

HOUSE BILL REPORT

SSB 5030

As Reported by House Committee On:
Education

Title: An act relating to developing comprehensive school counseling programs.

Brief Description: Developing comprehensive school counseling programs.

Sponsors: Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Mullet, Wellman, Conway, Darneille, Hasegawa, Kuderer, Liias, Lovelett, Nguyen, Rivers, Salomon and Wilson, C.).

Brief History:

Committee Activity:

Education: 3/11/21, 3/18/21 [DPA].

**Brief Summary of Substitute Bill
(As Amended By Committee)**

- Requires school districts, by the 2022-23 school year, to develop and implement written plans for comprehensive school counseling programs that meet specified requirements and are implemented by school counselors or other educational staff associates.
- Directs the Office of the Superintendent of Public Instruction to develop and distribute guidance regarding the implementation of the written plan and the associated comprehensive school counseling program.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended. Signed by 7 members: Representatives Santos, Chair; Dolan, Vice Chair; Berg, Bergquist, Callan, Ortiz-Self and Stonier.

Minority Report: Without recommendation. Signed by 6 members: Representatives Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member;

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

McCaslin, McEntire, Rude and Steele.

Staff: Ethan Moreno (786-7386).

Background:

School Counselors.

School counselors are professional educators and are certified by the Professional Educator Standards Board (PESB). School counselors must meet specific education and exam requirements, including completing a PESB-approved school counselor program.

The purpose and role of the school counselor is to plan, organize, and deliver a comprehensive school guidance and counseling program that personalizes education, and supports, promotes, and enhances the academic, personal, social, and career development of all students, based on the national standards for school counseling programs of the American School Counselor Association (ASCA).

The ASCA recommends that schools maintain a ratio of 250 students per school counselor, and that school counselors spend at least 80 percent of their time working directly or indirectly for students.

Educational Staff Associates.

Educational staff associates (ESAs) provide education and health services to students in public schools. The PESB oversees assignment and credentialing policy for the ESAs. The eight ESA roles for which the PESB offers certificates are as follows:

- school behavior analyst;
- school counselor;
- school nurse;
- school occupational therapist;
- school physical therapist;
- school psychologist;
- school social worker; and
- school speech language pathologist and audiologist

Office of the Superintendent of Public Instruction.

In addition to its constitutional charge of supervising all matter pertaining to public schools, the Superintendent of Public Instruction and its office has numerous and broad responsibilities prescribed in statute, including:

- making rules and regulations necessary for the administration of public education requirements;
- preparing courses of study and other materials and books for the discharge of education duties;
- fulfilling financial responsibilities, including distributing legislatively allocated funds to districts for the operation of the public school system, and awarding numerous state

- and federally funded grants;
- maintaining and revising, in consultation with the State Board of Education, a statewide academic assessment system to measure student knowledge and skills on state learning standards and for purposes of state and federal accountability; and
- satisfying numerous reporting and other duties assigned by the Legislature.

Summary of Amended Bill:

Each school district must develop and implement a written plan (plan) for a comprehensive school counseling program (counseling program) by the beginning of the 2022-23 school year. The plan must be based on regularly updated standards developed by a national organization representing school counselors, and school district boards of directors must adopt a transition plan for developing and implementing the plan.

The plan must:

- establish a counseling program that uses state and nationally recognized counselor frameworks and is aligned to state learning standards;
- provide a process for identifying student needs through a multilevel school data review and analysis that minimally includes use-of-time data, program results data, and data regarding communication with administrators, parents, students, and stakeholders;
- explain how direct and indirect services will be delivered through the counseling program; and
- establish an annual review and assessment process for the counseling program that includes building administrators and stakeholders.

The counseling program must be implemented by school counselors or other ESAs for the purpose of guiding students in academic pursuits, career planning, and social-emotional learning. School counselors or other ESAs assigned to implement counseling programs must allocate at least 80 percent of their work time to providing direct and indirect services to benefit students, as aligned with standards developed by a national organization representing school counselors.

"Direct services" is defined as in-person interactions between school counselors or other ESAs assigned to implement counseling programs and students that help students improve achievement, attendance, and discipline. Examples include instruction, appraisal, advisement, and counseling. "Indirect services" is defined as services that are provided on behalf of students as a result of interactions with others by school counselors or ESAs assigned to implement counseling programs that allow school counselors or ESAs to enhance student achievement and promote equity and access for all students. Examples of indirect services include collaboration, consultation, and referrals.

The Office of the Superintendent of Public Instruction (OSPI), by December 1, 2021, must

develop and distribute to school districts guidance regarding implementation of the plan and the associated counseling program.

