

CHAPLAINS: RIGHT FOR FAITH COMMUNITIES, WRONG FOR PUBLIC SCHOOLS

In 2023, the Texas Legislature passed Senate Bill 763, which gives public school districts the option to hire or accept as volunteers religiously affiliated chaplains. We urge school boards to decline to adopt any policy under Chapter 23, Education Code, that initiates or expands the presence in public schools of chaplains. Should a school board choose to create or expand a role for chaplains, then we urge the board to take the time to study other professional chaplaincy programs before pioneering an unproven model on public school children.

What is a Professional Chaplain?

Chaplains are religious professionals that support the spiritual, emotional, existential, and religious needs of an individual that cannot otherwise access the religious services of the individual's choosing in a pluralistic institution—such as the military, prisons, or hospitals. The supports, services, and programs that a chaplain provides are context-specific for the setting in which they serve. These religious professionals have clear roles and are not repurposed or pressured into performing activities outside their scope. Moreover, they are licensed and regulated by “an endorsing organization” like a religious denomination.

What is Senate Bill 763?

SB 763 (now Chapter 23, Education Code) allows school districts to use “chaplain” for any “support, service, or program.” “Chaplain” is not defined, nor is “support, services, or programs.” The law mandates no qualifications or oversight for chaplains beyond prohibiting convicted sex offenders from serving as chaplains in public schools, as volunteers or employees.

What Does SB 763 Require of School Boards?

Section 3 of SB 763 reads: “each board of trustees...shall take a record vote... on whether to adopt a policy authorizing a campus of the district or school to employ or accept as a volunteer a chaplain under Chapter 23, Education Code.” The question before school districts under the plain language of SB 763 is “whether to adopt a policy...under Chapter 23, Education Code.” This vote must occur before March 1, 2024. There is no requirement to adopt a policy.

Texas Impact equips people of faith and conscience with information, opportunities, and outreach tools to educate their communities and engage with lawmakers on pressing public policy issues.

© 2023 Texas Impact. This work is licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License. 



SUGGESTED LANGUAGE FOR SCHOOL BOARD RESOLUTIONS REGARDING SB 763

WHEREAS, Section 23.001 of the Texas Education Code permits the district to employ or accept as a volunteer a chaplain to provide support, services, and programs for students as assigned by the Board;

WHEREAS, Senate Bill 763, passed by the 88th Texas Legislature, requires each school board to take a record vote between September 1, 2023, and March 1, 2024, on whether to adopt a policy authorizing a campus of the district to employ or accept as a volunteer a chaplain under Education Code Chapter 23;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of ____ School District hereby:

Option 1: Decline to Adopt a Policy

Does not adopt a policy authorizing a campus of the district to employ or accept as a volunteer a chaplain under Education Code Chapter 23.

The clearest course of action for a district that wants to maintain the status quo is to “decline to adopt a policy that expands support, services, or programs under Chapter 23, Education Code.” This option does NOT affect your current practices or policies. It only affects anything NEW that interested parties might conjure up due to the lack of definition of “chaplain.”

 ***[Use this option if your district does not adopt a policy. Declining to adopt a policy maintains the status quo regarding volunteers, including faith-based volunteers.]***

Option 2: Affirm Current Policy and Decline to Expand

Affirms the practice of a district campus permitting a volunteer, regardless of faith, to provide support, services, and programs for students in accordance with the district’s existing GKG(LOCAL) policy, and does not adopt a policy under Chapter 23, Education Code.

Trustees may hope to “affirm current practice” by adopting a policy under Chapter 23, but this strategy would conflate three distinct concepts: people of faith being treated like any other volunteer (nondiscrimination); the lack of definition of a “chaplain;” and adopting a chaplain policy under Chapter 23, Education Code. A district may feel compelled to “affirm the practice of a district.” However, if a district ONLY “affirms current practice” and fails to “decline to expand,” then the district inadvertently opens the door to any “support, services, or programs” that could be imagined under Chapter 23 by interested advocates approaching future school boards. If a district feels compelled to “affirm,” then the district should also explicitly “decline to expand support, services, or programs under Chapter 23, Education Code” in the text of the resolution.

 ***[Use this option if your district wants to “affirm current practice” AND prevent the expansion of “support, services, or programs” under Chapter 23.]***

Option 3: Decline to Expand at This Time and Undertake a Study

Does not adopt a policy authorizing a campus of the district to employ or accept as a volunteer a chaplain under Education Code Chapter 23 at this time. The district establishes a task force to:

- study the district's current practices related to the use of volunteers, including faith-based volunteers;
 - identify the support, services, and programs that utilize employees or volunteers;
 - recommend the qualifications and oversight necessary for employees and volunteers in providing support, services, and programs; and
- report back to the board by [date].

There is nothing in the law preventing a district from "declining to adopt" a policy "at this time" in order to study it. Such a resolution would comply with the plain text of Section 3 of SB 763 (see above) and provide trustees time to understand the myriad of issues (see below) involved with pioneering an unproven policy.

