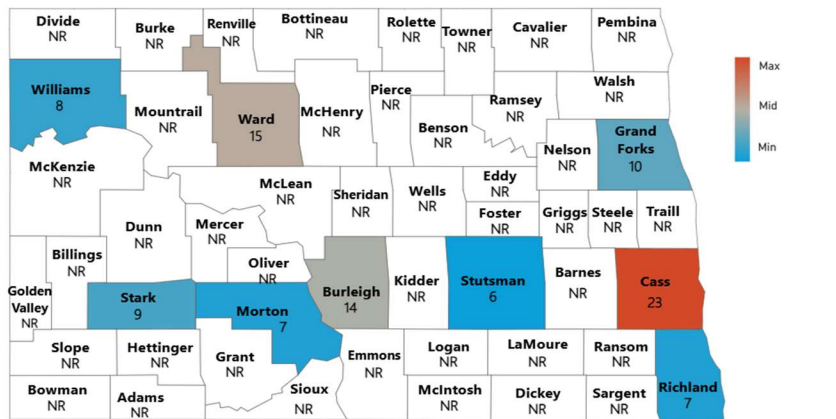
Suicides by Age Group

Suicides by Race

Suicides by Sex

Suicides by County Rate

Suicides by County



Note: Years that have an '*' are preliminary data. NR - Not Reportable (HHS does not report numbers that are less than 6)

North Dakota Suicide Demographics (Data Source : NDVDRS (2019-2023))

779,094

ND Population (Census 2020)

Use the dropdown box to select the year of interest or hold the Ctrl key and click to select more than one year.

Death Year

2023*

Click on a button below to see the different graphs

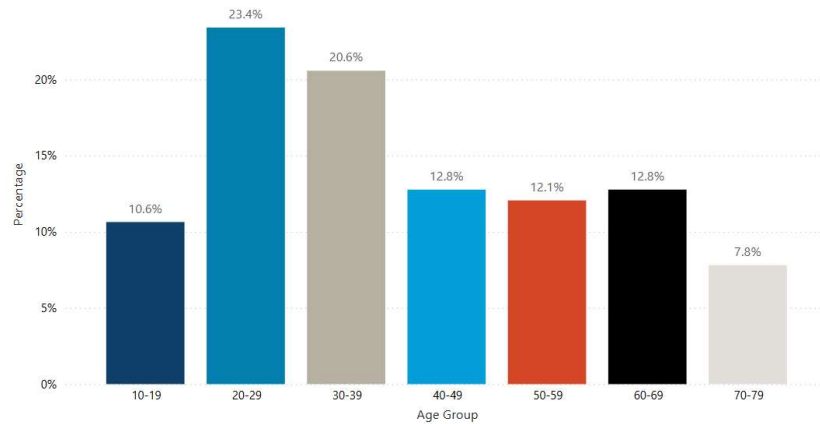
Suicides by County

Suicides by Age Group

Suicides by Race

Suicides by Sex

Suicides by Age Group



The people behind the statistics:

15 34 30 19 18 19 11

SCHOOL CHAPLAIN INFORMATION PACKET

Legislative Edition 2.3

DIGITAL VERSION



SCAN HERE

NSCA

National School Chaplain Association

P.O. Box 720746, Norman OK

73070-4574 (405) 831.3299

info@campuschaplains.org



School Chaplain Legislation Facts Sheet

- Data sources hyperlinked to keywords
- Supporting Organizations (pg. 3)
- Talking Points (pg. 4)

School chaplain legislation

is a critical and bipartisan measure to introduce school chaplains into our public schools. This initiative seeks to address the urgent challenges facing students, teachers, and schools across our state, including escalating mental health concerns, rising violence, and increasing teacher burnout.

For over 250 years, chaplains have played a vital role in shaping our nation's moral and spiritual foundation. Their ability to [provide care to individuals](#) from all walks of life—regardless of race, belief, culture, or orientation—has made them invaluable in institutions such as the military, hospitals, prisons, and corporations. Today, their unique skills are critically needed in our schools.

The Challenges We Face

- **Teacher Stress and Burnout:** According to the [National Education Association](#), teachers are experiencing unprecedented levels of stress and burnout, with many considering early retirement.
- **Mental Health Crisis:** [Violence in schools](#) continues to rise while children face record levels of [mental health](#) challenges and [hopelessness](#).
- **Shortage of Support:** Public schools lack sufficient [licensed professional counselors](#), leaving students and teachers without essential emotional and spiritual care.

The Evidence: Dr. Lisa Miller's Research

Dr. Lisa Miller, a leading researcher and clinical psychologist at Columbia University, has demonstrated through groundbreaking studies that spiritual development significantly reduces the [likelihood of mental illness](#) and destructive behavior in young people. Her research reveals that children and adolescents with a strong spiritual foundation are:

- **40% less likely to abuse substances.**
- **60% less likely to suffer from depression.**
- **80% more likely to have high resilience and emotional well-being levels.**

Chaplains trained to provide spiritual and emotional care are uniquely positioned to apply these findings in schools, fostering healthier, more resilient students and reducing destructive behaviors.

The Solution: School Chaplains

Chaplains are uniquely equipped to bridge critical gaps, offering:

- **Trauma Care and Crisis Intervention:** [Immediate support during and after critical incidents.](#)
- **Confidential, Safe Spaces:** [For students, teachers, and staff](#) to address personal challenges.
- **Enhanced School Security:** They are also trained as resource officers and possess [ancillary safety certifications](#) (Active Shooter, Stop the Bleed, Behavioral Threat Assessment) that greatly improve situational awareness and risk assessment.
- **Student Support:** Fostering better relationships, goal setting, and confidence building.

Proven Impact

As the world's largest provider of certified school chaplains, the National School Chaplain Association (NSCA) has [documented remarkable outcomes](#) in schools where chaplains are present:

- Reductions in violence, bullying, and disciplinary actions.
- Improvements in academic performance and student-teacher relationships.
- Enhanced overall school safety.

Backed by Science and Research

The benefits of chaplaincy are not anecdotal—they are supported by rigorous research. In addition to Dr. Miller's findings, a [peer-reviewed study by the U.S. Army](#) revealed that individuals receiving spiritual care demonstrated greater resilience and productivity. These findings align with the NSCA's data, highlighting chaplaincy's transformative impact on mental and emotional well-being.

A Call to Action

School chaplain legislation allows us to bring meaningful change to our schools, equipping students and teachers with the needed resources. Chaplains represent a cost-effective, impactful solution to some of the most pressing issues in education today.

Thank you for considering this vital measure.

Sincerely,



Rocky J. Malloy, CEO
rocky.malloy@campuschaplains.org
858.472.6084



SB763 – June 18th, 2023
Signed by Texas Gov. Abbott



HB931 – April 18th, 2024
Signed by Florida Gov. DeSantis



HB334 – June 19th, 2024
Signed by Louisiana Gov. Landry

STATES WITH SCHOOL CHAPLAINS



PO Box 720746, Norman, OK 73070-4574
www.NationalSchoolChaplainAssociation.org – 405.831.3299

US INSTITUTIONS & GOVERNMENT DATA

US Government & National Educator Association Data

US Public Schools Problems

1. **Educator Burnout - Record Rates of Teacher Resignations:** <https://www.nea.org/about-nea/media-center/press-releases/nea-survey-massive-staff-shortages-schools-leading-educator-burnout-alarming-number-educators>
2. **Rising Mental Health Issues Among Youth:** <https://www.cdc.gov/mmwr/volumes/71/su/su7103a3.htm>
3. **Licensed Professional Counselor Shortages in US Public Schools:** <https://www.charliehealth.com/research/most-states-have-a-school-counselor-shortage>
4. **Rising Levels of Violence in US Public Schools:** <https://nij.ojp.gov/topics/articles/what-do-data-reveal-about-violence-schools>
5. **Epidemic Levels of Hopelessness Among Students:** <https://www.usnews.com/news/health-news/articles/2022-08-15/data-shows-increases-in-students-feeling-sad-or-hopeless>

