



Reprinted
January 31, 2024

SENATE BILL No. 50

DIGEST OF SB 50 (Updated January 30, 2024 4:38 pm - DI 140)

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

Synopsis: 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.

Effective: July 1, 2024.

**Donato, Raatz, Deery, Crane,
Buchanan, Tomes, Rogers, Byrne**

January 8, 2024, read first time and referred to Committee on Education and Career Development.

January 25, 2024, reported favorably — Do Pass.

January 30, 2024, read second time, amended, ordered engrossed.

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Reprinted
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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.

SENATE BILL No. 50

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

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

16 SECTION 5. IC 31-32-11-1, AS AMENDED BY P.L.122-2009,
 17 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2024]: Sec. 1. The privileged communication between:

- 19 (1) a husband and wife;
 20 (2) a health care provider and the health care provider's patient;
 21 (3) a:
 22 (A) licensed social worker;
 23 (B) licensed clinical social worker;
 24 (C) licensed marriage and family therapist;
 25 (D) licensed mental health counselor;
 26 (E) licensed addiction counselor; or
 27 (F) licensed clinical addiction counselor;
 28 and a client of any of the professionals described in clauses (A)
 29 through (F);
 30 (4) a school counselor and a student; **or**
 31 (5) a school psychologist and a student; **or**
 32 **(6) a school chaplain and a student;**

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

37 SECTION 6. IC 34-46-2-11.9 IS ADDED TO THE INDIANA
 38 CODE AS A NEW SECTION TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2024]: **Sec. 11.9. IC 20-26-22-5 (Concerning**
 40 **communications made to a school chaplain).**



COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 50, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 50 as introduced.)

RAATZ, Chairperson

Committee Vote: Yeas 9, Nays 4

 SENATE MOTION

Madam President: I move that Senate Bill 50 be amended to read as follows:

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

"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."

Page 2, line 9, delete "services;" and insert "**services if the student is an emancipated minor or an adult;**".

Page 2, line 11, delete "or guardian".

Page 2, line 11, delete "receiving services;" and insert "**and the student receiving services if the student is an unemancipated minor;**".

Page 2, line 14, after "Sec. 5." insert "(a)".

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Page 2, line 14, delete "IC 20-33-7.5 and IC 31-32-11-1:" and insert **"subsection (b), IC 20-33-7.5, IC 31-32-11-1, and IC 31-33-5:"**.

Page 2, between lines 18 and 19, begin a new paragraph and insert:

"(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 3. 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."

Renumber all SECTIONS consecutively.

(Reference is to SB 50 as printed January 26, 2024.)

DONATO

