

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 164

By: Senator J. Dotson

By: Representative Duke

For An Act To Be Entitled

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

Subtitle

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

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

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

6-17-311. School chaplain – Definitions.

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

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

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

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

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



Secondary Education the results of:

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

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

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

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

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

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

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

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

(e) As used in this section:

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

in loco parentis to a student;

(2) "Public school" means:

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

(B) An open-enrollment public charter school;

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

(B) A religious organization shall:

(i) Include an entity that has:

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

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

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

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

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

(A) Function in a pluralistic environment; and

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