

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 801 Certified School Counselors

**SPONSOR(S):** Education Appropriations Subcommittee, Eagle

**TIED BILLS:** **IDEN./SIM. BILLS:** 154

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-12 Subcommittee	12 Y, 0 N	Brink	Ahearn
2) Education Appropriations Subcommittee	12 Y, 0 N, As CS	Seifert	Heflin
3) Education Committee			

### SUMMARY ANALYSIS

The bill provides that certified school counselors shall perform only the duties and functions as provided by law and prohibits schools within the Florida public school system from using certified school counselors as support staff for administrative duties, including, but not limited to:

- Coordinating, administering, or monitoring academic testing and testing programs;
- Working bus or cafeteria lines; or
- Substitute teaching.

The bill substitutes "certified school counselor" for the term "guidance counselor." This reflects the current requirement that persons employed as school counselors be certified as set forth by law and State Board of Education rule. It also makes various technical changes.

This bill may have some fiscal impact on some school districts. However, the extent of the impact is indeterminate. See Fiscal Comments.

The bill provides an effective date of July 1, 2013.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **School Counselors**

##### Present Situation

School counselors play a significant role in school guidance and counseling programs, which are designed to promote student success through a focus on academic achievement, prevention, intervention, and advocacy.<sup>1</sup> They evaluate students and participate in decisions relating to the promotion, remediation, and retention of students. Effective school guidance counselors work with school administrators, faculty, students, parents, and members of the community to plan, implement, and evaluate comprehensive guidance and counseling programs. In advising students, counselors identify needs, define priorities, and determine appropriate objectives. They also determine the personnel, physical resources, programs, and activities required to best serve the student.<sup>2</sup>

School counselors are considered instructional personnel within Florida's public school system.<sup>3</sup> To be employed as a school counselor, a person must be certified as required by law and State Board of Education (SBE) rule.<sup>4</sup> To be certified in guidance and counseling, a person must hold a master's or higher degree with a graduate major in guidance and counseling or counselor education or a master's or higher degree with 30 semester hours of graduate credit in specified guidance and counseling courses.<sup>5</sup>

Currently, there are no restrictions or prohibitions set forth by law or rule with respect to what school or administrative support activities school administrations may require a school counselor to perform.

The table below indicates the number of school counselors in the Florida public school system for the year 2010-2011:

Florida School Counselors by Area					
Elementary	Middle/Jr.	Senior High	Other Type School	Career Specialist	TOTAL
1,751	1,134	2,005	433	100	5,423

##### Effect of Proposed Changes

This bill rephrases within the Florida Statutes the term "guidance counselor" to read "certified school counselor." This change reflects the current requirement that persons employed as school counselors hold a certificate in guidance and counseling as provided by law and SBE rule.<sup>6</sup>

The bill also prohibits certified school counselors from being used by public schools as support staff for administrative duties. The administrative activities that schools may not require certified school counselors to perform include:

<sup>1</sup> Florida Department of Education, Division of Workforce Development, *Florida's School Counseling and Guidance Framework: A comprehensive Student Development Model* (2001), available at <http://www.fldoe.org/workforce/pdf/guidance.pdf> (last visited March 12, 2013).

<sup>2</sup> *Id.*

<sup>3</sup> Section 1012.01(2)(b), F.S.

<sup>4</sup> Section 1012.55(1), F.S.

<sup>5</sup> Rule 6A-4.0181, F.A.C.

<sup>6</sup> See Section 1012.55(1), F.S.; Rule 6A-4.0181, F.S.

- Coordinating, administering, or monitoring academic testing and testing programs;
- Working bus or cafeteria lines; and
- Substitute teaching.

The bill specifies that certified school counselors shall perform only the duties and functions as provided by law.

## B. SECTION DIRECTORY:

Section 1. Amends s. 322.091(3)(b), F.S.; conforming provisions to changes made in the bill by rephrasing references to “guidance counselor” to read “certified school counselor”; providing technical changes.

Section 2. Amends s. 381.0057(3)(b), F.S.; conforming provisions to changes made in the bill by rephrasing references to “guidance counselor” to read “certified school counselor”; providing technical changes.

Section 3. Amends s. 1002.3105(3)(e), F.S.; conforming provisions to changes made in the bill by rephrasing references to “guidance counselor” to read “certified school counselor.”

Section 4. Amends s. 1003.21(1)(c), F.S.; conforming provisions to changes made in the bill by rephrasing references to “guidance counselor” to read “certified school counselor”; providing technical changes.

Section 5. Amends s. 1003.43(7)(d), F.S.; conforming provisions to changes made in the bill by rephrasing references to “guidance counselor” to read “certified school counselor.”

Section 6. Amends s. 1003.491(3) and (4)(a), F.S.; conforming provisions to changes made in the bill by rephrasing references to “guidance counselor” to read “certified school counselor.”

Section 7. Amends s. 1004.04(5)(f), F.S.; conforming provisions to changes made in the bill by rephrasing references to “guidance counselor” to read “certified school counselor.”

Section 8. Amends s. 1006.025(2)(a) and (c), F.S.; specifying the requirement that students have access to certified school counselors; conforming provisions to changes made in the bill by rephrasing references to “guidance counselor” to read “certified school counselor.”

Section 9. Amends s. 1007.35(5)(a), F.S.; conforming provisions to changes made in the bill by rephrasing references to “guidance counselor” to read “certified school counselor.”

Section 10. Amends s. 1008.42(2)(b), F.S.; conforming provisions to changes made in the bill by rephrasing references to “guidance counselor” to read “certified school counselor.”

Section 11. Amends s. 1009.53(3), F.S.; conforming provisions to changes made in the bill by rephrasing references to “guidance counselor” to read “certified school counselor”; providing technical changes.

Section 12. Amends s. 1012.01(2)(b), F.S.; allows certified school counselors to be used as support staff for administrative duties as long as the administrative duties do not conflict with their responsibility of coordination of student support services.

Section 13. Amends s. 1012.71(1), F.S.; conforming provisions to changes made in the bill by rephrasing references to “guidance counselor” to read “certified school counselor.”

Section 14. Amends s. 1012.98(3)(a), F.S.; conforming provisions to changes made in the bill by rephrasing references to “guidance counselor” to read “certified school counselor.”

Section 15. Provides an effective date of July 1, 2013.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

School districts that currently utilize certified school counselors as support staff for certain administrative activities may be required to hire additional staff if the counselor's administrative activities conflict with student services. This is because public schools, as of the effective date of this bill, may not be able to assign certified school counselors to perform these activities. The fiscal impact to districts is indeterminate because the use of certified school counselors for these administrative functions varies by school and school district.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On April 4, 2013, the Education Appropriations Subcommittee reported HB 801 favorably with one amendment. The amendment clarifies that school counselors may only perform administrative duties to the extent that performing those duties does not conflict with their primary responsibility of the coordination of student support services.