

Comment Report

HF 2073

A bill for an act authorizing school districts, charter schools, and innovation zone schools to employ chaplains, or engage volunteer chaplains, to provide services to students.

Subcommittee Members: Gehlbach-CH, Hora, Kurth

Date: 01/30/2024

Time: 12:00 PM

Location: RM 103, Sup. Ct. Chamber

Name: Angie Hance

Comment: The first amendment's Establishment Clause prohibits the government from making actions that unduly favor one religion over another. In case you don't know, most chaplains in America are Christians. By virtue of this law, you are promoting Christianity over other religions practiced in the United States. To be clear, I am a Christian. However I do not believe it's appropriate in schools to have chaplains wandering around promoting religious concepts without oversight and without the permission of parents. I seem to recall that one of Reynold's wishes around the survey/books/nicknames legislation was that parents should have complete control over their children's lives. This seems to go against my very simplistic description of that legislation. Texas tried this in the late 90's and a federal trial court invalidated the program, finding it in violation of the First Amendment. "It was not neutral with regard to faith and conveyed the message that religion is preferable to a lack of religion. While another bill has been enacted in Texas, it is likely it will be struck down due to the same reasons. A pastor in Indianapolis stated this I have far more than two years of experience in pastoral counseling as a pastor, and I can tell you that I am in no way prepared or qualified either academically or professionally to serve as a secular counselor or academic adviser or chaplain at a public school, Lesesne said. Seminaries do not require any courses in counseling, childhood, youth psychosocial development, or educational theory in order to receive a master of divinity degree. Public schools are not the place for religious instruction that is best left to houses of worship, religious institutions and families.

Name: Geralyn Jones

Comment: I am IN SUPPORT of this bill. As noted during the initial hearing of this bill, it was stated that the overall mental health of the student body improved dramatically and far less violence was reported, if any at all, in schools that had a chaplain. Students have been obliged into seeing a school counselor that has been assigned to them who offers advice that may veer from the parents fundamental right to determine the care, upbringing and education of their child. I believe having Chaplains available to the students during the school day, upon request, offers an option suitable for students to seek the spiritual counsel they wish to receive.

Name: Oliver Bardwell

Comment: I strongly support House File 2073, as it addresses a crucial need in our school system. Currently, the presence of chaplains in schools is often limited to times of tragedy and crisis. While their support during these moments is invaluable, our students could greatly benefit from having access to chaplain services on a more regular basis. This bill allows for the employment or engagement of chaplains in schools, not just as reactive measures during difficult times, but as a proactive and consistent source of guidance and support for our students. Having chaplains available in schools on an ongoing basis offers a multitude of benefits. It provides

students with a stable source of emotional and spiritual support, which is especially important in today's fastpaced and often stressful educational environment. It also fosters a sense of community and belonging among students, helping them to navigate the challenges of adolescence and young adulthood with greater resilience. Furthermore, by not requiring students to utilize these services, the bill ensures that the presence of chaplains is a voluntary and nonintrusive option. This respectful approach honors the diverse beliefs and backgrounds of all students and their families, while providing an important resource for those who wish to take advantage of it.

Name: Nikolas Nartowicz

Comment: Americans United for Separation of Church and State urges you to oppose HF 2073, which would allow public schools to employ chaplains or approve them as volunteers. 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. Please see the attached letter for more details.

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.