Use this option if your district does not adopt a policy at this time, but desires more time to study the issue.]

Option 4: Adopt a New Policy Including Adoption of Specific Standards

Permits a district campus to employ or accept as a volunteer a chaplain to provide support, services, and programs for students and adopts the following addition to DP(LOCAL):

School Chaplains. In accordance with law, the Board

- authorizes a campus to employ or accept as a volunteer a chaplain. [See DC and GKG]
- directs the following modifications to the district's DP:

"Chaplain" means a person who is endorsed by an organization recognized by the United States Department of Defense or the Federal Bureau of Prisons to endorse chaplains. An endorsing organization shall provide to the school district a complete disciplinary history for each endorsed chaplain and annually update this history for each endorsed chaplain.

Religious Freedom

- The district must maintain on its website a roster of each chaplain and include the chaplain's endorsing organization.
- The district shall ensure the roster of chaplains reflects the religious diversity of the school district.
- A chaplain unable to support a specific need of a student, guardian, or employee because of the chaplain's religious belief shall refer the student, guardian, or employee to another professional who can provide for the needs of the student, guardian, or employee.
- A chaplain shall facilitate the free exercise of religion as determined by the student, guardian, or employee. A chaplain is prohibited from proselytizing or advancing the chaplain's own religious perspective. (Cont'd)

Parental Consent

- The district shall obtain written consent from a legal guardian before a student may interact with a chaplain.

- The written consent form shall include specific information on the content of the support, service, or program, including the types of activities in which the student will be involved.
- All materials used by a chaplain must be available for a guardian to preview during school hours and on the website maintained by the district.
- A guardian may attend any interaction a chaplain has with a student.
- A guardian may revoke consent at any time.

The district [establishes a committee/designates an employee] to oversee the use of chaplains on campuses or in schools. [The committee/Staff] shall:

- recommend a professional code of ethics for chaplains;
- Report publicly to the board biannually on the status of the use of chaplains;
- serve as a liaison between the district and the endorsing organization; and receive complaints regarding the professional conduct of any chaplain, and share those complaints with the chaplain’s endorsing organization.

If a district decides to expand under Chapter 23, then trustees should enact publicly available standards for chaplains like those in force in the military, hospitals, or prisons. These standards should define the “support, services, or programs” provided by chaplains. Additionally, “chaplain” should be defined. That definition should include qualifications and oversight.

The qualifications should include:

- Educational requirements;
- Clinical training and field experience;
- Continuing education requirements;
- Requirements for multidisciplinary training in any core competencies of the “support, service, or program” that would be required of non-religious professionals doing the same work, such as mental health or career counseling.

The oversight should include:

- Endorsement by a religious organization with disciplinary authority for non-criminal breaches of professionalism, and a requirement that the disciplinary history be shared with the district;
- A clear HR policy — with an enforceable code of professional ethics — so that a district may hire, supervise, retain, or fire paid or volunteer chaplains, and the endorsing religious organization has a point of contact;
- Clear, enforceable rules respecting religious pluralism and against proselytizing;
- The same background check as a public school employee; and
- Obtaining parental consent before a child talks to a chaplain.

[Use this option if your district adopts a policy authorizing a campus of the district to employ or accept as a volunteer a chaplain under Education Code Chapter 23.]

Texas Impact Member Institutions

Baptist: Cooperative Baptist Fellowship in Texas Christian Church (Disciples of Christ): Trinity-Brazos Area• Bluebonnet Area • Southwest Region Episcopal Church: Diocese of West Texas• Diocese of Texas Evangelical Lutheran Church in America (ELCA): Northern Texas-Northern Louisiana Synod • Southwestern Texas Synod • Texas-Louisiana Gulf Coast Synod Jewish: National Council of Jewish Women • Religious Action Center-Texas Muslim: Islamic Circle of North America • North Texas Islamic Council • Texas Muslim Women’s Foundation Presbyterian Church (U.S.A.): Mission Presbytery • Palo Duro Presbytery • Tres Rios Presbytery • Presbytery of the New Covenant Society of Friends: South Central Yearly Meeting United Methodist Church: Central Texas Conference • North Texas Conference • Northwest Texas Conference • Rio Texas Conference • Texas Conference • Methodist Federation for Social Action: Rio Texas and Central Texas Chapters United Church of Christ: South Central Conference Unitarian Universalist: Texas Unitarian Universalist Justice Ministry Ecumenical and Interfaith Groups: United Women in Faith • Church Women United • Interfaith Action of Central Texas • Interfaith Ministries for Greater Houston • CitySquare • Faith Commons • Faith Forward Dallas • Tarrant Churches Together

LEARN MORE

engagement@texasimpact.org

512-472-3903

texasimpact.org

200 East 30th St, Austin, TX 78705