Peer-reviewed studies

School Chaplaincy Solutions

1. **Chaplaincy added to the US Army's Spiritual Readiness Initiative for Mental Health (USARMY):** https://www.army.mil/article/249985/chaplains_initiative_aims_to_strengthen_spiritual_readiness
2. **The Mental Health Benefits of Religion and Spirituality (National Association of Mental Illness):** <https://www.nami.org/Blogs/NAMI-Blog/December-2016/The-Mental-Health-Benefits-of-Religion-Spiritual>
3. **Religious Education Contributes to Adolescent Mental Health in School Settings (International Journal of Mental Health Systems):** <https://ijmhs.biomedcentral.com/articles/10.1186/s13033-019-0286-7>
4. **Adolescents who Practice Religion On A Regular Basis Do Better in School (Stanford):** <https://ed.stanford.edu/news/religiously-engaged-adolescents-demonstrate-habits-help-them-get-better-grades-stanford-scholar>

The Unique Role of School Chaplains

Spiritual / Secular Caregiver

- Emergency First Aider
- Community Builder
- Trauma Caregiver
- Resource Officer
- Safety Officer
- Peacemaker
- Caregiver
- Liaison

Trained in situational awareness and risk assessment, identifying trafficking, abuse, and bullying. Provides religious / non-religious spiritual support and care. A bridge between staff and parents. Acquainted with referral agencies.

Chaplain Duties

1. Prevention and treatment programs relating to addressing adverse childhood experiences.
2. The prevention, identification, and management of threats and emergencies.
3. Utilized for restorative discipline and restorative justice practices.
4. Provide behavioral health services, advocacy, conflict resolution, and social work services.
5. Developing and implementing culturally relevant instruction, and restorative justice programs.
6. Provide services and programs for suicide prevention, intervention, and post-vention.
7. School Chaplains may also function as a school guardian.

Additional Responsibilities

- Prayer, advocacy, and spiritual care for faculty, students, and their families
- Support after-school clubs and other student-lead faith activities
- Advise on moral and spiritual issues concerning school policies
- Assist school staff with theological and Biblical questions
- Lead informal Bible studies for school staff

How We Help

- Legal Representation*
- National Standards
- Parent Education
- Chaplain Certification
- DOD Recognition
- Advocacy

MITCHELL LAW

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July 23, 2023

Re: The Constitutionality of School Chaplains Under Senate Bill No. 763

Dear Superintendent and School Board Members:

I write in response to the ACLU's letter of June 26, 2023,¹ which threatens your school district with lawsuits if it decides to employ chaplains under Senate Bill 763. The ACLU claims that the presence of chaplains in public schools would violate the Establishment Clause, and it implies your school district will lose in court if anyone challenges the constitutionality of the practice. The ACLU's claims are false, and you should not allow its threats to influence your decisions.

The Establishment Clause says that "Congress shall make no law respecting an establishment of religion." U.S. Const. amend. I. Making chaplains available to public-school students is not an "establishment" of religion if the students remain free to decide whether they will use the chaplain's services. The only circumstance in which the presence of a public-school chaplain could violate the Supreme Court's establishment-clause doctrine is if a school coerces its students to participate in chaplain-related programs or activities. *See Kennedy v. Bremerton School District*, 142 S. Ct. 2407, 2429 (2022) ("[G]overnment may not . . . make a religious observance compulsory . . . may not coerce anyone to attend church, nor may it force citizens to engage in a formal religious exercise." (citations and internal quotation marks omitted)). In the absence of coercion, there is no Establishment Clause violation and no reason to fear lawsuits from the ACLU.

If your school decides to employ or accept chaplains under Senate Bill 763, it would be prudent to adopt a policy making clear that no student may be coerced to use the services or programs offered by the chaplain's office, and that any student involvement with the chaplain must be purely voluntary. My law offices would be happy to advise or assist a school district considering a policy of this sort. But even without an official anti-coercion policy, there can be no Establishment Clause violation and no reason to fear a lawsuit unless actual coercion occurs.

1. The letter of June 26, 2023, is signed by leaders from the American Civil Liberties Union Program on Freedom of Religion and Belief, the American Civil Liberties Union of Texas, Americans United for Separation of Church and State, and the Freedom from Religion Foundation. For simplicity and ease of exposition, I will refer to the letter of June 26, 2023, as "the ACLU's letter" and will refer to the signatories collectively as "the ACLU."

The ACLU's letter acknowledges that the constitutionality of public-school chaplains hinges on the presence or absence of coercion, yet it claims that the mere presence of a chaplain in a public school is inherently coercive and indoctrinating. That is nonsense. A student who voluntarily seeks a school chaplain on his own accord is not being "coerced" or "indoctrinated," unless one is prepared to reject the notion of free will and claim that all human action is determined by pre-existing causes. And the current membership of the Supreme Court will not be amenable to the theory of coercion in the ACLU's letter. There was a time not long ago when a Supreme Court majority might be receptive to the ACLU's arguments, when moderately separationist jurists like Sandra Day O'Connor and Anthony Kennedy controlled the outcomes in Establishment Clause cases. *See, e.g., Santa Fe Independent School District v. Doe*, 530 U.S. 290 (2000); *Lee v. Weisman*, 505 U.S. 577 (1992). But those days are over. President Trump's recent appointments to the Supreme Court and the Fifth Circuit have cemented conservative supermajorities, which are intent on rolling back the separationist doctrines that the ACLU and like-minded judges have been propagating for the last 50 years. Just last year, the Roberts Court recognized the overruling of *Lemon v. Kurtzman*, 403 U.S. 602 (1971), the crown jewel of separationist jurisprudence, and declared that coercion rather than separationism would be the touchstone in future Establishment Clause litigation. *See Kennedy*, 142 S. Ct. at 2427 ("[T]his Court long ago abandoned *Lemon* and its endorsement test offshoot."). If the ACLU believes that the current members of the Supreme Court or the Fifth Circuit will disapprove the employment of school chaplains or find their presence inherently "coercive," then we should welcome the opportunity to have the federal judiciary set them straight.

There may be other reasons not to employ a school chaplain, and I take no position on whether your school district should make a chaplain available to students. But your decision should be based solely on whether you and your constituents think public-school chaplains are a good idea. Do not allow your decisions to be influenced by idle threats from organizations that are struggling to stay relevant now that they no longer have a Supreme Court majority that supports their views.

Please do not hesitate to call my office or e-mail me if you would like to discuss any of this further.

Sincerely,

A handwritten signature in black ink that reads "Jonathan F. Mitchell". The signature is written in a cursive, slightly stylized font. The first name "Jonathan" is written with a large, looped 'J'. The last name "Mitchell" is written with a large, looped 'M' and a trailing flourish.

JONATHAN F. MITCHELL
Mitchell Law PLLC



PJI

10/10/2023

ALBANY
NEW YORK

1701 N. Congress Avenue
Austin, Texas 78701

ATLANTIC CITY
NEW JERSEY

BALTIMORE
MARYLAND

Re: Constitutionality of chaplains in public schools

BILOXI
MISSISSIPPI

Dear Members of the Texas State Board of Education,

BOSTON
MASSACHUSETTS

The purpose of this letter is address the constitutionality of recently passed SB 763, which allows for public schools to utilize chaplains as school counselors.

CHICAGO
ILLINOIS

By way of introduction, Pacific Justice Institute is a non-profit law firm specializing in the areas of religious freedom, parental rights and other civil liberties.

CINCINNATI
OHIO

Extensive United States Supreme Court precedent would support the utilization of chaplains in public schools without violating the Establishment Clause of the First Amendment.

COEUR D'ALENE
IDAHO

Beginning with *Marsh v. Chambers* in 1983, the Supreme Court determined that maintaining the history and tradition of prayer prior to a legislative session is so important that it does not violate the Establishment Clause.

