

KNOW YOUR RIGHTS: SB 763 (CHAPLAINS)



CURRENT STATUS: IN EFFECT

What is Senate Bill 763?

- SB 763 was passed during the 2023 Texas legislative session.
- It required all school boards to vote by March 1, 2024 on whether to adopt a policy to hire, or accept as volunteers, chaplains who will “provide support, services, and programs for students as assigned by the board of trustees.”
 - These chaplains would not be required to be trained in counseling nor certified by the State Board for Educator Certification or any other major entity.
 - They could be compensated using funds earmarked for school safety.
- The National School Chaplain Association championed this legislation with the stated intent “to bring God and prayer back to school.”

Does the law replace school counselors with chaplains?

- No. The original version of the bill allowed for this, but it was amended to make it clear that chaplains won't be used in place of school counselors.

What are our concerns about the bill?

- By permitting religious chaplains to assume official positions—whether paid or voluntary—in public schools, SB 763 will lead to religious coercion and indoctrination of students in violation of the First Amendment.
- Since chaplains are generally affiliated with specific religious denominations and traditions, in deciding which chaplains to hire or accept, schools would inherently give unconstitutional preferences to particular faiths.
- The bill doesn't define or establish minimum standards for chaplain programs or any form of oversight of chaplain practices, leaving the door wide open for chaplains to offer teachings that conflict with standards adopted by the State Board of Education.
- These chaplains would not be trained in trauma-informed practices or laws related to maintaining confidentiality, increasing the odds that students would be harmed by interactions with them and have their privacy rights violated.
- SB 763 would authorize districts to use the School Safety Allotment to compensate chaplains, which would be at the expense of other measures that could enhance school safety and student wellbeing.
- Students who practice religions other than Christianity, may be grappling with reproductive health decisions, don't practice any religion, or who identify as LGBTQIA+ are at particular risk under this bill. Chaplains can “treat” students in need of professional behavioral health services or suicide prevention with disproven methods (such as conversion therapy) and shame them by labelling certain struggles or identity challenges as sins.
- Students in need deserve to be counseled by professionals who have proven they are competent to serve the best interests of the youth in their care. This bill would not live up to that standard.

For those who may be impacted by SB 763:

- Remember that initial votes by school boards on whether chaplains can volunteer or be employed in their school districts happened on or before March 1, 2024. But school boards can always
- amend or rescind those policies.
Remember that you have First Amendment rights - religious chaplains in public and charter schools are not legally allowed to attempt to coerce or indoctrinate students to practice their religion or engage in religious practices.
 - You also *do not* have to disclose any identities, health concerns, or religious/spiritual beliefs or practices to chaplains.
- If you attend a school with a religious chaplain and request counseling or mental health assistance from your school, remember that you can request a licensed counselor or other mental health professional instead.
- Remember that religious chaplains are not supposed to be used by schools as a replacement for mental health professionals and are not allowed to preach to you about their beliefs.
- If you become impacted by SB 763, reach out to us as soon as possible. We're here to support you.

Contact us:

ACLU of Texas - intake.aclutx.org

Equality Texas - info@EqualityTexas.org

Human Rights Campaign - feedback@hrc.org

Lambda Legal - lambdalegal.org/helpdesk

Texas Freedom Network - tfn@tfn.org

Transgender Education Network of Texas - info@transtexas.org

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