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February 26, 2024

Vanessa E. Atterbeary, Chair  
Ways & Means Committee  
Room 131  
House Office Building  
Annapolis, Maryland 21401

Re: HB 1234 – County Boards of Education – Volunteer Aides – School Chaplain  
Testimony of the Pacific Justice Institute

Dear Chair Atterbeary 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 House Bill 1234 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

It is important to note that chaplains are trained to work in secular environments and can provide a host of services for students including counseling and emotional support in difficult situations. Chaplains may also provide spiritual guidance and care for those who desire such. There are thousands of chaplains in public institutions and federal government, including in the United States Senate where the chaplain is an

elected officer who is available to provide spiritual counseling and guidance to members and staff. According to the U.S. Senate's website, the Office of the Chaplain is nonpartisan, nonpolitical, and nonsectarian. Similarly, school chaplains do not have to be of any particular denomination and can be nonpartisan, nonpolitical, and nonsectarian while addressing the pressing (and often urgent) issues students face in their schools.

Extensive judicial precedent supports the use of chaplains in public schools without violating the Establishment Clause of the First Amendment.

Beginning with *Marsh v. Chambers* in 1983, the Supreme Court determined that maintaining the history and tradition of prayer prior to a legislative session does not violate the Establishment Clause.

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

Additionally, both *Espinoza v. Montana Department of Revenue* and *Carson v. Makin* in 2020 and 2022 respectively, clearly stated that government funding of religious schools is not an Establishment Clause problem. If government funding is generally provided to schools, religious schools cannot be discriminated against.

Notably, in cases like *Santa Fe Independent School District v. Doe*, and *Lee v. Weisman*, 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 HB 1234, there is no coercion. This 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. Importantly, 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. Congress and the FBI.

Chaplaincy has been upheld for over 250 years. Many chaplains are certified or undergo specialized training. Many Chaplains have a Bachelor's and/or Master's degree. Some chaplains have Doctorate degrees. 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 are both laudable and necessary.

If Chaplains have been used to help correctional facilities and hospitals, and to 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 their services 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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