COLUMBUS
OHIO

Later, in *Katcoff v. Marsh*, the Court found that military chaplain programs do not violate the Establishment Clause. The Court found in this case that while military personnel are not home and able to access their usual places of worship, the chaplaincy program was a substitute. To not to provide such substitutes would be hostile toward religion rather than neutral, violating the First Amendment.

DENVER
COLORADO

More recently in 2022, the Court discarded the longstanding Lemon Test in *Kennedy v. Bremerton School District*. Under the Lemon Test, the Court would examine whether the government or a law violated the Establishment Clause. The three prong test included whether the proposed activity had a clear secular purpose, whether the primary effect of the aid would advance or inhibit religion, and whether the aid would create an excessive governmental entanglement with religion. By eliminating the use of the Lemon Test, the court emphasized that the Free Exercise Clause is expansive and the Establishment Clause is more narrow. As such, any government activity must be viewed in light of this expansive view of the Free Exercise Clause.

DETROIT
MICHIGAN

Finally, both *Espinoza v. Montana Department of Revenue* and *Carson v. Makin* in 2020 and 2022 respectively, clearly stated that government funding of religious schools is not an establishment clause problem. If government funding is generally provided to schools, religious schools cannot be discriminated against.

GALVESTON
TEXAS

HONOLULU
HAWAII

HOUSTON
TEXAS

MIAMI
FLORIDA

MILWAUKEE
WISCONSIN

NASHVILLE
TENNESSEE

NEW YORK
NEW YORK

PHILADELPHIA
PENNSYLVANIA

RENO
NEVADA

SACRAMENTO
CALIFORNIA

SALEM
OREGON

SAN FRANCISCO
CALIFORNIA

SANTA ANA
CALIFORNIA

SEATTLE
WASHINGTON

TRI CITIES
WASHINGTON

TUCSON
ARIZONA

Based on the above interpretations of the Establishment Clause, particularly by the current Supreme Court, as well as history and tradition, Texas' use of chaplains in the public school setting would survive a constitutional challenge.

Very truly yours,



Brad Dacus
PACIFIC JUSTICE INSTITUTE
9851 Horn Rd., Ste. 115
Sacramento, CA 95827

Tel. (916) 857-6900
E-mail: prez@pji.org

There is a New Birth of Freedom for Religious Liberty in America!

Kelly Shackleford, CEO and Chief Counsel of First Liberty, a premier legal organization, said, “There is *incredibly good news* about religious freedom in America, and very few pastors know about it. He went on to say, “There have been some *major, major* victories in the last 13 months. A lot of you have heard about the Coach Kennedy case where the coach went on his knees at the end of each football game to pray and thank God for the game. He was fired for that, and the case went all the way to the Supreme Court. The Supreme Court ruled this violated his freedom of speech and religion.”

Kelly Shackleford added, “Most people don’t know that within that decision a major precedence has been set, the overturning of the *Lemon Case.” A Supreme Court (1971) ruled in the Lemon Case for strict separation of church and state. As a result, we have seen attacks on Christmas nativity scenes, Ten Commandment monuments, and prayer being banned at school board meetings. Thirteen months ago, the Lemon Case was struck down by the Supreme Court; it is no longer the law!” Kelley Shackleford said, “Crosses (as monuments) can come back up. The Ten Commandments can come out of the closet. Prayer can occur at school board meetings. Students and players can pray together after a game, and coaches can join them.”

Kelly Shackleford continued, “For 50 years, because of the Lemon Case, people have been trained that they cannot do all things regarding faith and its expression in public. That is no longer the case! **Everything is shifted, but the problem is people do not know it.** Now everybody can restore faith in their own community. All they have to do is walk in the freedom God has given them. **People have more religious freedom now than they have ever had in their lifetime because of these cases.**” Kelly Shackleford went on to say, “**The land has already been won. God is already ahead of us. We just need to occupy it...Just realize that God is doing something dramatic right now. He is placing freedom in your hand if you will just exercise it.**” (Emphasis added.)

*(The Supreme Court Case – Kurtzman (1971) v. Lemon, often cited as the Lemon Case)

Source of article: <https://youtu.be/t1quRbbFh3U> & Firstlibertylive.com

What Has Changed?

Because of the recent Supreme Court rulings, *you can now pray after a game.*

Because of the recent Supreme Court rulings, *you can put religious books in public libraries.*

Because of the recent Supreme Court rulings, *you can pray in school.*

Because of the recent Supreme Court rulings, *you can pray in public.*

Because of the recent Supreme Court rulings, *you can keep a Bible on your desk.*

Source: Restoring Faith in America (RFIA.org)

Chaplains in Public Schools - Objections and Responses

Key Talking Points:

- This bill empowers ISDs / independent school districts to add Chaplains (if they so choose) as an additional resource for teachers and students
- This bill does not replace counselors, instead chaplains are an additional resource
- This bill will allow ISD's to determine chaplain requirements specific to the needs of their district
- Local school boards, listening to the desires of the parents in their communities, are best positioned to determine if they want chaplains in their schools and the specific requirements - local control is best
- Supreme Court precedent makes clear that this is permitted under the Constitution, just as we have chaplains for first responders, military etc.
- Texas, Louisiana and Florida passed this law and it has already gone into effect (no legal challenges) More than a dozen states are considering similar legislation this session. It is being considered now because of recent Supreme Court precedent
- The state of ND should make clear to ISD's in the state that it is within their jurisdiction to consider chaplains for their schools, this bill clarifies chaplains are permitted in schools and ISD's are the decision makers

1. This violates separation of church and state. The government cannot promote religion. Is this illegal?

- Chaplaincy is legal in public institutions and it is legal for the state to pay for chaplaincy services.
- Chaplaincy has been upheld for over 250 years. Chaplains existed before the U.S. Constitution. Public service chaplaincy does not violate the separation Clause of the First Amendment because chaplains represent God, not the church.
- Approximately 10,000 federal employees are classified as chaplains who serve in various branches and departments of the U.S. Government. School chaplains are no more illegal than chaplains serving the military, hospitals, first responders, and airports. Chaplains are trained to serve in secular environments.

- Extensive United States Supreme Court precedent would support the utilization of chaplains in public schools without violating the Establishment Clause of the First Amendment.
 - Beginning with Marsh v. Chambers in 1983, the Supreme Court determined that maintaining the history and tradition of prayer prior to a legislative session is so important that it does not violate the Establishment Clause.
 - Later, in Katcoff v. Marsh, the Court found that military chaplain programs do not violate the Establishment Clause. The Court found in this case that while military personnel are not home and able to access their usual places of worship, the chaplaincy program was a substitute. To not to provide such substitutes would be hostile toward religion rather than neutral, violating the First Amendment.
 - More recently in 2022, the Court discarded the longstanding Lemon Test in Kennedy v. Bremerton School District. Under the Lemon Test, the Court would examine whether the government or a law violated the Establishment Clause. The three prong test included whether the proposed activity had a clear secular purpose, whether the primary effect of the aid would advance or inhibit religion, and whether the aid would create an excessive governmental entanglement with religion. By eliminating the use of the Lemon Test, the court emphasized that the Free Exercise Clause is expansive and the Establishment Clause is more narrow. As such, any government activity must be viewed in light of this expansive view of the Free Exercise Clause.
 - Finally, both Espinoza v. Montana Department of Revenue and Carson v. Makin in 2020 and 2022 respectively, clearly stated that government funding of religious schools is not an establishment clause problem. If government funding is generally provided to schools, religious schools cannot be discriminated against.
 - Based on the above interpretations of the Establishment Clause, particularly by the current Supreme Court, as well as history and tradition, Texas' use of chaplains in the public school setting would survive a constitutional challenge. This according to the constitutional expertise of Brad Dacus, President of Pacific Justice Institute, one of the leading constitutional attorneys in the nation

2. No definition in the bill of what a chaplain is and what a chaplain is not

- The intent is for each ISD to determine a definition for chaplains that best fits their district rather than be mandated by the state.
- Chaplains are certified, ordained, or endorsed by religious bodies or certifying organizations, not by government institutions.
- However, A simple definition is that clergy is recognized (licensed, ordained, or endorsed - each has a different meaning according to traditional standards) by their religious organization trained to serve in secular environments.

