



February 23, 2024

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# ENGROSSED HOUSE BILL No. 1137

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DIGEST OF HB 1137 (Updated February 22, 2024 10:31 am - DI 110)

**Citations Affected:** IC 20-26; IC 20-28; IC 20-33; IC 31-32; IC 34-46.

**Synopsis:** Religious instruction and school chaplains. Requires a principal to allow a student to attend religious instruction conducted by certain entities following the principal's receipt of written notice from the student's parent. 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.

**Effective:** July 1, 2024.

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## Culp, Teshka, Manning, Wesco

(SENATE SPONSORS — RAATZ, JOHNSON T, CRANE)

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January 8, 2024, read first time and referred to Committee on Education.  
January 25, 2024, amended, reported — Do Pass.  
January 29, 2024, read second time, ordered engrossed.  
January 30, 2024, engrossed. Read third time, passed. Yeas 92, nays 4.

SENATE ACTION

February 12, 2024, read first time and referred to Committee on Education and Career Development.  
February 22, 2024, amended, reported favorably — Do Pass.

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EH 1137—LS 6769/DI 152





February 23, 2024

Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1137

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A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 20-26-5-4.5, AS ADDED BY P.L.90-2011,  
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2024]: Sec. 4.5. (a) The superintendent is responsible for  
4 selecting and discharging principals, central office administrators,  
5 business managers, superintendents of building and grounds, janitors,  
6 physicians, dentists, nurses, athletic coaches (whether or not they are  
7 otherwise employed by the school corporation and whether or not they  
8 are licensed under IC 20-28-5), and any other employees necessary to  
9 the operation of the school corporation, subject to the approval of the  
10 governing body.

11 (b) Subject to IC 20-28-7.5, the superintendent and principal are  
12 responsible for selecting and discharging teachers, teachers aides,  
13 assistant principals, building administrative staff, librarians, **school**  
14 **chaplains (as defined in IC 20-26-22-2)**, and any other employees  
15 necessary to the operation of the school, subject to the approval of the  
16 governing body.

17 SECTION 2. IC 20-26-22 IS ADDED TO THE INDIANA CODE

**EH 1137—LS 6769/DI 152**



1 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2024]:

3 **Chapter 22. School Chaplains**

4 **Sec. 1. As used in this chapter, "school" includes the following:**

- 5 (1) A school maintained by a school corporation.
- 6 (2) A charter school.

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

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

- 14 (1) has at least:
  - 15 (A) a master's degree in divinity, theology, religious
  - 16 studies, or a related field; and
  - 17 (B) two (2) years of counseling experience;
- 18 (2) obtains an expanded criminal history check and expanded
- 19 child protection index check under IC 20-26-5-10; and
- 20 (3) has never been convicted of an offense requiring
- 21 registration as a sex offender as described in IC 11-8-8-4.5.

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

- 25 (1) the student receiving services if the student is an
- 26 emancipated minor or an adult;
- 27 (2) the employee of the school receiving services; or
- 28 (3) a parent of the student and the student receiving services
- 29 if the student is an unemancipated minor;

30 **provides permission allowing nonsecular advice, guidance, and**  
31 **support services.**

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

- 34 (1) communications made by a student to a school chaplain as
- 35 a school chaplain are privileged and confidential; and
- 36 (2) a school chaplain is not required to disclose
- 37 communications described in subdivision (1).

38 **(b) A school chaplain shall disclose to a school counselor**  
39 **communications made by a student to the school chaplain if the**  
40 **communications concern:**

- 41 (1) self-harm of the student; or
- 42 (2) an intention to harm others.



1 SECTION 3. IC 20-28-10-17, AS AMENDED BY P.L.248-2023,  
 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2024]: Sec. 17. (a) Except as provided in IC 20-33-7.5, ~~and~~  
 4 IC 31-32-11-1, **and IC 31-33-5**, a school counselor is immune from  
 5 disclosing privileged or confidential communication made to the  
 6 counselor as a counselor by a student.

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

10 SECTION 4. IC 20-33-2-19, AS AMENDED BY P.L.226-2019,  
 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2024]: Sec. 19. (a) When the parent of a student who is  
 13 enrolled in a public school ~~makes a~~ **provides** written ~~request,~~ **notice**,  
 14 the principal ~~may~~ **shall** allow the student to attend a school for  
 15 religious instruction that is conducted by a church, an association of  
 16 churches, or an association that is organized for religious instruction  
 17 and incorporated under Indiana law.

