

SENATE BILL No. 138

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-26; IC 20-28-10-17; IC 20-33-7.5-4; IC 31-32-11-1; IC 34-46-2-11.9.

Synopsis: School chaplains. Allows a principal or superintendent of a public school, including a charter school, to employ, or approve as a volunteer, a school chaplain if certain requirements are met. Allows a school chaplain to provide: (1) secular advice, guidance, and support services; and (2) nonsecular advice, guidance, and support services if certain conditions are met. Provides that, with exceptions, communications made by a student to a school chaplain are privileged and confidential.

Effective: July 1, 2026.

Donato

January 5, 2026, read first time and referred to Committee on Education and Career Development.



Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

SENATE BILL No. 138

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-26-5-4.5, AS ADDED BY P.L.90-2011,
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 4.5. (a) The superintendent is responsible for
4 selecting and discharging principals, central office administrators,
5 business managers, superintendents of building and grounds, janitors,
6 physicians, dentists, nurses, athletic coaches (whether or not they are
7 otherwise employed by the school corporation and whether or not they
8 are licensed under IC 20-28-5), and any other employees necessary to
9 the operation of the school corporation, subject to the approval of the
10 governing body.

11 (b) Subject to IC 20-28-7.5, the superintendent and principal are
12 responsible for selecting and discharging teachers, teachers aides,
13 assistant principals, building administrative staff, librarians, **school**
14 **chaplains (as defined in IC 20-26-22.1-2)**, and any other employees
15 necessary to the operation of the school, subject to the approval of the
16 governing body.

17 SECTION 2. IC 20-26-22.1 IS ADDED TO THE INDIANA CODE



AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2026]:

Chapter 22.1. School Chaplains

Sec. 1. As used in this chapter, "school" includes the following:

- (1) A school maintained by a school corporation.
- (2) A charter school.

Sec. 2. As used in this chapter, "school chaplain" refers to an individual who meets the qualifications described in section 3 of this chapter and whose primary responsibility is to provide advice, guidance, and support services to students and employees of a school.

Sec. 3. A school principal or superintendent may employ, or approve as a volunteer, a school chaplain if the individual:

- (1) obtains an expanded criminal history check and expanded child protection index check as described in IC 20-26-5-10;
- (2) has:
 - (A) never been convicted of an offense listed in IC 20-28-5-8(c) or described in IC 20-28-5-8(d); or
 - (B) been convicted of an offense described in clause (A) but the individual's conviction was reversed, vacated, or set aside on appeal; and
- (3) meets one (1) of the following:
 - (A) Has a baccalaureate degree in divinity, theology, religious studies, or a related field and at least four (4) years of counseling experience.
 - (B) Has a baccalaureate degree in divinity, theology, religious studies or a related field and at least two (2) years of counseling experience while working towards a master's degree in divinity, theology, religious studies, or a related field.
 - (C) Has a master's degree in divinity, theology, religious studies, or a related field and at least two (2) years of counseling experience.

Sec. 4. A school chaplain may do the following:

- (1) Provide secular advice, guidance, and support services to a student or employee of the school.
- (2) Provide nonsecular advice, guidance, and support services only if one (1) of the following applies:
 - (A) If the student is an emancipated minor or an adult, the student receiving services provides permission allowing the nonsecular advice, guidance, and support services.
 - (B) For an employee receiving services, the employee



provides permission allowing the nonsecular advice, guidance, and support services.

(C) If the student is an unemancipated minor, a parent of the student and the student receiving services provide permission allowing the nonsecular advice, guidance, and support services.

Sec. 5. (a) Except as provided in subsection (b), IC 20-33-7.5, IC 31-32-11-1, and IC 31-33-5:

(1) communications made by a student to a school chaplain as a school chaplain are privileged and confidential; and

(2) a school chaplain is not required to disclose communications described in subdivision (1).

(b) A school chaplain shall disclose to a school counselor communications made by a student to the school chaplain if the communications concern:

(1) self-harm of the student; or

(2) an intention to harm others.

SECTION 3. IC 20-28-10-17, AS AMENDED BY P.L.248-2023, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 17. (a) Except as provided in IC 20-33-7.5, ~~and~~ IC 31-32-11-1, **and IC 31-33-5**, a school counselor is immune from disclosing privileged or confidential communication made to the counselor as a counselor by a student.

(b) Except as provided in IC 20-33-7.5, ~~and~~ IC 31-32-11-1, **and IC 31-33-5**, the matters communicated are privileged and protected against disclosure.

SECTION 4. IC 20-33-7.5-4, AS ADDED BY P.L.248-2023, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. Nothing in this chapter may be construed to require a school psychologist, a school nurse, a school social worker, ~~or~~ a school counselor, **or a school chaplain** to violate a federal law or regulation.

SECTION 5. IC 31-32-11-1, AS AMENDED BY P.L.122-2009, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The privileged communication between:

(1) a husband and wife;

(2) a health care provider and the health care provider's patient;

(3) a:

(A) licensed social worker;

(B) licensed clinical social worker;

(C) licensed marriage and family therapist;

(D) licensed mental health counselor;



1 (E) licensed addiction counselor; or
2 (F) licensed clinical addiction counselor;
3 and a client of any of the professionals described in clauses (A)
4 through (F);
5 (4) a school counselor and a student; **or**
6 (5) a school psychologist and a student; **or**
7 **(6) a school chaplain and a student;**

8 is not a ground for excluding evidence in any judicial proceeding
9 resulting from a report of a child who may be a victim of child abuse
10 or neglect or relating to the subject matter of the report or failing to
11 report as required by IC 31-33.

12 SECTION 6. IC 34-46-2-11.9 IS ADDED TO THE INDIANA
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2026]: **Sec. 11.9. IC 20-26-22.1-5 (Concerning**
15 **communications made to a school chaplain).**