3. No definition as to tasks, concerns for administration (like how do they regard/manage chaplains), no confidentiality requirements in the bill, chaplains will be tasked with things they are unqualified to do

- The intent is for each ISD to determine a definition for chaplains that best fits their district rather than be mandated by the state. ISDs may make requirements and mandates for chaplains. Conversations may be confidential unless the chaplain determines that in-action would harm faculty members or students.
- It is best suited for individual districts to determine the requirements best suited for their district
- For example, a district may stipulate that Chaplains may be required to be certified in particular safety, emergency, and violence prevention, such as active shooter, stop the bleed, and personality threat assessment. This can be determined at the local level.
- Chaplain duties are listed in most state education codes. However, if it is not located in ND code, suggest following Texas Education Code TEC 48.115 and amend the bill to include it.
 - (i) providing licensed counselors, social workers, chaplains, and individuals trained in restorative discipline and restorative justice practices;
 - (ii) providing mental health personnel and support, including chaplains;
 - (iii) providing behavioral health services, including services provided by chaplains;
 - (iv) establishing threat reporting systems; and
 - (v) developing and implementing programs focused on restorative justice practices, culturally relevant instruction, and providing mental health support, including support provided by chaplains;
- (4) providing programs related to suicide prevention, intervention, and postvention, including programs provided by chaplains; and
- (5) employing a school safety director and other personnel to manage and monitor school safety initiatives and the implementation of school safety requirements for the district.

4. Chaplains are only equipped to deal with spiritual health, not mental health

- The United States Department of Defense disagrees with this by their very actions. The U.S. Army now requires every mental health team to have a chaplain on their team.
- Both Chaplains and mental health professionals have an important role to play in helping people. Both are needed.

- Mental health that does not encompass spiritual care is not comprehensive. Therefore, spiritual care is an integral part of Mental Health.
- According to the research of Dr Lisa Miller, Professor of Psychology and Education at Columbia University, not offering spiritual care through chaplaincy creates mental disorders. Lisa Jane Miller | Faculty Profile | Teachers College, Columbia University.

5. There should be referrals to issues outside the bounds of what a chaplain is qualified to address

- Chaplains do not give professional referrals. However, they operate as a resource officer, making referrals to clergy who best meet the needs of individuals outside their religious affiliation. They also may refer individuals to school counselors and staff, Law Enforcement, parents and guardians, and humanitarian organizations.

6. Chaplains - Volunteers and or Paid Chaplains

- This bill allows the individual ISD to permit volunteer chaplains or paid chaplains
- There are no resources being removed from schools, chaplains will be added in addition to existing school resources.

7. Chaplains are mandatory reporters according to State law

- School personnel are generally considered mandatory reporters of abuse.
- Clergy and chaplains have a duty of confidentiality.
- Most chaplains are trained to report self-harm, abuse, and intent to harm others.
- For example, one of the largest Chaplain Associations in the country, National School Chaplain Association, does in fact train in protocols to report self-harm, abuse, and intent to harm others.

8. Circumstances already exist where chaplains come into schools to support students after tragedies – why does there need to be another level of authority

- Not every tragedy is recognized at a schoolwide level, and situations or events that are not considered tragedies (such as bullying, anxiety, depression, and other similar stressful challenges) may still benefit from chaplains.
- Furthermore, chaplains can assist both students and teachers/administrative faculty, as adults may also find themselves in need of spiritual counsel.
- Chaplains employed by the federal government and state governments have shown their benefit in preventing tragedies.
- Bringing chaplains in after a tragedy, has proven to reduce PTSD, build resilience, and reduce further trauma. Unlike limited ministerial care offered after school or during lunch, full-time campus chaplains have proven to prevent violence, reduce disciplinary

actions and teen pregnancies, enhance teacher-student relationships, and increase graduation rates.

9. What about Satanic Temple Chaplains / Other Worldviews?

- This does not reflect the current make-up of chaplains in the United States today. Reviewing the statistical data concerning chaplains qualified for hire by federal and state governments:
 - 91% are Protestants, the majority of which are Evangelicals.
 - 7% are Catholic.
 - 1% are Orthodox.
 - The balance of less than 1% is every other kind of religious affiliation. For reasons only they know, less than 1% of "others" are not motivated to serve in secular environments in a nonprejudiced manner.
- Additionally, any meetings between students and a chaplain occur on a strictly voluntary basis, students cannot be compelled to meet with them.
- Chaplains are School District employees subject to any other employee's norms and regulations.
- Although atheism and human secularists are treated as religions constitutionally, Satanism is not. The idea that schools will need to hire Satanists because they hired a Baptist are unfounded. No school will be required to hire any religious groups they don't want and the evidence is the US Senate. They have one chaplain, retired rear Admiral Barry Black.
- Satanism is not protected by the Free Exercise Clause of the First Amendment as found in long standing federal court precedent
 - For example, anti-blasphemy laws have been consistently upheld as compatible with free exercise of religion. The Harvard Law review States, "the blackletter rule was clear. Constitutional liberty entailed a right to articulate views on religion, but not a right to commit blasphemy — the offense of 'maliciously reviling God,' which encompassed "profane ridicule of Christ." Federal courts have consistently upheld state anti-blasphemy laws as constitutional finding they do not violate the First Amendment.

<https://www.theamericanconservative.com/there-is-no-constitutional-right-to-satanism/>

10. "Just anyone could do this work," violates parents' right to choose, and could be unconstitutional

- Chaplains are trained to offer spiritual care in a secular environment. Pastors are not chaplains, however a chaplain may be a pastor. It is important to understand the functional differences of pastors and chaplains.

- The state or the school district can determine who qualifies to serve as a School Chaplain—conversations with chaplains are universally by choice. A student's desire to speak with a school counselor or chaplain does not violate the parent's rights or the Constitution.
- See letters and statements by Brad Dacus, President of the Pacific Justice Institute, and Kelly Shackleford, President of First Liberty Institute, two of the best constitutional law firms in the nation regarding constitutionality. Both support the constitutionality of Chaplains in schools.
- ISD's that opt to have a chaplain available on campus will seek the most qualified applicants for the position, not "just anyone."
- Regarding parents' right to choose, parents do not choose teachers or administrators. Additionally, schoolchildren cannot be coerced into meeting with the chaplain, it must be on a strictly voluntary basis, which can help alleviate parents' concerns.

11. Should some level of training be required, to prevent quackery, as is required in hospitals, etc.? The "no training requirement" is insulting to highly trained chaplains.

- The no-training requirement reflects confidence in the ISDs to determine what level of professionalism is required to meet their district's needs. There are various levels of training available for chaplains. However, it is essential to remember that chaplains are certified, ordained, or endorsed by religious bodies and not government institutions.
- The government is not allowed to dictate religious affairs in this way, there is no national or statewide governing body that sets specific requirements for training chaplains. There are, however, chaplain agencies (such as the National School Chaplain Association) that require training and certifications in subjects such as crisis response for those that work with them. It ultimately depends on each school district to determine requirements.

12. What is the obligation of the chaplain in dealing with a student to the parent (with regards to confidentiality)

- Specific guidelines may be set by each school district.
- Teachers can also recur to chaplains for counsel and aid, stemming the tide of teachers leaving the profession.
- Research shows that spiritual practices have a positive impact on mental health, and the mental health of teachers has an impact on the mental health and academic success of students.
- Chaplains are trained to create positive discussions between students, teachers, and parents.
- Chaplains can provide access to emergency resources such as food and housing.

13. How will school districts know who to hire for chaplaincy services?

- School districts will have to determine who is the best qualified, though they can recur to chaplain agencies to find those with some basic shared training. Ex. Such as the National School Chaplain Association that is in more than 23,000 schools around the world.