18 (b) ~~If a principal grants permission~~ **After receiving notice** under  
 19 subsection (a), the principal shall ~~specify~~ **work in a collaborative**  
 20 **manner with the parent or entity offering religious instruction to**  
 21 **provide assistance in determining** a period or periods, not to exceed  
 22 one hundred twenty (120) minutes in total in any week, for the student  
 23 to receive religious instruction. **An entity offering religious**  
 24 **instruction to a student as described in this subsection shall, as**  
 25 **applicable, work in a collaborative manner with the principal to**  
 26 **ensure the period or periods in which the student receives religious**  
 27 **instruction are the least disruptive to the instructional time (as**  
 28 **defined in IC 20-30-2-1) of the student.** The ~~permission~~ **notice** is  
 29 valid only for the **school** year in which it is ~~granted.~~ ~~Decisions made by~~  
 30 ~~a principal under this section may be reviewed by the superintendent.~~  
 31 **provided.**

32 (c) ~~A school for~~ **An entity providing** religious instruction that  
 33 receives students under this section:

34 (1) shall maintain attendance records and allow inspection of  
 35 these records by attendance officers; and

36 (2) may not be supported, in whole or in part, by public funds.

37 (d) A student who attends a school for religious instruction under  
 38 this section shall receive the same attendance credit that the student  
 39 would receive for attendance in the public schools for the same length  
 40 of time.

41 (e) A public secondary school may award academic credit to a  
 42 student who attends religious instruction under this section if the



1 governing body of the school corporation adopts a policy that allows  
 2 the awarding of credit. A policy adopted under this subsection must  
 3 provide the following:

4 (1) Classes in religious instruction are evaluated on the basis of  
 5 purely secular criteria in substantially the same manner as similar  
 6 classes taken by a student at a nonpublic secondary school who  
 7 transfers to a public secondary school are evaluated to determine  
 8 whether the student receives transfer credit for the classes.  
 9 Secular criteria may include the following in addition to other  
 10 secular criteria established by the governing body:

11 (A) The number of hours of classroom instructional time.

12 (B) A review of the course syllabus that reflects the course  
 13 requirements and materials.

14 (C) Methods of assessment used in the course.

15 (D) Whether the course is taught by a licensed teacher.

16 (2) The decision of whether to award academic credit is neutral  
 17 as to, and does not involve any test for, religious content or  
 18 denominational affiliation.

19 (3) A provision that a student who attends religious instruction  
 20 under this section shall first seek to use a time period during a  
 21 student instructional day (as defined in IC 20-30-2-2) that is not  
 22 devoted to student instructional time to attend religious  
 23 instruction. If a student is not able to attend religious instruction  
 24 at a time other than during student instructional time, the student  
 25 may not be released to attend religious instruction for an amount  
 26 of time per week that exceeds the amount established in  
 27 subsection (b).

28 A student may be awarded a total of not more than two (2) elective  
 29 academic credits under this subsection.

30 SECTION 5. IC 20-33-7.5-4, AS ADDED BY P.L.248-2023,  
 31 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2024]: Sec. 4. Nothing in this chapter may be construed to  
 33 require a school psychologist, a school nurse, a school social worker,  
 34 ~~or~~ a school counselor, **or a school chaplain** to violate a federal law or  
 35 regulation.

36 SECTION 6. IC 31-32-11-1, AS AMENDED BY P.L.122-2009,  
 37 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2024]: Sec. 1. The privileged communication between:

39 (1) a husband and wife;

40 (2) a health care provider and the health care provider's patient;

41 (3) a:

42 (A) licensed social worker;