Amended Bill Compared to Substitute Bill:

The amended bill makes the following changes to the original bill:

- allows counseling programs to be implemented by school counselors or other ESAs;
- specifies that school counselors or other ESAs assigned to implement counseling programs must allocate 80 percent of their work time to providing direct and indirect services to students, as aligned with specified standards, instead of having the 80 percent work time requirement qualified by "when implementing the plan";
- modifies the definitions of "direct services," "indirect services," and "work time" to include references to ESAs who may be assigned to implement counseling programs;
- requires the OSPI to develop and distribute guidance, rather than policy guidance, regarding the implementation of the counseling program plan and counseling program, and removes a requirement directing the OSPI to collaborate with a nonprofit organization representing school directors in developing the guidance;
- requires school district boards of directors to "adopt" instead of "develop" a transition plan for developing and implementing a comprehensive school counseling program plan; and
- makes a technical change by changing a reference from "social and emotional learning" to "social-emotional learning."

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill has passed the Senate twice. As the Legislature makes more investments in school counselors, the investments need to be directed to school counselors. Counselors are highly trained, but are often pulled in many different directions, including proctoring exams and assisting with recess duties. This bill attempts to let counselors focus on performing counselor duties. Agreements related to technical cleanups have been reached with stakeholders.

Student counselors are a needed resource in identifying student needs and services, but student access can be limited because counselors are involved with duties unrelated to counseling. Implementing the bill will be challenging, but it must be done for students. Counselors have flexibility with respect to applicable professional standards.

This bill should be supported so that counselors can do the work they were trained to do. Counselors are often tasked with performing hours of actions that are unrelated to counseling. This is inappropriate and unacceptable. School counselors need to spend the majority of their time directly serving students.

Counselors are student advocates, but in order to help them, counselors must get to know them, and that process requires time. Counselors need to unequivocally give students the message that they are honored and valued, and that there is time for them—this bill will support that.

Students benefit from available professionals. Students are also experiencing high levels of trauma this year. This bill should be supported to ensure that trained professionals can spend most of their time providing services to students.

Teachers need students to have access to counselors during this time of COVID-19 and national unrest to address mental health needs and trauma.

This legislation is critical and will protect counselors' time. This bill draws on national best practices and years of effort. This bill maximizes the resources put in place for school counselors.

School principals need school counselors to work with students on academics, mental health needs, and other matters. Students have significant mental needs. Meeting the requirements of this bill may be difficult in some districts, and the allocation numbers for staff should be increased. There is a shortage of staff and additional counselors are needed.

Students with mental health crises cannot always access a school counselor in a timely manner. When students are in crisis, it is unacceptable for counselors to be unavailable due to administrative duties.

This bill is important for all students, especially low-income, first generation, and students of color. Counselors are critically important for these students and they are more likely to rely on counselors, but less likely to have access to counselors. Washington does not have enough counselors and student access to counselors is insufficient.

Students and families will need additional access to counselors during this transition to in-person schooling after a prolonged health crisis. This bill gives districts the opportunity to redesign or modify their system of student support to maximize counselors' services and training. Data indicates that students benefit when counselor roles align with best practices. This bill will help to better meet the needs of students, staff, and families.

(Opposed) There are concerns about provisions of the bill that require counselor standards to be based on national standards. National standards may not reflect the needs of

individual states. The bill should have more flexibility and guidance so that the standards can be based on the needs of the community rather than a national standard.

The bill might create inequitable impacts on parental rights with respect to outside interactions, including referrals. The bill may unintentionally usurp parental rights.

(Other) The bill narrowly defines comprehensive school counseling programs as only being delivered by counselors. Some districts do not have counselors and counseling services are provided by school social workers. Counseling services are important and the bill should be broadened to include services provided by others. This bill may end up establishing a hiring preference for school counselors, but there are other professions that also provide academic and behavioral support services.

Persons Testifying: (In support) Senator Mullet, prime sponsor; Nita Hill and Marisa Castello, Washington School Counselors Association; Devony Audet; Erin Lipsker; Debi Doyle; Kia Franklin, Stand for Children Washington; Havivah Giangreco; Roz Thompson, Association of Washington School Principals; Juliette Schindler Kelly, College Success Foundation; and Kim Reykdal, Office of the Superintendent of Public Instruction.

(Opposed) Sharon Hanek and Sarah Davenport-Smith, Family Policy Institute of Washington.

(Other) Carrie Syvertsen, Washington Association of School Social Workers.

Persons Signed In To Testify But Not Testifying: None.