14. What about students who do not belong to the same faith as the chaplain?

- Students are in no way coerced to talk to chaplains
- If chaplains are talking with someone of a different faith and don't feel qualified to assist in that specific situation, there are resources they can use to bring in a leader in that student's faith to provide specific counsel regarding their relationship to their faith.
- In many crisis situations parents or teachers are dealing with the same grief, anxiety, stress, etc., and can't provide help from the same stable foundation that a chaplain can.
- Frequently public schools discourage any type of religious discussion, creating environment hostile to religion, not neutral. Chaplains are instructed not to proselytize
- Crisis response teams do not remain permanently on site after a tragedy, chaplains can be that permanent resource.
- This bill doesn't take anything away from anyone, it only adds further resources.

15. Does this bill seek to meet an educational employment crisis with those not trained in education, detracting resources from schools whose districts are extremely budgetarily constrained?

- Schools are not required to provide chaplains, the districts decide on an individual basis to provide this resource. Districts also have the option to invite volunteer chaplains, not having to allocate portions of the budget to have them available on campus.

MODEL SCHOOL CHAPLAINCY POLICY

INTRODUCTION

On June 18, 2023, Governor Greg Abbott signed Texas Senate Bill 763. The new law allows a public school district or an open-enrollment charter school to “employ or accept as a volunteer a chaplain to provide support, services, and programs for students”¹ Districts must vote by March 1, 2024, on whether to adopt a chaplaincy policy.² Adding a school chaplaincy program to existing student services can provide a diverse student community with well-rounded support. The model chaplaincy policies provided below are designed to guide districts in developing policies that serve students well and comply with the Constitution.

Government chaplaincy programs have a long history, and courts consistently uphold them in a wide variety of circumstances, including the military, prisons, hospitals, and legislative bodies.³ Chaplaincy programs provide crucial support services, recognizing that many individuals value the opportunity to seek support that is provided from a religious perspective.⁴ The Supreme Court repeatedly explains that the First Amendment’s Establishment Clause does not “‘compel the government to purge from the public sphere’ anything an objective observer could reasonably infer endorses or ‘partakes of the religious.’”⁵ Last year, in *Kennedy v. Bremerton School District*, the Supreme Court overruled a 50-year precedent, *Lemon v. Kurtzman*,⁶ which incorrectly held that government action that lacks a secular purpose, advances religion, or entangles the government with religion violated the Establishment Clause. That doctrine—the *Lemon*

¹ Act of Jun. 18, 2023, 88th Leg., R.S., S.B. 763 (to be codified as an amendment Tex. Educ. Code tit. 2, subd. D, Ch. 23 and § 48.115) (“SB 763”).

² *Id.*

³ See *Katcoff v. Marsh*, 755 F.2d 223 (2d Cir. 1985) (upholding military chaplaincy); *Marsh v. Chambers*, 463 U.S. 783 (1983) (upholding state legislature’s practice of opening sessions with prayers by a State-employed chaplain); *Theriault v. Silber*, 547 F.2d 1279 (5th Cir. 1977) (upholding prison chaplains); *Carter v. Broadlawns Med. Ctr.*, 857 F.2d 448 (8th Cir. 1988) (upholding public hospital chaplaincy); *Freedom From Religion Found. v. Mack*, 49 F.4th 941 (5th Cir. 2022) (upholding justice of the peace’s chaplaincy and courtroom prayer program); see also *Murray v. Buchanan*, 720 F.2d 689, 690 (D.C. Cir. 1983) (upholding public funding of congressional chaplains).

⁴ See, e.g., *Mack*, 49 F.4th at 944–45 (describing justice of the peace’s volunteer chaplaincy program).

⁵ *Kennedy v. Bremerton Sch. Dist.*, 142 S. Ct. 2407, 2427 (2022) (quoting *Van Orden v. Perry*, 545 U.S. 677, 699 (2005) (Breyer, J., concurring in judgment)).

⁶ 403 U.S. 602 (1971).

test—is no longer good law. Cases grounded in *Lemon*’s framework⁷ may no longer be controlling, as the Supreme Court “overrule[d] *Lemon v. Kurtzman*, and call[ed] into question decades of subsequent precedents that it deem[ed] offshoots of that decision.”⁸ Accordingly, perceived religious endorsement by the government is no longer the operative legal test. Instead, courts evaluate whether government action violates the Establishment Clause by reference “‘to historical practices and understandings’”⁹ at the time of the Founding. And, as mentioned above, courts have upheld government chaplaincies many times based on the history and tradition of these programs.

Of course, schools may not coerce students to engage in religious exercise,¹⁰ and therefore chaplain services should be strictly voluntary for students to use. However, in *Kennedy*, the Court rejected the notion that the mere presence of religious activity is somehow coercive.¹¹ Rather, the Court found no coercion “where there is no evidence anyone sought to persuade or force students to participate[.]”¹²

First Liberty provides the following model policies as general guidance to assist school boards in developing school chaplaincy policies in accordance with SB 763. This document does not create an attorney-client relationship, and it is not to be used as a substitute for legal advice from a licensed attorney. Because this is a developing area of law, First Liberty Institute and its attorneys do not warrant, either expressly or impliedly, that the law, cases, statutes, and rules discussed or cited in this guide have not been changed, amended, reversed, or revised. Likewise, First Liberty and its attorneys do not express any opinion as to how a court would rule in a particular case. First Liberty encourages school districts considering adopting a chaplaincy policy to contact First Liberty at FirstLiberty.org for a legal consultation that is adapted to your unique situation.

⁷ See, e.g., *Edwards v. Aguillard*, 482 U.S. 578 (1987); *Epperson v. Arkansas*, 393 U.S. 97 (1968); *Doe v. Porter*, 370 F.3d 558 (6th Cir. 2004); *Berger v. Rensselaer Cent. Sch. Corp.*, 982 F.2d 1160 (7th Cir. 1993); *Busch v. Marple Newton Sch. Dist.*, 567 F.3d 89 (3d Cir. 2009); *Oxford v. Beaumont Indep. Sch. Dist.*, 224 F. Supp. 2d 1099 (E.D. Tex. 2022).

⁸ *Kennedy*, 142 S. Ct. at 2434 (Sotomayor, J., dissenting) (describing the majority opinion); *id.* at 2427–28 (“In place of *Lemon* and the endorsement test, this Court has instructed that the Establishment Clause must be interpreted by reference to historical practices and understandings.”) (cleaned up) (quotation omitted).

⁹ *Id.* at 2427 (quoting *Town of Greece v. Galloway*, 572 U.S. 565, 576 (2014)).

¹⁰ See *Lee v. Weisman*, 505 U.S. 577 (1992); *Engel v. Vitale*, 370 U.S. 421 (1962); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203 (1963); *McCullum v. Bd. of Educ.*, 333 U.S. 203 (1948).

¹¹ *Kennedy*, 142 S. Ct. at 2430–31.

¹² *Id.*

MODEL SCHOOL CHAPLAINCY POLICY VERSION 1 (EMPLOYED CHAPLAINS)

General

[School district] shall retain one or more chaplains as employees to provide chaplain support and services to the student body of the campuses or schools designated by *[school district]*.

The mental, emotional, social, physical, and spiritual challenges faced by today's students are immense. Concern about student mental health and physical safety is at an all-time high. For many students, the school environment may be the only opportunity they have to access the support, help, and care they need to meet these challenges. We have resources to help address some of these concerns, including counselors and dedicated teachers and staff to whom students may turn. Chaplains will serve as an additional student resource, recognizing that some students may be more comfortable or otherwise prefer to seek support from a chaplain.

It is solely the decision of the individual student whether to seek the support or services of a chaplain. All students are welcome to utilize a chaplain but no student may be required to do so.

All communications between a chaplain and a student intended by the student to be confidential are privileged and confidential, and that privilege and confidentiality may not be breached except as required by law.

