**BILL ANALYSIS**

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| Senate Research Center | S.B. 763 |
|  | By: Middleton |
|  | Education |
|  | 5/29/2023 |
|  | Enrolled |

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Public schools are currently in need of additional qualified individuals to counsel their students. School districts are in need of additional options to further aid their students.

Overview:

S.B. 763 would permit a school district to hire a school chaplain to perform the duties required of a school counselor. The funding for school chaplains will be allocated out of funds to promote school safety.

(Original Author's/Sponsor's Statement of Intent)

S.B. 763 amends current law relating to allowing public schools to employ or accept as volunteers chaplains.

**RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subtitle D, Title 2, Education Code, by adding Chapter 23, as follows:

CHAPTER 23. SCHOOL CHAPLAINS

Sec. 23.001. SCHOOL CHAPLAINS. (a) Authorizes a school district or open-enrollment charter school to employ or accept as a volunteer a chaplain to provide support, services, and programs for students as assigned by the board of trustees of the district or the governing body of the school. Provides that a chaplain employed or volunteering under this chapter is not required to be certified by the State Board for Educator Certification.

(b) Requires a school district or open-enrollment charter school that employs or accepts as a volunteer a chaplain under this chapter to ensure that the chaplain complies with the applicable requirements under Subchapter C (Criminal History Records), Chapter 22, before the chaplain begins employment or volunteering at the district or school.

(c) Prohibits a school district or open-enrollment charter school from employing or accepting as a volunteer a chaplain who has been convicted of or placed on deferred adjudication community supervision for an offense for which a defendant is required to register as a sex offender under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure.

SECTION 2. Amends Section 48.115(b), Education Code, as follows:

(b) Requires that funds allocated under Section 48.115 (School Safety Allotment) be used to improve school safety and security, including costs associated with:

(1)-(2) makes no changes to these subdivisions;

(3) school safety and security training and planning, including:

(A)-(B) makes no changes to these paragraphs; and

(C) the prevention, identification, and management of emergencies and threats, using evidence-based, effective prevention practices and including:

(i) providing licensed counselors, social workers, chaplains, and individuals trained in restorative discipline and restorative justice practices;

(ii) providing mental health personnel and support, including chaplains;

(iii) providing behavioral health services, including services provided by chaplains;

(iv) makes no changes to this paragraph; and

(v) developing and implementing programs focused on restorative justice practices, culturally relevant instruction, and providing mental health support, including support provided by chaplains; and

(4) providing programs related to suicide prevention, intervention, and postvention, including programs provided by chaplains.

SECTION 3. Requires each board of trustees of a school district and each governing body of an open-enrollment charter school to take a record vote not later than six months after the effective date of this Act on whether to adopt a policy authorizing a campus of the district or school to employ or accept as a volunteer a chaplain under Chapter 23, Education Code, as added by this Act.

SECTION 4. Provides that this Act applies beginning with the 2023–2024 school year.

SECTION 5. Effective date: upon passage or September 1, 2023.