
A BILL FOR AN ACT

RELATING TO COUNSELING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that, according to a June
2 2002 Gallup poll, the percentage of Americans who expressed high
3 confidence in organized religion plummeted from sixty per cent
4 to forty-five per cent. This finding came as America's
5 confidence in other institutions, most notably big business and
6 the criminal justice system, was also found to be shaky. In
7 these times of uncertainty and insecurity, businesses, the
8 military, colleges, and even public schools are increasingly
9 turning to chaplains to play a role in building up the faith of
10 employees, students, soldiers and employees, faith both in the
11 religious sense and faith in the institutions themselves.

12 The legislature also finds that usually, particularly in a
13 public school setting, chaplains appear only when there is a
14 serious need, such as after a campus shooting or major tragedy
15 like the attacks of September 11, 2001. The increasing use of
16 chaplains in a variety of public institutions and businesses
17 underlines a trend toward seeking spiritual comfort outside
18 religious institutions.



1 The purpose of this Act is to permit students in public
2 high schools to meet during school hours and on school grounds
3 for non-academic counseling with a chaplain in the religious
4 faith of the student's choice.

5 SECTION 2. Section 302A-1139, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**[+]§302A-1139[+]** **Religious education[-]; chaplaincy**
8 **program.** (a) The department shall provide for the release of,
9 and shall release, any pupil in any public school from
10 attendance at the public school for a period not to exceed sixty
11 minutes each week during the school year, on such days and
12 during such school hours as the department shall designate, for
13 the purpose of receiving religious instruction from the
14 religious organization of the pupil's choice when the release is
15 requested in writing by a parent, guardian, or other person
16 having custody or control of the pupil. Actual attendance at
17 the sessions of the religious instruction shall count as
18 attendance at the public schools for all purposes where
19 attendance forms the basis of computation.

20 (b) The privilege of this release shall be withdrawn by
21 the department in case the pupil does not actually attend the
22 sessions of religious instruction. No teacher of the public



1 schools shall participate in religious instruction during the
2 school hours for which the teacher is employed to teach in the
3 public schools, and no public funds shall be used directly or
4 indirectly for religious instruction, at any time when its use
5 would otherwise be required in connection with the regular
6 program of the school.

7 (c) Notwithstanding subsection (b), the department shall
8 permit students in public schools, with written consent of the
9 student's parent or legal guardian, to meet during school hours
10 and on school grounds for non-academic counseling with a
11 chaplain in the religious faith of the student's choice;
12 provided that counseling shall not be provided during the
13 student's scheduled hours of instruction. The department shall
14 keep a list of chaplains available and willing to meet with
15 students and make that list available to students and their
16 families so that they may select an appropriate chaplain for
17 counseling. For purposes of this subsection, "chaplain" means a
18 minister, priest, rabbi, or other similar functionary of a
19 religious organization with an undergraduate degree, obtained
20 with not less than one hundred twenty semester hours from an
21 accredited college or university, a master of divinity degree,
22 or equivalent, from an accredited seminary, or equivalent,



1 obtained with not less than seventy-two graduate semester hours
2 in theology, and a principal vocation in full-time ministry, or
3 equivalent."

4 SECTION 3. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

K. L.
Mele Carroll

Pro. Gray
Michael J. Grayson
Ray [unclear]
Hum [unclear]
James [unclear]

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Report Title:

Public Schools; Counseling

Description:

Requires the department of education to permit students in each public high school to meet for non-academic counseling with a chaplain in the religious faith of the student's choice.
Defines chaplain.