Responsibilities

A chaplain's primary responsibility is to be present and available for any student who may seek such chaplain's help or care.

A chaplain will be a visible, integral member of the assigned school or campus. Such chaplain will support the school's students and student groups at their request and will work to develop positive, supportive relationships based on compassion and mutual respect with any students that so desire.

A chaplain will be present and visible both in the various activities in which students participate during the school day and the areas of the school or campus at which students are found. A chaplain may

refer students to other resources and personnel the school provides that might assist the students in any given situation.

A chaplain shall not proselytize or disparage any religion, belief, lack of belief, or faith group. A chaplain's provision of care, help, or counsel consistent with his beliefs or convictions to students who seek such care, help, or counsel is not proselytization or disparagement.

A chaplain shall not have disciplinary authority over students or student groups.

[School district] may provide any chaplain with office space suitable for confidential interactions with students and visible to and accessible by the students of the campus or school served by such chaplain.

[School district] shall ensure all students of a campus or school a chaplain is assigned are aware of such chaplain, the location of a chaplain's office, their continuing opportunity to seek the chaplain's help or care, the means by which they can request and receive the chaplain's help or care, that their confidential interaction with the chaplain will remain confidential unless otherwise required by law, and that their choice to seek a chaplain's help or care is strictly and always voluntary.

The school board may hire or select a chaplain directly or delegate such hiring authority in accordance with board policy.

In all actions taken and decisions made pursuant to this policy, *[school district]* shall comply with applicable state and federal law.

Qualifications

For purposes of this policy, a chaplain shall be a person who obtains a certification from a national chaplaincy certifying organization or has received an ecclesiastical endorsement from his or her faith group certifying that such chaplain is:

1. A minister, rabbi, priest, imam, lay leader, or similar functionary of the faith group;
2. Qualified spiritually, morally, intellectually, and emotionally to serve as a chaplain for [*school district*];
3. Sensitive to religious pluralism and able to provide for the free exercise of religion by all students.]

In accordance with state law, state licensure or certification is not required, but chaplains must comply with criminal history record laws and have no history of offenses for which registering as a sex offender is necessary.

MODEL SCHOOL CHAPLAINCY POLICY VERSION 2 (VOLUNTEER CHAPLAINS)

General

[School district] may accept one or more volunteer chaplains to provide support and services to the student body of the campuses or schools designated by *[school district]*.

The mental, emotional, social, physical, and spiritual challenges faced by today's students are immense. Concern about student mental health and physical safety is at an all-time high. For many students, the school environment may be the only opportunity they have to access the support, help, and care they need to meet these challenges. We have resources to help address some of these concerns, including counselors and dedicated teachers and staff to whom students may turn. Chaplains will serve as an additional student resource, recognizing that some students may be more comfortable or otherwise prefer to seek support from a chaplain.

It is solely the decision of the individual student whether to seek the support or services of a chaplain. All students are welcome to utilize a chaplain but no student may be required to do so.

All communications between a chaplain and a student intended by the student to be confidential are privileged and confidential, and that privilege and confidentiality may not be breached except as required by law.

Responsibilities

A chaplain's primary responsibility is to be present and available for any student who may seek such chaplain's help or care.

A chaplain will be a visible, integral member of the assigned school or campus. Such chaplain will support the school's students and student groups at their request and will work to develop positive, supportive relationships based on compassion and mutual respect with any students that so desire. A chaplain may refer students to other resources and personnel the school provides that might assist the students in any given situation.

A chaplain shall not proselytize or disparage any religion, belief, lack of belief, or faith group. A chaplain's provision of care, help, or counsel consistent with his beliefs or convictions to students who seek such care, help, or counsel is not proselytization or disparagement.

A chaplain shall not have disciplinary authority over students or student groups.

[School district] may provide any chaplain with office space suitable for confidential interactions with students.

[School district] shall notify all students of a campus or school in which a volunteer chaplain serves of their continuing opportunity to seek the chaplain's help or care, the means by which they can request and receive the chaplain's help or care, that their confidential interaction with the chaplain will remain confidential unless otherwise required by law, and that their choice to seek a chaplain's help or care is strictly and always voluntary.

The school board may select a chaplain directly or delegate such selection authority in accordance with board policy.

In all actions taken and decisions made pursuant to this policy, *[school district]* shall comply with applicable state and federal law.

Qualifications

For purposes of this policy, a chaplain shall be a person who obtains a certification from a national chaplaincy certifying organization or has received an ecclesiastical endorsement from his or her faith group certifying that such chaplain is:

1. A minister, rabbi, priest, imam, lay leader, or similar functionary of the faith group;
2. Qualified spiritually, morally, intellectually, and emotionally to serve as a chaplain for *[school district]*;
3. Sensitive to religious pluralism and able to provide for the free exercise of religion by all students.

In accordance with state law, state licensure or certification is not required, but chaplains must comply with criminal history record laws and have no history of offenses for which registering as a sex offender is necessary.

Testimony in support of HB1456

Stephanie Doolittle

Hazelton, ND

Our kids are in trouble. What are we doing as a state to help them? Shouldn't we try anything in our power to try to make their lives better...to try something?

Suicide deaths among 10–24-year-olds increased by 62% from 2007-2021. Suicide is rising dramatically in preteens as young as 8 years of age with an 8.2% annual increase from 2008-2022. Those statistics are shocking...and real.

According to data from the Children's Hospital Association Pediatric Health Information System, children's hospitals have seen a 166% increase in emergency room visits involving suicide attempts and self-injury among children 5-18. Our kids are in trouble!

Whenever I hear of another school shooting and a child who felt that aggression was the only way out of their grief, I always wonder...did that child have an opportunity to know about God and the love and mercy he shows to all who know Him? Many are blessed to have a family who cultivates that relationship and many don't.

HB 1456 would offer children in a school setting the opportunity, beyond school staff, to seek out friendship and a support system through a school chaplain. This wouldn't be a requirement but an open door for a student who may be struggling with issues they aren't comfortable sharing with anyone else. Another opportunity for an at-risk child to reach out for help and to find the connection they may be seeking and hopefully an improvement in their overall well-being. Could this support system prove effective? Could we see a decrease in self-harm, depression and suicide? Why wouldn't we try? Aren't our kids worth the effort?

When we as a society decided to take God out of our schools, our children suffered. Those facts can't be denied. It's time to do whatever we can to ensure our children have an additional line of support when they may need it.

Vote YES on HB 1456

Testimony of Bill Alexson

Submitted to North Dakota Education Committee – In Support of School Chaplains

To Whom It May Concern,

My name is **Bill Alexson**, and I have spent my life serving athletes at the highest levels. I founded the **Player's Chapel Program for the NBA**, served as the **Boston Celtics' chaplain for 23 years**, and currently serve as the **chaplain for the Big 3**, which airs on CBS Sports in the summertime.

People often ask why **elite athletes**—individuals celebrated by millions—would seek the support of a chaplain. The truth is, people love these players for **what they do**, not **who they are**. And when their careers end—often by the age of 30 or 35—the world moves on, leaving them to wrestle with an **identity crisis** they never saw coming. I've witnessed the devastating effects firsthand.

I still carry the weight of a moment when I was too timid to approach two players who were struggling. One **took his own life**, and the other **died of an overdose**. That regret fuels my passion for chaplaincy, because I've also seen the **life-changing impact** of having someone there—someone who listens, cares, and provides guidance. Most of the athletes I've worked with have been able to transition into **healthy, meaningful lives** after basketball because they had that support.

But this is not just an issue for professional athletes. It is an issue for **our young people** today. **Suicides, drug overdoses, bullying, and depression** are reaching crisis levels in America's schools. **Students need someone they can trust, someone they feel safe with, someone who will walk alongside them in their struggles.** Chaplains fill that role.

I know this **not just from my work, but from my own life**. My own son was **horribly bullied** in school—so much so that he contemplated suicide. By the grace of God, he made it through and now works alongside me, **married and raising three beautiful children**. But how many others don't have that lifeline?

