

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025

A Bill

SENATE BILL 164

4
5 By: Senator J. Dotson
6 By: Representative Duke

For An Act To Be Entitled

9 AN ACT TO AUTHORIZE A PUBLIC SCHOOL TO EMPLOY OR
10 ACCEPT AS A VOLUNTEER A CHAPLAIN; AND FOR OTHER
11 PURPOSES.

Subtitle

15 TO AUTHORIZE A PUBLIC SCHOOL TO EMPLOY
16 OR ACCEPT AS A VOLUNTEER A CHAPLAIN.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19
20 SECTION 1. Arkansas Code Title 6, Chapter 17, Subchapter 3 is amended
21 to add an additional section to read as follows:

22 6-17-311. School chaplain – Definitions.

23 (a)(1) A public school may employ or accept as a volunteer a school
24 chaplain to provide support, services, and programs for enrolled students,
25 staff employed by the public school, and parents of enrolled students.

26 (2) A public school that chooses to employ or accept as a
27 volunteer a school chaplain under subdivision (a)(1) of this section shall
28 determine the selection criteria for the school chaplain.

29 (3) A public school may employ or accept as a volunteer more
30 than one (1) school chaplain under this section.

31 (b) A school chaplain employed by or volunteering at a public school
32 under this section is not required to be credentialed by the Department of
33 Education.

34 (c)(1) Before a public school may employ or accept as a volunteer a
35 school chaplain under this section, the public school shall require the
36 school chaplain to authorize release to the Division of Elementary and



1 Secondary Education the results of:

2 (A) Statewide and nationwide criminal records checks by
3 the Identification Bureau of the Division of Arkansas State Police, which
4 conform to the applicable federal standards and include the taking of the
5 school chaplain's fingerprints; and

6 (B) A Child Maltreatment Central Registry check by the
7 Department of Human Services.

8 (2) Upon completion of the statewide and nationwide criminal
9 records checks and the Child Maltreatment Central Registry check, the
10 Identification Bureau of the Division of Arkansas State Police or the
11 Department of Human Services shall forward all releasable information to the
12 Division of Elementary and Secondary Education.

13 (3) Within thirty (30) days of receiving all releasable
14 information that has been forwarded by the Identification Bureau of the
15 Division of Arkansas State Police and the Department of Human Services under
16 subdivision (c)(2) of this section, the Division of Elementary and Secondary
17 Education shall inform the public school whether or not the affected
18 applicant is eligible to be employed by or volunteer at the public school.

19 (4) A public school that chooses to employ or accept as a
20 volunteer a school chaplain under this section shall pay the full cost of the
21 criminal records and Child Maltreatment Central Registry checks.

22 (5) A public school shall not employ or accept as a volunteer a
23 school chaplain who has registered or is required to register as a sex
24 offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq.

25 (d)(1) A person shall not have a cause of action against a school
26 chaplain employed by or volunteering at a public school under this section
27 made in the course and scope of the school chaplain's duties as described in
28 subdivision (a)(1) of this section.

29 (2) However, the immunity from liability under subdivision
30 (d)(1) shall not apply to an action taken or statement made by a school
31 chaplain employed by or volunteering at a public school if the action taken
32 or statement made was maliciously, willfully, and deliberately intended to
33 cause harm to harass or intimidate an individual seeking support, services,
34 or programs from the school chaplain.

35 (e) As used in this section:

36 (1) "Parent" means a parent, legal guardian, or person standing

1 in loco parentis to a student;

2 (2) "Public school" means:

3 (A) A school operated by a public school district; or

4 (B) An open-enrollment public charter school;

5 (3)(A) "Religious organization" means an entity that functions
6 primarily to provide religious ministries to individuals as a church, an
7 integrated auxiliary of a church, or a convention or an association of
8 churches, and is exempt from federal income taxation under Section 501(c)(3),
9 Internal Revenue Code of 1986, as it existed on January 1, 2025.

10 (B) A religious organization shall:

11 (i) Include an entity that has:

12 (a) Truly and sincerely held religious beliefs
13 or creeds; and

14 (b) Practices and rituals that are not
15 construed as illegal or contrary to clearly defined public policy; and

16 (ii) Possess ecclesiastical authority to grant and
17 withdraw initial and subsequent ecclesiastical endorsement for a chaplain.

18 (C) As used in subdivision (e)(3)(A) of this section,
19 "church" does not denote a certain belief system, but is distinguished from
20 other types of religious organizations; and

21 (4) "School chaplain" means a member of the clergy who is
22 credentialed by a religious organization to:

23 (A) Function in a pluralistic environment; and

24 (B) Directly and indirectly support the free exercise of
25 religion by all individuals in schools.

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