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Testimony by Rabbi Moti Rieber in Opposition to HB 2732, authorizing school districts to employ chaplains

House Education Committee, Rep. Adam Thomas, Chair - February 19, 2024

Mr. Chair, Members of the Committee:

My name is Rabbi Moti Rieber and I serve as Executive Director for Kansas Interfaith Action, an multifaith advocacy group that works for justice and equality for all people across the state of Kansas. I rise today in opposition to HB 2732.

We have many clergy members in our organization, including chaplains. We, of course, affirm our religious professionals. In other settings, chaplains are a well-defined and highly regarded category of religious professionals. It's important to note that even an advanced degree or ordination is not sufficient for someone to be considered a chaplain – it requires further, specialized training.

Our concerns about this bill amount fall into two categories: a lack of qualifications and a lack of oversight – especially in a setting working primarily with children.

Regarding qualifications, in this bill “chaplain” is poorly defined and not subject to any qualifications or credentials— not even a college degree. Important elements of chaplaincy that are not included in the bill include:

- Definition of “chaplain” - that is, specifics of the role
- Educational requirements
- An endorsement from a religious organization
- Clinical training and field requirements, where a chaplain is supervised by a more experienced chaplain
- Continuing education requirements
- Requirements for training in core competencies that are required of non-religious professionals doing the same work, such as mental health and career counseling.

It's an unfortunate fact of Kansas law that clergy are not considered mandatory reporters. Yet school employees are. Would chaplains hired by school districts be subject to the stricter standard? This legislation doesn't say.

The bill also lacks significant oversight for the chaplains, including

- Requirement for parental consent before a chaplain talks to a child
- Required training on HIPAA or other laws related to maintaining confidentiality of sensitive personal information
- Requirement that chaplains have an endorsing organization
- Requirement for standards of practice or a professional code of ethics
- Accountability to an endorsing organization that provides oversight for non-criminal breaches of professionalism, or that maintains and shares that disciplinary history with a school
- Provision that the chaplain be categorized as a school district employee so the public school may hire, supervise, and fire the chaplain.

Common settings for chaplains include the military, prisons, and hospitals. These settings have robust, context-specific policies to ensure that chaplains have the credentials needed to perform their roles, as well as ensuring chaplains are not drawn or pressured into performing activities outside their scope. Having a responsible endorsing

KIFA - HB 2372 Opponent Testimony - p. 2

organization would also require chaplains to adhere to strict professional standards, and would keep records of disciplinary actions and the like - none of which are included in this bill.

I refer you to the Kansas Curricular Standards for School Counseling¹, which would be a near analogue for the kind of duties a chaplain might be asked to provide. You can see how rigorous and extensive the expectations are in the areas of academic development, career development, and social and emotional development, with extensive expectations and benchmarks in every section - none of which would be required of chaplains under this bill.

In addition, speaking as a member of a religious minority, we are concerned that this bill would serve - and perhaps is intended to serve - as an end-run around restrictions on proselytization in public schools. It is almost inevitable that chaplains hired under this law would be Christian, and that could be a violation against the constitutional prohibition against endorsing a particular religion. And if a Satanist, for example, tried to apply for a position under this law, how would its sponsors react?

We certainly aren't against chaplains - they are in our membership. But chaplaincy is not self-declared - it is a professional category, with rigorous training and professional standards, none of which are in this bill. This bill allows anyone calling themselves a chaplain to gain access to, and to potentially prey on and abuse kids, because there is zero oversight defined here. Our support for chaplains is such that we do not want their good work to be tainted by the bad work of those who are underqualified or who might be motivated by factors other than the intellectual and personal development of the student.

We do not believe that what our public schools need is the ability to hire chaplains, and this legislation raises many more questions than it answers. Until those questions are answered, this committee should vote against HB 2732.

¹ Kansas State Board of Education, Kansas Curricular Standards for School Counseling
[https://www.ksde.org/Portals/0/CSAS/Content%20Area%20\(M-Z\)/School%20Counseling/Kansas%20Curricular%20Standards%20for%20School%20Counseling%20Final%20Rev111015.pdf?ver=2015-11-10-102000-273](https://www.ksde.org/Portals/0/CSAS/Content%20Area%20(M-Z)/School%20Counseling/Kansas%20Curricular%20Standards%20for%20School%20Counseling%20Final%20Rev111015.pdf?ver=2015-11-10-102000-273)