That's why I strongly **support bringing chaplains into public schools**. I believe this initiative will **save lives**, provide much-needed encouragement, and offer students the **moral and emotional support** they desperately need.

Thank you for your time and consideration. I urge you to support this vital cause.

Sincerely,
Bill Alexson

President, Sportspower International – (443) 629-0703

House Education Committee

House Bill 1456

Andrew Alexis Varvel

Written Testimony

February 11, 2025

Chairman Heinert & Members of the Committee:

My name is Andrew Alexis Varvel.

I live in Bismarck.

Are you prepared for your local school district to have a chaplain
from the Church of Satan?

Are you prepared for your local school district to have a chaplain
from the Church of the Flying Spaghetti Monster?

Are you prepared for your local school district to have a chaplain
from the Temple of Venus? In other words, a sanctified brothel?

Are you prepared for your local school district to have a chaplain
representing the local branch of the Church of Wokeness?

Are you prepared for your local school district to have a chaplain
who wages nonviolent jihad as the imam of the local mosque?

In other words, are you prepared for your local school district to
have a chaplain from a religious faith you bitterly disagree with?

If so, what touching faith you have in humanity!

I do not share this legislation's optimism.

My faith is in God, not in chaplains.

I oppose this legislation.

Please give it a

DO NOT

PASS.

Thank you.

I am

now

open

for your

questions.



Testimony in opposition due to issues with House Bill 1456

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

1. Potential Violation of the First Amendment

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

2. Lack of Licensing or Educational Training Requirements

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

3. Potential Conflicts with School Counselors & Mental Health Professionals

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

4. Lack of Accountability & Legal Liability Concerns

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

NDCEL is the strongest unifying voice representing and supporting administrators and educational leaders in pursuit of quality education for all students in North Dakota.

Executive Director: Aimee Copas-----Government Lead and Special Projects: Kevin Hoferz



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.



Testimony in Support of House Bill 1456

Jacob Thomsen, Policy Analyst
 North Dakota Family Alliance Legislative Action
 February 11, 2025

Chairman Heinert and honorable members of the House Education Committee,

North Dakota Family Alliance Legislative Action would like to testify in favor of House Bill 1456 and respectfully request that you render a "DO PASS" on this bill.

Over the last decade, it has been well documented that young people have experienced higher rates of depression, anxiety, suicidal thoughts, and other mental health issues.¹ There needs to be a sufficient answer and response to these problems; they are not to be taken lightly.

Chaplains are perfectly equipped to handle situations where the children in these schools can come to them and talk about their issues. Chaplains can be a fantastic resource for people in need. When I saw this bill, it gave me a great opportunity to reach out to the chaplain who served the college football team I played on to talk about what a chaplain does.

He told me that pastoral counseling through a situation isn't really a sermon. A chaplain doesn't tell a child to repent and be baptized if they are struggling with something. A chaplain would help a child frame a solution to a situation based on the resources they already have. They help someone along rather than tell them what to do and to believe in what the chaplain believes in.

If someone came to a chaplain and asked for spiritual guidance, and the chaplain does not hold the same religious beliefs as that child (i.e. a Muslim child asks for guidance from a Catholic chaplain), they would not tell the child that they were wrong. They would help that child find a person who could best help their situation.

The National School Chaplains Association sums up why this is so important in this era where our young people are struggling. "Chaplains exist at the complex intersection of spirituality and

¹ Shaughnessy, A. F., & Turner, M. A. (2023). Depression and anxiety among U.S. children and young adults: Trends over a decade. *JAMA Network Open*, 6(1), e232485.

<https://doi.org/10.1001/jamanetworkopen.2023.2485>

Pew Research Center. (2023, March 3). Youth suicide risk increased over past decade. *Pew Charitable Trusts*. <https://www.pewtrusts.org/en/research-and-analysis/articles/2023/03/03/youth-suicide-risk-increased-over-past-decade>

mental health, where the line between a spiritual crisis and a mental health crisis is not always clear even to the person experiencing it. School chaplains are not therapists; in fact, schools employing chaplains stress that they are only one part of a holistic health and wellness approach. They are a nonjudgmental confidant easy to talk to without fear of harassment, and guided by their training, help decide when to refer someone to a licensed therapist.”²

This is an opportunity for schools across our state to create and supplement mental health personnel in schools. As I stated earlier, this is a need for children across our nation that desperately needs to be met. We ought to give every resource we possibly can to this age group that is crying out for help. Counselors and chaplains can do this together beautifully.

We have chaplains for many different things in the United States. The military, hospitals, the department of corrections, police, firefighters, EMS, higher education facilities, sports teams, and many others all have chaplains. Why not our kids?

We ought to give kids in North Dakota the best opportunity to have stability in their mental health by adding the listening ear of chaplains in schools. Because of this reason, North Dakota Family Alliance Legislative Action respectfully requests that you render a “DO PASS” on House Bill 1456.

Thank you for taking the time to read our testimony. Please feel free to reach out to us with any questions.

Sincerely,

Jacob Thomsen
Policy Analyst
North Dakota Family Alliance Legislative Action

² National School Chaplain Association. (n.d.). *The benefits of school chaplaincy*. National School Chaplain Association. <https://www.nationalschoolchaplainassociation.org/school-benefits>

HB 1456 Testimony in Opposition

February 11th, 2025

Chairman Heinert and Members of the House Education Committee. My name is Lisa Hermosillo, and I reside at Minot Air Force Base. I am writing to you today to urge a DO NOT PASS recommendation on HB 1456.

In just close to a month and a half of the session beginning, North Dakotans have faced a slew of legislative bills that seem to have a well familiarized underlying agenda; religion.

It started with the following bills:

- HB 1145 - wanting to require the 10 Commandments posted in every classroom in public schools and institutions
- HCR 3003 - proclaiming that North Dakota is to acknowledge the kingship of Jesus Christ
- HB 1373 - defining life at concept and dismantling IVF for North Dakota families while seeking to penalize our women and our healthcare workers
- HB 1590 – allowing public funds to support private schools
- SB 2355 – requiring creationism to be taught in public schools

This bill in particular, is entitling an initial allotment of \$500,00 to cover the costs that would incur from building the program. Additionally, it will allow each district no more than \$200,000 should they decide to participate. We have 179 school districts in our state. Do you know what that amounts to for all the districts if they were to receive that funding? \$35,800,000. This is what we chose? What about schools that need renovations? Families who can't afford school lunches? What about the lack of bus transportation for parents and their kids? What about teacher's pay? I can think of so many other places that \$35.8 millions could go to. Maybe use some of that money and help North Plains Elementary School at Minot Air Force base get air conditioning or fix parking for parent picks at other schools? Yet, all of a sudden, we find all this money for chaplains. This just proves the habitual poor spending habits and prioritizing issues we have for our education system.

I also noticed under section 6.6 it states that actions against certified chaplains will only if they maliciously, willfully, and deliberately intend to cause harm to, harass, or intimate an individual seeking its services, but there is nothing about coercion or attempt to convert.

The bill states that certified chaplains the schools hire will not be held to the education standards and practices board of North Dakota. What training is involved? What is the curriculum? How will the chaplains be "vetted". Who decides if they meet the criteria? What happens when those who volunteer for this position are found to be actively working to recruit to convert to their

denomination? I'm very concerned that chaplains will be tempted to push their beliefs because there is nothing morally or ethically stopping it from happening, according to this bill.

If we do this for one religion, then we absolutely have to do this for ALL religions.

This bill fails to address the following:

1. What kind of curriculum would be used
2. How applicants would be vetted
 - a. Would it be based on a particular religion?
3. It does not encourage applicants from all religions
 - a. Buddhist, Hindu, Muslim, Latter Day Saints, Catholic?
 - b. Which religions will be restricted? Satanism? What happens when they sue for their right?

