

January 29, 2024

The Honorable Dan Gehlbach
Chair
Education Subcommittee
Iowa House of Representatives
1007 East Grand Ave
Des Moines, IA 50319

Re: Oppose HF 2073—Chaplains in Public Schools Raise Constitutional Concerns

Dear Chair Gehlbach:

On behalf of the Iowa members and supporters of Americans United for Separation of Church and State, I write to urge you to oppose HF 2073, which would authorize chaplains—clergy members who provide religious and spiritual care—in public schools. You should reject this bill because it will undoubtedly violate the religious freedom of students who have the right to attend school free from religious coercion and to feel welcome in their school regardless of their religious beliefs. Furthermore, students deserve to have qualified counselors.

This Bill Would Lead to Constitutional Violations

Both the U.S. and Iowa Constitutions forbid the government from funding religious activities in public schools¹ and from favoring religion over nonreligion.² Allowing public schools to hire chaplains or approve them as volunteers, however, both funds and favors religion.

Public school chaplains also violate the constitutional prohibition on religious coercion. In 2022, in *Kennedy v. Bremerton School District*, the Supreme Court reaffirmed that public school employees may not coerce students to pray or engage in religious

¹ The U.S. Constitution prohibits providing public aid to religious groups when that aid will support religious activity, including prayer, proselytizing, or religious instruction. See *Mitchell v. Helms*, 530 U.S. 793, 857, 861 (2000) (O'Connor, J., concurring). Iowa Const. art. I, § 3.

² *Everson v. Board of Education*, 330 U.S. 1, 8-13, 15-16 (1947); *Engel v. Vitale*, 370 U.S. 421, 425-31 (1962); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203, 214, 226 (1963); *McCreary County v. ACLU of Kentucky*, 545 U.S. 844, 875–81 (2005). Indeed, this is the historic, foundational principle at the heart of the Establishment Clause. Iowa Const. art. I, § 3.

activities with them.³ If public schools employ chaplains, they will inevitably violate the constitutional rights of students.

School employees have extraordinary control over students and their school experience. Students who are assigned to a chaplain instead of a qualified counselor will be aware of the chaplain's religious beliefs and their inclination to provide spiritual guidance. This may pressure students who need support services to assent to religious advice and agree to participate in religious activities in order to get the services they need. And some students may forgo seeking guidance altogether if they know that the chaplain's religious views conflict with their own and their need for help will be met with judgment and disapproval.

Some may argue that public school chaplains are permissible because the courts have upheld the constitutionality of government chaplains in a handful of other settings, such as the military, hospitals, or prisons. But these are places where those to whom the chaplains minister would otherwise be denied access to clergy. Public school students do not fit into this category. If students or their families want religious guidance, they can readily consult their pastor, their priest, their rabbi, or their imam. Furthermore, it ignores the fact that there are "heightened concerns" with protecting students from the "subtle coercive pressure in the elementary and secondary public schools" that comes from school-endorsed religious activities.⁴

Students Deserve Qualified Counselors

School counselors are certified and licensed educators who improve success for all students by implementing a comprehensive counseling program. They help students apply academic achievement strategies, manage emotions, and plan for college or the workforce. Chaplains, in contrast, are religious leaders who are trained to provide religious services and spiritual care. And HF 2073 prohibits school districts from requiring chaplains to have a license, certification, or even statement of recognition issued by the board of educational examiners.

Replacing well-educated and licensed professionals with uncertified chaplains threatens the safety and education of our students. Chaplains are not given the professional training required to care for the mental health of all students. This means they would not be equipped to support students dealing with serious matters like anxiety, depression, eating disorders, self-harm, or suicidal ideation.

Chaplains themselves understand that they are not qualified to serve in schools. After a bill similar to HF 2073 was enacted in Texas last year, more than 100 chaplains signed a letter opposing the proposal that chaplains serve in public schools.⁵ The signers

³ 142 S. Ct. 2407, 2429-31 (2022). Justice Gorsuch explained that the government coercing someone to engage in a religious exercise "was among the foremost hallmarks of religious establishments the framers sought to prohibit when they adopted the First Amendment." *Id.* at 2429.

⁴ *Lee v. Weisman*, 505 U.S. 577, 592 (1992).

⁵ [Letter from Texas Chaplains to All Texas School Board Members](#).

explain that allowing chaplains to serve in public schools would be “harmful to our public schools and the students and families they serve.”⁶ Many Texas school boards, which are required under the law to vote on whether to adopt a policy, have rejected the idea outright.⁷

Public Schools Are Diverse, and All Students Should Be Welcome

Families and students in Iowa practice a wide variety of religions and faiths, and many are nonreligious. All of them should all feel welcome in their school. Hiring a school chaplain from a specific religion, however, promotes a specific religious perspective and necessarily excludes members of the community whose religious views do not align with the majority. Freedom of religion means that parents—not school officials or state legislatures—have the right to direct their children’s religious education and should be able to entrust that their children will not have a particular religious perspective forced on them while attending our public schools.

Conclusion

This bill will inevitably result in chaplains coercing students to participate in religious activities in violation of the student’s fundamental religious freedom rights. As a result, passage of this bill would likely result in litigation. Public school students deserve to have qualified counselors and to feel welcome in their school. Accordingly, I urge you to reject HF 2073.

Thank you for your consideration on this important matter.

Sincerely,



Nikolas Nartowicz
State Policy Counsel

cc: Members of the House Education Subcommittee

⁶ *Id.*

⁷ Jack Jenkins, [Texas’ Debate Over School Chaplains Escalates School Board Culture Wars](#), *Texas Tribune*, Dec. 15, 2023.