



AMERICAN ATHEISTS

March 4, 2025

The Honorable Del. Vanessa E. Atterbeary
Chair, House Ways and Means Committee
130 Taylor House Office Building
Annapolis, Maryland 21404

Re: OPPOSE HB 1395, Allowing Chaplains Access to Public School Students

Dear Chairperson Atterbeary and Members of the House Ways and Means Committee:

American Atheists, on behalf of its over 1,200 constituents in Maryland, writes in opposition to HB 1395, a bill that would, with minimal requirements, allow religious chaplains into public schools to supposedly assist school counselors in their day-to-day work. This bill would undermine the religious equality of all Maryland residents by subjecting students of nonsectarian public schools to religious coercion and interfering with parents' fundamental right to direct the upbringing of their children. We strongly urge you to reject this unconstitutional bill.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the "wall of separation" between government and religion created by the First Amendment. We strive to create an environment where atheists are accepted as members of our nation's communities and where bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building, and work to end the stigma associated with being an atheist in America. American Atheists believes that no young person should be subject to religious coercion by the government.

HB 1395 would allow for chaplains to serve in support roles for students in public schools alongside actually qualified school counselors. We recognize there is an ongoing school counselor shortage throughout the country, including in Maryland. However, allowing school chaplains to volunteer in schools is both an inappropriate and an inadequate alternative to resolving this crisis.

Allowing school counselors access to public school students violates one of our nation's founding principles: Religion and the government should remain in separate spheres to ensure all Americans' religious beliefs are respected. The Establishment Clause of the First Amendment requires that the government not favor one religion over another or favor religious belief over nonbelief. This constitutional guardrail is especially critical when children are involved, as they are particularly vulnerable to religious coercion within educational settings.¹ Bills such as HB 1395 carve out a space

¹ See *Everson v. Bd. of Educ.*, 330 U.S. 1, 15-16 (1947); *Engel v. Vitale*, 370 U.S. 421, 429-33 (1962); *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203, 216 (1963); *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968).

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for religion within one of the nation's most important institutions – publicly funded, nonsectarian schools – and create an impermissible risk that students' religious freedom will be violated.

The presence of religious authority figures at school inherently fosters an environment in which religious coercion can flourish. Students may feel pressured by their peers to meet with the chaplain. Even more concerning, they may view the presence of a chaplain as a government endorsement of that chaplain's religious beliefs and therefore feel pressure to conform their beliefs to those that the state appears to support. Growing up is challenging enough, and schools must be a space of safe expression for all students – not just those who adhere to particular favored religious beliefs. Lawmakers supporting this bill should ask themselves whether they would continue to support HB 1395 if their child attended a school district where a major, if the one of the only, sources of support was a chaplain of a different faith.

HB 1395 would also interfere with parents' fundamental right to choose how their children are raised by allowing chaplains to proselytize to students under the guise of providing support. This bill does not require parental consent before chaplains interact with students; explicitly prohibit chaplains from using their volunteer position as an evangelizing opportunity; or otherwise mandate that chaplains respect the diverse religious backgrounds of the students in Maryland's public schools. Instead, the chaplains would have the ability to undermine parents' choices by directly influencing students' religious beliefs. Public education is the bedrock of our pluralistic democracy, a place where students can go to learn no matter their background, beliefs, or nonbelief. If parents want their children to receive an education influenced by a particular religious tradition, they have always had the option to send their children to private school or to homeschool.² Chaplains should not have the ability to supersede that right by injecting their personal beliefs into schools that are required to serve all children.

School chaplains are also not qualified to assist school personnel, including school counselors, with their assigned job duties. School counselors, in particular, play multiple important roles within public schools, and they provide varying forms of support such as academic, professional, mental, and emotional support to help prepare students beyond their postsecondary career.³ Becoming a school counselor takes significant training. At minimum, school counselors must hold a master's degree in school counseling. In addition, counselors must meet the state certification and licensure standards while fulfilling the continuing education requirements and upholding ethical and professional standards. HB 1395 would allow chaplains to serve alongside school counselors despite their lack of qualifications and immunity from professional standards. This threatens to negatively impact student outcomes and needlessly undermines the efforts and extensive training required of counselors.

A chaplain's commitment to their particular religion does not qualify them to serve students, each and every one of whom has distinct needs, backgrounds, and experiences that must be met with extensive training and experience. A multi-state study showed the comprehensive, data-driven

² *Meyer v. Nebraska*, 262 U.S. 390, 400 (1923).

³ American School Counselor Association. *The role of the school counselor*. Available at: <https://www.schoolcounselor.org/getmedia/ee8b2e1b-d021-4575-982c-c84402cb2cd2/Role-Statement.pdf>.

school counseling programs improve a range of student learning and behavioral outcomes.⁴ Furthermore, research has shown that student-to-school counselor ratios that meet the American School Counselor Association recommendation in poverty-stricken schools have been linked to improved academic outcomes such as increased attendance, fewer disciplinary problems, and higher graduation rates.⁵ Finally, school counselors can effectively assist underachieving students by examining school-wide data and use the data to host an effective group intervention.⁶ Instead of seeking to give chaplains volunteer roles in public schools, the Maryland legislature should work to provide additional funding so that schools can employ school counselors equipped with the professional skills needed to assist students in their academic, vocational, and personal success.

Maryland's public schools must be safe and supportive learning environments for all students, and lawmakers should prioritize protecting – not violating – Marylanders' constitutional right to religious freedom. We strongly urge you to reject this unnecessary and unconstitutional bill.

Should you have any questions regarding American Atheists' opposition to HB 1395, please contact me at vanderson@atheists.org.

Sincerely,

A handwritten signature in black ink that reads "Victoria Anderson". The signature is fluid and cursive, with the first name "Victoria" and last name "Anderson" clearly legible.

Victoria Anderson
State Policy Counsel
American Atheists

⁴ Carey, J., & Dimmitt, C. (2012). School counseling and student outcomes: Summary of six statewide studies. *Professional School Counseling*, 16 (2), 146-153.

⁵ Lapan, R. T., Gysbers, N. C., Stanley, B., & Pierce, M. E. (2012). Missouri Professional School Counselors: Ratios Matter, Especially in High-Poverty Schools. *Professional School Counseling*, 16(2). <https://doi.org/10.1177/2156759X0001600207>.

⁶ Berger, C. (2013). Bringing out the Brilliance: A counseling intervention for underachieving students. *Professional School Counseling*, 17 (1), 86-96. doi: 10.1177/2156759X000170012; Bruce, A. M., Getch, Y. Q., & Ziomek-Daigle, J. (2009). Closing the gap: A group counseling approach to improve test performance of African-American students. *Professional School Counseling*, 12 (6), 450-457. doi: 10.1177/2156759X0901200603