We have excellent and well-trained school counselors already employed in our North Dakota Education System. If there is any shortage occurring right now, then maybe we need to push for more social workers and school counselors. They follow strict ethics and have gone through their schooling and certification/licensure processes. I feel more than secure and comfortable with my kids reaching out to the school counselor and the trusting relationship that they have; why? Because I know they aren't being pressured, taught, or influenced by a particular religion. My family is part of the LDS church, and I do not support this bill. When and if we seek counsel, we know we can find resources, services, and guidance from our church at any time. I do not force my religion on anyone, and it is disappointing to see fellow Christians do the opposite. This is why so many turn away or want nothing to do with religion.

Additionally, I feel it's important to note that a current bill, HB 1490, wants to require psychological evaluations for school counselors. Is there a hidden intent behind this bill as well? If you want psychological evaluations done for school counselors, will that same standard also be applied to chaplains if this bill were to pass?

It is my personal belief that this bill in combination with HB 1490 is a steppingstone to get rid of school counselors altogether. When will it end? Will it get worse? Will school counselors eventually be forced to become chaplains? I reached out to a co-sponsor of this bill and was told that the school boards would be the ones to decide if chaplains should have psychological evaluations done. This is a bit odd considering; Legislators are the ones wanting to make it law demanding school counselors to have these done. Again, do we not see the discrepancy here? Do we understand the amount of litigation that is going to come from this?

Lastly, will chaplains be held to state mandatory reporting laws regarding child abuse? Or will they be protected? This bill does not address this, and it is highly concerning that this was not thought of.

We already have healthcare workers considering relocating to another state, not to mention teachers who pay for their own school supplies for their students. This bill is unequivocally abandoning the public school system and all its faculty.

I am embarrassed that this is the direction that our legislature is heading. We need to get back to having a legislative body that understands the importance of authentic governing without religion. It is becoming evident that many cannot seem to draft bills without their religion, and many who co-sponsor simply because of religion. Great legislation comes from original ideas, relative arguments, and critical thinking, no carbon copied bills. This same bill was already tried in South Dakota and was strongly voted down. The Christian nationalist bill mill attempt on our state has gone too far. Please uphold the constitution.

Listen to your social workers, your school counselors, the clinical trial manager, advocates, and the 221 chaplains who signed document number 32326 in opposition.

Thank you,

Lisa Hermosillo

Links

<https://www.aclu.org/news/religious-liberty/why-allowing-chaplains-in-public-schools-harms-students#:~:text=Installing%20chaplains%20in%20public%20schools,and%20religious%20coercion%20of%20students.>

<https://www.aclu.org/press-releases/chaplains-civil-rights-and-faith-groups-oppose-public-school-chaplain-programs>

<https://floridaphoenix.com/2024/08/13/faith-leaders-warn-schools-of-dangers-of-optional-voluntary-chaplain-program/>

<https://cmarlinwarfield.com/why-schools-hiring-chaplains-is-a-terrible-idea/>

<https://www.au.org/the-latest/articles/chaplains-letter-schools2024/>

<https://www.justice.gov/usao-ndtx/pr/retired-cook-childrens-hospital-chaplain-sentenced-60-years-prison-child-pornography>

<https://fox59.com/news/former-police-chaplain-accused-of-raping-young-child-hundreds-of-times-court-docs-reveal/>

<https://www.dea.gov/sites/default/files/2018-07/Clergy%20as%20Mandated%20Reporters%20of%20Child%20Abuse%20and%20Neglect.pdf>

2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1456
2/11/2025

Relating to school chaplains in public school districts.
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2:28 p.m. Chairman Heinert called the meeting to order.

Members Present: Chairman Heinert, Vice Chairman Schreiber- Beck, Representatives, Conmy, Hager, Hatlestad, Hauck, Heilman, Jonas, Longmuir, Maki, Marchall, Morton, Novak, Osowski

Discussion Topics:

- Committee action

2:29 p.m. Representative Marschall moved to amend by eliminating the appropriation.

2:29 p.m. Representative Morton seconded the motion.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	Y
Representative Matthew Heilman	Y
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	Y

Motion Carried: 14-0-0

2:30 p.m. Representative Morton moved a Do Pass as amended.

2:30 p.m. Representative Hauck seconded the motion.

Representatives	Vote
Representative Pat D. Heinert	N
Representative Cynthia Schreiber-Beck	N
Representative Liz Conmy	N
Representative LaurieBeth Hager	N

Representative Patrick R. Hatlestad	N
Representative Dori Hauck	Y
Representative Matthew Heilman	Y
Representative Jim Jonas	N
Representative Donald W. Longmuir	N
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	Y

Motion Failed: 7-7-0

2:32 p.m. Representative Hatlestad moved a Do Not Pass.

2:32 p.m. Representative Jonas seconded the motion.

Representatives	Vote
Representative Pat D. Heinert	N
Representative Cynthia Schreiber-Beck	N
Representative Liz Conmy	N
Representative LaurieBeth Hager	N
Representative Patrick R. Hatlestad	N
Representative Dori Hauck	Y
Representative Matthew Heilman	Y
Representative Jim Jonas	N
Representative Donald W. Longmuir	N
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	Y

Motion Failed: 7-7-0

2:40 p.m. Representative Hager moved the bill without committee recommendation.

2:40 p.m. Representative Novak seconded the motion.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	Y
Representative Matthew Heilman	Y

Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	Y

Motion carried: 14-0-0

Bill carrier: Representative Morton

2:41 p.m. Chairman Heinert ended the meeting.

Addison Randazzo for Leah Kuball, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

February 11, 2025

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1456

Introduced by

Representatives S. Olson, Schauer, K. Anderson, McLeod, Meier, Rohr, Steiner

Senators Boehm, Clemens, Larson, Paulson, Weston

- 1 A BILL for an Act to create and enact a new section to chapter 15.1-07 of the North Dakota
2 Century Code, relating to school chaplains in public school districts.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

- 4 **SECTION 1.** A new section to chapter 15.1-07 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Certified chaplains - School district policy - Requirements.**

- 7 1. As used in this section, "certified chaplain" means a chaplain certified by a national or
8 state chaplaincy organization or ecclesiastically endorsed by a religious organization.
9 2. A school district may employ or accept as a volunteer a certified chaplain to provide
10 support, services, and programs for a student, staff member, or legal guardian of a
11 student as authorized by the board of a school district.
12 3. A certified chaplain employed or volunteering under this section is not required to be
13 licensed by the education standards and practices board.
14 4. The board of a school district shall obtain a criminal history record check from the
15 bureau of criminal investigation for each individual hired or volunteering under this
16 section. All costs associated with a background check are the responsibility of the
17 board under section 12-60-24.
18 5. A school district may not employ or accept as a volunteer under this section an
19 individual who is required to register under section 12.1-32-15.

1 6. A cause of action does not arise against a certified chaplain for an action taken or
2 statement made while providing support, services, or programs for a student, staff
3 member, or legal guardian of a student, unless the action or statement was
4 maliciously, willfully, and deliberately intended to cause harm to, harass, or intimidate
5 an individual seeking the support, services, or programs provided by the certified
6 chaplain.

7 ~~SECTION 2. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION -~~
8 ~~KINDERGARTEN THROUGH GRADE TWELVE SCHOOL CHAPLAINS.~~ There is appropriated
9 ~~out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum~~
10 ~~of \$500,000, or so much of the sum as may be necessary, to the department of public~~
11 ~~instruction for the purpose of funding the salaries, training, oversight, and governance of school~~
12 ~~chaplains and evaluating the efficacy of the program, for the biennium beginning July 1, 2025,~~
13 ~~and ending June 30, 2027. The superintendent of public instruction may provide each school~~
14 ~~district no more than \$200,000.~~

**REPORT OF STANDING COMMITTEE
HB 1456**

Education Committee (Rep. Heinert, Chairman) recommends **AMENDMENTS** [\(25.0431.03001\)](#) and when so amended, recommends the measure **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (14 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1456 was placed on the Sixth order on the calendar.