

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Education Pre-K - 12 Committee

BILL: SB 1654

INTRODUCER: Senator Detert

SUBJECT: Certified School Counselors

DATE: February 3, 2012 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	deMarsh-Mathues	ED	Pre-meeting
2.	_____	_____	BC	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill establishes an overall ratio of certified school counselors to students, as well as ratios for elementary schools, middle schools, and high schools. Additionally, after attaining these maximum ratios, each school would be required to have a full-time certified school counselor and would assign half-time counselors or an additional full-time counselor. School district audits would be required to include the ratio of counselors to students.

Under the bill, counselors may not be used as support staff for administrative duties, including, but not limited to, working bus or cafeteria lines, substitute teaching, or monitoring tests. The bill provides that counselors must provide counseling to students, develop and deliver curriculum at the appropriate grade level, coordinate activities and programs for each curriculum, and consult with school administrators, teachers, parents, and students. Finally, the State Board of Education must adopt rules outlining the responsibilities of certified school counselors.

This bill substantially amends sections 381.0057, 1003.21, 1003.4156, 1003.43, 1008.42, and 1012.01 and creates an undesignated section of the Florida Statutes.

II. Present Situation:

Instructional personnel, under current law, are any K-12 staff member whose function includes the provision of direct instructional services to students.¹ The term includes K-12 personnel who

¹ 1. s. 1012.01(2), F.S.

provide direct support in the learning process of students. Included in this classification are student services personnel who are responsible for:²

- Advising students with regard to their abilities and aptitudes, educational and occupational opportunities, and personal and social adjustments;
- Providing placement services; and
- Performing educational evaluations and similar functions.

Included in this classification are guidance counselors, social workers, career specialists, and school psychologists.³

The specialization requirements for certification by the Department of Education in guidance and counseling in prekindergarten through grade 12 are specified in rules of the State Board of Education.⁴

According to the Florida School Counselor's Association, many of Florida's schools do not have a certified counselor or have an insufficient number of counselors.⁵ Additionally, the association notes that many counselors are assigned to non-school counseling related tasks which prevent them from fully implementing their programs in compliance with the Florida's School Counseling and Guidance Framework and the student development program standards.⁶ These programs include activities implemented or monitored by counselors to promote best practices for all students in the areas of academic development; career development and planning; personal and social development; and community involvement.

Current law requires each district school board to annually submit a district guidance report to the Commissioner of Education that includes: student access to guidance counselors; the degree to which the district has a guidance model program; the evaluation of information and training available to guidance counselors and career specialists to advise students on areas of critical need, labor market trends and technical training requirements; progress toward incorporation of best practices; and consideration of alternative guidance systems or ideas.⁷

² s. 1012.01(2)(b), F.S.

³ Social workers are regulated under the provisions of chapter 491, F.S., while school psychologists are licensed under the provisions of chapter 490, F.S.

⁴ Rule 6A-4.0181, F.A.C. See <http://www.fldoe.org/edcert/rules/6A-4-0181.asp>. To be certified, a person must hold a master's or higher degree with a graduate major in guidance and counseling or counselor education which includes three semester hours in a supervised counseling practicum in an elementary or secondary school. Alternatively, he or she must hold a master's or higher degree with 30 semester hours of graduate credit in guidance and counseling to include areas specified in rule.

⁵ Florida School Counselor Association Advocacy Platform 2010-2011. According to the association, the number of certified professional school counselors should be at a ratio of 1:250 per school, as recommended by the American School Counselor Association, the American Counseling Association, the American Psychological Association, the American Medical Association, and other organizations. See <http://www.flaschoolcounselor.org/downloads/FSCA%20Platform%202010.pdf>.

⁶ *Id.*

⁷ s. 1006.025, F.S.

III. Effect of Proposed Changes:

The bill establishes an overall ratio of at least one certified school counselor for every 400 students, with each elementary school having at least one certified school counselor for every 450 students, each middle school having at least one certified school counselor for every 400 students, and each high school having at least one certified school counselor for every 350 students. Additionally, after attaining these maximum ratios, each school would be required to have a full-time certified school counselor and would assign half-time counselors or an additional full-time counselor. School district audits would be required to include the ratio of counselors to students.

Under the bill, counselors may not be used as support staff for administrative duties, including, but not limited to, working bus or cafeteria lines, acting as a substitute teacher, or monitoring tests. The bill provides that counselors must provide counseling to students, develop and deliver curriculum at the appropriate grade level, coordinate activities and programs for each curriculum, and consult with school administrators, teachers, parents, and students. However, another provision in the bill, lines 278-283, provides that counselors may only perform specific duties and functions (i.e., advising students, providing placement services, and performing educational evaluations). This may result in an unintended inconsistency in the bill. Finally, the State Board of Education must adopt rules outlining the responsibilities of certified school counselors. This provision may be considered to be an unlawful delegation of authority to the board.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The cost of implementing the ratios provided in the bill is indeterminate at this time.

VI. Technical Deficiencies:

The bill amends several provisions of law to replace the term “guidance counselors” with the term “certified school counselors.” However, other statutes (e.g., s. 1004.04(5), F.S.) that reference “guidance counselors” have not been similarly amended.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.