

PROPOSED AMENDMENT

HB 1137 # 6

DIGEST

Chaplains in public schools. Allows a principal or superintendent of a public school, including a charter school, to employ, or approve as a volunteer, a school chaplain if certain requirements are met. Provides that a school chaplain may only provide secular support to a student or an employee of the school unless permission is given by: (1) the student receiving services if the student is an emancipated minor or adult; (2) the employee of the school receiving services; or (3) a parent of the student and the student receiving services if the student is an unemancipated minor; to provide nonsecular support. Provides that a school chaplain is not required to divulge privileged or confidential communications with a student under certain circumstances. Provides that a school chaplain and a school counselor are subject to duties to report or disclose certain information.

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- 1 Page 1, between lines 9 and 10, begin a new paragraph and insert:
2 "SECTION 2. IC 20-26-5-4.5, AS ADDED BY P.L.90-2011,
3 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2024]: Sec. 4.5. (a) The superintendent is responsible for
5 selecting and discharging principals, central office administrators,
6 business managers, superintendents of building and grounds, janitors,
7 physicians, dentists, nurses, athletic coaches (whether or not they are
8 otherwise employed by the school corporation and whether or not they
9 are licensed under IC 20-28-5), and any other employees necessary to
10 the operation of the school corporation, subject to the approval of the
11 governing body.
12 (b) Subject to IC 20-28-7.5, the superintendent and principal are
13 responsible for selecting and discharging teachers, teachers aides,
14 assistant principals, building administrative staff, librarians, **school**
15 **chaplains (as defined in IC 20-26-22-2)**, and any other employees
16 necessary to the operation of the school, subject to the approval of the
17 governing body.
18 SECTION 3. IC 20-26-22 IS ADDED TO THE INDIANA CODE
19 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2024]:
21 **Chapter 22. School Chaplains**
22 **Sec. 1. As used in this chapter, "school" includes the following:**
23 **(1) A school maintained by a school corporation.**

1 **(2) A charter school.**

2 **Sec. 2. As used in this chapter, "school chaplain" refers to an**
 3 **individual who meets the qualifications described in section 3 of**
 4 **this chapter and whose primary responsibility is to provide advice,**
 5 **guidance, and support services to students and employees of the**
 6 **school.**

7 **Sec. 3. A school principal or superintendent may employ, or**
 8 **approve as a volunteer, a school chaplain if the individual:**

9 **(1) has at least:**

10 **(A) a master's degree in divinity, theology, religious**
 11 **studies, or a related field; and**

12 **(B) two (2) years of counseling experience;**

13 **(2) obtains an expanded criminal history check and expanded**
 14 **child protection index check under IC 20-26-5-10; and**

15 **(3) has never been convicted of an offense requiring**
 16 **registration as a sex offender as described in IC 11-8-8-4.5.**

17 **Sec. 4. A school chaplain may only provide secular advice,**
 18 **guidance, and support services to a student or employee of the**
 19 **school unless:**

20 **(1) the student receiving services if the student is an**
 21 **emancipated minor or an adult;**

22 **(2) the employee of the school receiving services; or**

23 **(3) a parent of the student and the student receiving services**
 24 **if the student is an unemancipated minor;**

25 **provides permission allowing nonsecular advice, guidance, and**
 26 **support services.**

27 **Sec. 5. (a) Except as provided in subsection (b), IC 20-33-7.5,**
 28 **IC 31-32-11-1, and IC 31-33-5:**

29 **(1) communications made by a student to a school chaplain as**
 30 **a school chaplain are privileged and confidential; and**

31 **(2) a school chaplain is not required to disclose**
 32 **communications described in subdivision (1).**

33 **(b) A school chaplain shall disclose to a school counselor**
 34 **communications made by a student to the school chaplain if the**
 35 **communications concern:**

36 **(1) self-harm of the student; or**

37 **(2) an intention to harm others.**

38 **SECTION 4. IC 20-28-10-17, AS AMENDED BY P.L.248-2023,**
 39 **SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
 40 **JULY 1, 2024]: Sec. 17. (a) Except as provided in IC 20-33-7.5, and**

1 IC 31-32-11-1, **and IC 31-33-5**, a school counselor is immune from
 2 disclosing privileged or confidential communication made to the
 3 counselor as a counselor by a student.

4 (b) Except as provided in IC 20-33-7.5, ~~and~~ IC 31-32-11-1, **and**
 5 **IC 31-33-5**, the matters communicated are privileged and protected
 6 against disclosure."

7 Page 3, between lines 12 and 13, begin a new paragraph and insert:

8 "SECTION 6. IC 20-33-7.5-4, AS ADDED BY P.L.248-2023,
 9 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2024]: Sec. 4. Nothing in this chapter may be construed to
 11 require a school psychologist, a school nurse, a school social worker,
 12 ~~or~~ a school counselor, **or a school chaplain** to violate a federal law or
 13 regulation.

14 SECTION 7. IC 31-32-11-1, AS AMENDED BY P.L.122-2009,
 15 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2024]: Sec. 1. The privileged communication between:

- 17 (1) a husband and wife;
- 18 (2) a health care provider and the health care provider's patient;
- 19 (3) a:
 - 20 (A) licensed social worker;
 - 21 (B) licensed clinical social worker;
 - 22 (C) licensed marriage and family therapist;
 - 23 (D) licensed mental health counselor;
 - 24 (E) licensed addiction counselor; or
 - 25 (F) licensed clinical addiction counselor;

26 and a client of any of the professionals described in clauses (A)
 27 through (F);

- 28 (4) a school counselor and a student; ~~or~~
- 29 (5) a school psychologist and a student; ~~or~~
- 30 **(6) a school chaplain and a student;**

31 is not a ground for excluding evidence in any judicial proceeding
 32 resulting from a report of a child who may be a victim of child abuse
 33 or neglect or relating to the subject matter of the report or failing to
 34 report as required by IC 31-33.

35 SECTION 8. IC 34-46-2-11.9 IS ADDED TO THE INDIANA
 36 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2024]: **Sec. 11.9. IC 20-26-22-5 (Concerning**
 38 **communications made to a school chaplain).**"

39 Renumber all SECTIONS consecutively.

(Reference is to HB 1137 as printed January 25, 2024.)