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February 22, 2024

Brian J. Feldman, Chair
Education, Energy & the Environment Committee
2 West
Miller Senate Office Building
Annapolis, Maryland 21401

Re: SB 612 – County Boards of Education – Volunteer Aides – School Chaplain
Testimony of the Pacific Justice Institute

Dear Chair Feldman and Members of the Committee:

The Pacific Justice Institute (PJI) is a national non-profit law firm focused on the defense of religious freedoms, parental rights and other civil liberties. I work as PJI's Maryland attorney. We are writing to express our **support** for Senate Bill 612 which gives local school boards the option to use chaplains as volunteer aides in schools to provide support services to students.

Anxiety, depression, suicide, bullying, and substance abuse are among some of the many concerns children and teenagers face within their schools and in society at large.

The use of volunteer chaplains in public schools is a means by which local school districts can attempt to address these concerns with the hope of preventing further escalation of these issues within the public school system.

According to the National School Chaplain Association, the largest provider of certified school chaplains globally, use of chaplains in schools leads to **increased**:

- Teacher retention
- School safety
- Confidence
- Motivation and goal setting
- Grades
- Graduation rates

Additionally, the use of chaplains leads to **decreased**:

- Bullying
- Teen pregnancies
- Alcohol and drug consumption
- Reported violence at school and home

Moreover, extensive judicial precedent supports the use of chaplains in public schools without violating the Establishment Clause.

In *Katcoff v. Marsh*, the Court found that military chaplain programs do not violate the Establishment Clause.

Additionally, in cases like *Santa Fe Independent School District v. Doe*, 530 U.S. 290 (2000), and *Lee v. Weisman*, 505 U.S. 577 (1992), the Supreme Court has made it clear that one of the hallmark features of a violation of the Establishment Clause is when there is coercive conduct. In this legislation, SB 612, there is no coercion. The bill simply adds the following 19 words to Maryland's Education Code: "A County Board **may** use a Chaplain as a volunteer aide in schools to provide support services to students" (emphasis added).

This bill does not *require* the use of Chaplains but rather empowers local school districts to add Chaplains (if they so choose) as an additional resource for students. Notably, the Education Code also states that Chaplains may not replace educational personnel and are subject to existing guidelines pertaining to volunteer aides in their respective school systems.

Chaplains presently work in many publicly funded institutions and in private companies. Chaplains serve in hospitals, mental health facilities, correctional institutions, hospice centers, and nursing homes. Chaplains are so useful and beneficial that they also serve in fire departments, law enforcement agencies and in various sectors of our federal government such as the military, the U.S. House of Representatives and Senate and the FBI.

Chaplaincy has been upheld for over 250 years. More than a dozen states are considering similar legislation this session. The use of Chaplains is constitutionally protected and does not violate the separation clause of the First Amendment. The benefits of chaplains in public schools to address the prevalence of mental health concerns, substance abuse issues and suicide rates is both laudable and necessary.

If Chaplains have been used to help correctional facilities and hospitals, and improve the well-being of our public servants and government officials (often dealing with traumatic issues and emergency situations), why should we exclude Chaplains from public schools where there are scores of young kids and teenagers who may need it the most?

For the foregoing reasons, we ask that you strongly consider the extraordinary benefits of giving local school districts the option to use chaplains as volunteer aides in public schools, and issue a favorable report on this bill.

Sincerely,

/s/ Lorna M. Henry

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