1 (B) licensed clinical social worker;  
 2 (C) licensed marriage and family therapist;  
 3 (D) licensed mental health counselor;  
 4 (E) licensed addiction counselor; or  
 5 (F) licensed clinical addiction counselor;  
 6 and a client of any of the professionals described in clauses (A)  
 7 through (F);  
 8 (4) a school counselor and a student; ~~or~~  
 9 (5) a school psychologist and a student; ~~or~~  
 10 **(6) a school chaplain and a student;**  
 11 is not a ground for excluding evidence in any judicial proceeding  
 12 resulting from a report of a child who may be a victim of child abuse  
 13 or neglect or relating to the subject matter of the report or failing to  
 14 report as required by IC 31-33.  
 15 SECTION 7. IC 34-46-2-11.9 IS ADDED TO THE INDIANA  
 16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 17 [EFFECTIVE JULY 1, 2024]: **Sec. 11.9. IC 20-26-22-5 (Concerning**  
 18 **communications made to a school chaplain).**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1137, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-19-3-32 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) As used in this section, "civics based reading instruction materials" means reading instruction materials for kindergarten through grade 3 that concern educational concepts of United States history and civics.**

**(b) The department shall develop methods to provide parents, students, educators, and schools with affordable civics based reading instruction materials."**

Page 1, line 4, delete "notice," and insert "**notice and the student meets the requirements of subsection (b),**".

Page 1, between lines 8 and 9, begin a new paragraph and insert:

**"(b) In order to be released for a purpose described in subsection (a), a student enrolled in a public school must:**

- (1) not be habitually truant; and**
- (2) be in academic good standing."**

Page 1, line 9, strike "(b)" and insert "(c)".

Page 1, line 10, after "(a)," insert "**if the student meets the requirements described in subsection (b),**".

Page 1, line 17, strike "(c)" and insert "(d)".

Page 2, line 5, strike "(d)" and insert "(e)".

Page 2, line 9, strike "(e)" and insert "(f)".

Page 2, line 37, strike "(b)." and insert "(c)".

Page 2, after line 39, begin a new paragraph and insert:

**"SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "civics based reading instruction materials" has the meaning set forth in IC 20-19-3-32(a), as added by this act.**

**(b) As used in this SECTION, "department" refers to the department of education established by IC 20-19-3-1.**

**(c) Not later than September 1, 2024, the department shall, in consultation with the Indiana civic education commission established by IC 20-19-10-2 and the Indiana Bar Foundation, do the following:**

- (1) Identify:**





- (A) affordable civics based reading instruction materials for use by parents, students, educators, and schools;
  - (B) methods to encourage the further development of civics based reading instruction materials for use as curricular materials; and
  - (C) incentives, including grants and tax credits, for the adoption and use of civics based reading instruction materials in public schools and charter schools.
- (2) Establish recommendations for the general assembly related to the creation of a state civic seal program to recognize excellence in civic education among students, educators, and schools, including the following:
- (A) Awarding of civic seals, including public recognition and financial awards.
  - (B) Potential sources for funding of financial awards described in clause (A), including charitable contributions that are eligible for partial tax credits.
- (3) Report to the general assembly, in an electronic format under IC 5-14-6, the:
- (A) information identified under subdivision (1); and
  - (B) recommendations established under subdivision (2).
- (d) This SECTION expires October 1, 2024.

SECTION 4. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1137 as introduced.)

BEHNING

Committee Vote: yeas 13, nays 0.

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#### COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1137, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

**EH 1137—LS 6769/DI 152**



"SECTION 1. IC 20-26-5-4.5, AS ADDED BY P.L.90-2011, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 4.5. (a) The superintendent is responsible for selecting and discharging principals, central office administrators, business managers, superintendents of building and grounds, janitors, physicians, dentists, nurses, athletic coaches (whether or not they are otherwise employed by the school corporation and whether or not they are licensed under IC 20-28-5), and any other employees necessary to the operation of the school corporation, subject to the approval of the governing body.

(b) Subject to IC 20-28-7.5, the superintendent and principal are responsible for selecting and discharging teachers, teachers aides, assistant principals, building administrative staff, librarians, **school chaplains (as defined in IC 20-26-22-2)**, and any other employees necessary to the operation of the school, subject to the approval of the governing body.

SECTION 2. IC 20-26-22 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

**Chapter 22. School Chaplains**

**Sec. 1. As used in this chapter, "school" includes the following:**

- (1) A school maintained by a school corporation.
- (2) A charter school.

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

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

- (1) has at least:
  - (A) a master's degree in divinity, theology, religious studies, or a related field; and
  - (B) two (2) years of counseling experience;
- (2) obtains an expanded criminal history check and expanded child protection index check under IC 20-26-5-10; and
- (3) has never been convicted of an offense requiring registration as a sex offender as described in IC 11-8-8-4.5.

