

By: Middleton

S.B. No. 763

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to allowing school districts to employ chaplains to  
3 perform the duties of school counselors.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 33.002, Education Code, is amended by  
6 adding Subsection (d) to read as follows:

7 (d) Notwithstanding Subsections (b) and (c) or any other  
8 law, a school district may employ a chaplain instead of a school  
9 counselor to perform the duties required of a school counselor  
10 under this title. A chaplain employed under this subsection is not  
11 required to be certified by the State Board for Educator  
12 Certification.

13 SECTION 2. Section 48.115(b), Education Code, is amended to  
14 read as follows:

15 (b) Funds allocated under this section must be used to  
16 improve school safety and security, including costs associated  
17 with:

- 18 (1) securing school facilities, including:  
19 (A) improvements to school infrastructure;  
20 (B) the use or installation of physical barriers;  
21 and  
22 (C) the purchase and maintenance of:  
23 (i) security cameras or other security  
24 equipment; and

1 (ii) technology, including communications  
2 systems or devices, that facilitates communication and information  
3 sharing between students, school personnel, and first responders in  
4 an emergency;

5 (2) providing security for the district, including:

6 (A) employing school district peace officers,  
7 private security officers, and school marshals; and

8 (B) collaborating with local law enforcement  
9 agencies, such as entering into a memorandum of understanding for  
10 the assignment of school resource officers to schools in the  
11 district;

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

14 (A) active shooter and emergency response  
15 training;

16 (B) prevention and treatment programs relating  
17 to addressing adverse childhood experiences; and

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

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

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

26 (iii) providing behavioral health  
27 services, including hiring chaplains;

1 (iv) establishing threat reporting  
2 systems; and

3 (v) developing and implementing programs  
4 focused on restorative justice practices, culturally relevant  
5 instruction, and providing mental health support, including the  
6 utilization of chaplains; and

7 (4) providing programs related to suicide prevention,  
8 intervention, and postvention, including the utilization of  
9 chaplains.

10 SECTION 3. Each board of trustees of a school district and  
11 each governing body of an open-enrollment charter school shall take  
12 a record vote not later than six months after the effective date of  
13 this Act on whether to adopt a policy authorizing every campus of  
14 the district or school to hire a chaplain under Sections 33.002 and  
15 48.115, Education Code, as added by this Act.

16 SECTION 4. This Act applies beginning with the 2023-2024  
17 school year.

18 SECTION 5. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2023.