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

- (1) the student receiving services if the student is an



emancipated minor or an 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;  
 provides permission allowing nonsecular advice, guidance, and  
 support services.

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

- (1) communications made by a student to a school chaplain as  
 a school chaplain are privileged and confidential; and
- (2) a school chaplain is not required to disclose  
 communications described in subdivision (1).

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

- (1) self-harm of the student; or
- (2) an intention to harm others.

SECTION 4. IC 20-28-10-17, AS AMENDED BY P.L.248-2023,  
 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 JULY 1, 2024]: Sec. 17. (a) Except as provided in IC 20-33-7.5, ~~and~~  
 IC 31-32-11-1, **and IC 31-33-5**, a school counselor is immune from  
 disclosing privileged or confidential communication made to the  
 counselor as a counselor by a student.

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

SECTION 5. IC 20-33-2-19, AS AMENDED BY P.L.226-2019,  
 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 JULY 1, 2024]: Sec. 19. (a) When the parent of a student who is  
 enrolled in a public school ~~makes a~~ **provides** written ~~request,~~ **notice**,  
 the principal ~~may~~ **shall** allow the student to attend a school for  
 religious instruction that is conducted by a church, an association of  
 churches, or an association that is organized for religious instruction  
 and incorporated under Indiana law.

(b) ~~If a principal grants permission~~ **After receiving notice** under  
 subsection (a), the principal shall ~~specify~~ **work in a collaborative  
 manner with the parent or entity offering religious instruction to  
 provide assistance in determining** a period or periods, not to exceed  
 one hundred twenty (120) minutes in total in any week, for the student  
 to receive religious instruction. **An entity offering religious  
 instruction to a student as described in this subsection shall, as  
 applicable, work in a collaborative manner with the principal to**



**ensure the period or periods in which the student receives religious instruction are the least disruptive to the instructional time (as defined in IC 20-30-2-1) of the student. The permission notice is valid only for the school year in which it is granted. Decisions made by a principal under this section may be reviewed by the superintendent provided.**

(c) ~~A school for~~ **An entity providing** religious instruction that receives students under this section:

(1) shall maintain attendance records and allow inspection of these records by attendance officers; and

(2) may not be supported, in whole or in part, by public funds.

(d) A student who attends a school for religious instruction under this section shall receive the same attendance credit that the student would receive for attendance in the public schools for the same length of time.

(e) A public secondary school may award academic credit to a student who attends religious instruction under this section if the governing body of the school corporation adopts a policy that allows the awarding of credit. A policy adopted under this subsection must provide the following:

(1) Classes in religious instruction are evaluated on the basis of purely secular criteria in substantially the same manner as similar classes taken by a student at a nonpublic secondary school who transfers to a public secondary school are evaluated to determine whether the student receives transfer credit for the classes. Secular criteria may include the following in addition to other secular criteria established by the governing body:

(A) The number of hours of classroom instructional time.

(B) A review of the course syllabus that reflects the course requirements and materials.

(C) Methods of assessment used in the course.

(D) Whether the course is taught by a licensed teacher.

(2) The decision of whether to award academic credit is neutral as to, and does not involve any test for, religious content or denominational affiliation.

(3) A provision that a student who attends religious instruction under this section shall first seek to use a time period during a student instructional day (as defined in IC 20-30-2-2) that is not devoted to student instructional time to attend religious instruction. If a student is not able to attend religious instruction at a time other than during student instructional time, the student may not be released to attend religious instruction for an amount



of time per week that exceeds the amount established in subsection (b).

A student may be awarded a total of not more than two (2) elective academic credits under this subsection.

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

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

- (1) a husband and wife;
- (2) a health care provider and the health care provider's patient;
- (3) a:
  - (A) licensed social worker;
  - (B) licensed clinical social worker;
  - (C) licensed marriage and family therapist;
  - (D) licensed mental health counselor;
  - (E) licensed addiction counselor; or
  - (F) licensed clinical addiction counselor;
 and a client of any of the professionals described in clauses (A) through (F);
- (4) a school counselor and a student; **or**
- (5) a school psychologist and a student; **or**
- (6) a school chaplain and a student;**

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

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

Delete pages 2 through 4.

and when so amended that said bill do pass.

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

RAATZ, Chairperson

Committee Vote: Yeas 9, Nays 4.

**EH 1137—LS 6769/DI 152**

