

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 Committee on Children, Families, and Elder Affairs

BILL: CS/SB 1404

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Jones

SUBJECT: School Counselors

DATE: February 10, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Palazesi</u>	<u>Bouck</u>	<u>ED</u>	Favorable
2.	<u>Preston</u>	<u>Cox</u>	<u>CF</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1404 provides minimum certification requirements for school counselors and requires school counselors to abide by the American School Counselor Association’s Ethical Standards for School Counselors. The bill prescribes duties for school counselors in Florida’s schools and prohibits school counselors from performing certain school-related tasks. The bill requires the Florida Department of Education to develop a program using Florida’s School Counseling Framework for certified school counselors that deliver services within the context of a student-centered, data-informed, and outcome-oriented program. The program is required to integrate into curricula, which prepares public school students in prekindergarten through grade 12 for postsecondary education and training or a career.

The bill takes effect on July 1, 2022.

II. Present Situation:

School Counselors

School Counselors are certified/licensed educators who improve student success for all students by implementing a comprehensive school counseling program.¹ They are responsible for

¹American School Counselor Association, *The Role of the School Counselor*, (2021), available at <https://www.schoolcounselor.org/getmedia/ee8b2e1b-d021-4575-982c-c84402cb2cd2/Role-Statement.pdf>.

designing and delivering school counseling programs that improve student outcomes² and are trained to be proactive, data driven, and considered essential in the school improvement process.³ The primary goal for school counselors is to encourage, support, and foster positive academic, career, social, and personal development for students in schools.⁴

School Counselors in Florida

Certification Requirements for School Counselors

School counselors are considered instructional personnel within Florida's public school system.⁵ To be employed as a school counselor, a person must be certified as required by law and State Board of Education (SBE) rule.⁶ To be certified as a school counselor an individual must have:⁷

- A master's or higher degree with a graduate major in guidance and counseling or school counseling that includes a minimum of 600 clock hours of supervised internship serving school-aged students in a prekindergarten, an elementary or a secondary school setting; or
- A master's or higher degree with a graduate major in counseling, but not guidance and counseling or school counseling, that includes a minimum of 600 clock hours of supervised internship with school-aged children and their families with at least nine semester hours of specified graduate credit.

In the 2020-21 school year, there were 6,397 guidance counselors working in Florida school districts. Each of the 67 school districts reported at least one guidance counselor on staff.⁸

School Counselor's role in Florida's Schools

The core duties of school counselors in Florida include, providing individual counseling and advising to help students set personal goals, provide academic advising with course selection and graduation requirements, and work with teachers and school administrators to ensure student needs are being met.⁹ School counselors focus their skills, time and energy on direct and indirect

² *Id.*

³ American School Counselor Association, *Guidance Counselor vs School Counselor*, (2019), available at <https://www.schoolcounselor.org/getmedia/c8d97962-905f-4a33-958b-744a770d71c6/Guidance-Counselor-vs-School-Counselor.pdf>.

⁴ The Florida Department of Education, *Florida's School Counseling Framework*, at 15 (2010), available at <https://www.fldoe.org/core/fileparse.php/7690/urlt/0070167-finalcounselframework2010.pdf>.

⁵ Section 1012.01(2)(b), F.S.

⁶ Section 1012.55(1)(b), F.S.

⁷ Rule 6A-4.0181, F.A.C. if a candidate is earning certification on the second pathway the 9 hours of graduate credit to include: Student appraisal and evaluation methods; College and career planning; Principles, philosophy, organization and administration of a comprehensive school counseling program; Consultation skills and techniques for conferring with groups.

⁸ The Florida Department of Education, *Staff in Florida's Public Schools: Full-Time Staff Activity Assignment 2020-21, Final Survey*, (2021) available at <https://www.fldoe.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/staff.stml>.

⁹ The Florida Department of Education, *Florida's School Counseling Framework*, at 15 (2010), available at <https://www.fldoe.org/core/fileparse.php/7690/urlt/0070167-finalcounselframework2010.pdf>.

services to students.¹⁰ Direct counseling services are in-person interactions between school counselors and students which include:¹¹

- School counseling core curriculum, which are structured lessons delivered in the school's curriculum to help students attain desired competencies;
- Individual Student Planning, which are activities to assist students in establishing personal goals and future plans; and
- Responsive Services, which are activities designed to meet students' needs, such as counseling in individual or small-groups or crisis response.

Indirect Counseling Services are services provided on behalf of students as a result of the school counselors' interactions with others including referrals for additional assistance, and consultation and collaboration with parents.¹²

A 2015 report showed that 71 percent of school counselors spent their time on direct and indirect counseling services and 29 percent on non-counseling duties. The top five duties that were non-counseling related were:¹³

- Student testing/assessment;
- Coordinating 504¹⁴ meetings;
- Attendance duty;
- Cafeteria duty; and
- Hallway supervision.

Florida's School Counseling Framework

Florida's School Counseling Framework (Framework) represents the continuing evolution of prekindergarten–12 school counseling programs. Historically, many school counselors spent much of their time responding to the needs of a small percentage of their students, typically the high achieving or high risk. The Framework recommends that the majority of the school counselor's time be spent in direct service to all students so that every student receives maximum benefits from the program.¹⁵ When first articulated in 1995, this model represented a departure from prior "guidance" program concepts to one that is comprehensive in scope, preventative in design, and developmental in nature. The Framework has been increasingly used by districts to structure their school counseling programs to include a standards-based student development

¹⁰ American School Counselor Association, *ASCA National Model A Framework for School Counseling Programs*, (2015), available at <https://www.mlsd.net/Downloads/ANMExecSumm.pdf>.

¹¹ Office of Program Policy Analysis and Government Accountability, *OPPAGA Review of School Counselors*, (2015), available at <https://www.flaschoolcounselor.org/wp-content/uploads/2017/04/OPPAGA-Report.pdf>.

¹² Office of Program Policy Analysis and Government Accountability, *OPPAGA Review of School Counselors*, (2015), available at <https://www.flaschoolcounselor.org/wp-content/uploads/2017/04/OPPAGA-Report.pdf>.

¹³ *Id.*

¹⁴ Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in programs or activities that receive Federal financial assistance from the U.S. Department of Education. U.S. Department of Education, *Protecting Students with Disabilities*, available at <https://www2.ed.gov/about/offices/list/ocr/504faq.html> (last visited Jan. 31, 2022).

¹⁵ The Florida Department of Education, *Florida's School Counseling Framework*, at 9 (2010), available at <https://www.fldoe.org/core/fileparse.php/7690/urlt/0070167-finalcounselframework2010.pdf>, at 13.

curriculum and activities.¹⁶ The Framework is organized around 15 program standards based on the American School Counselor Association's structure. The 15 program standards are organized into four areas:¹⁷

- Foundation:
 - Mission Statement;
 - Rationale and Philosophy; and
 - Student Standards and Competencies.
- Management System:
 - District Policy;
 - Advisory Council;
 - Program Resources;
 - Use of Time; and
 - Calendars.
- Delivery System:
 - Curriculum;
 - Individual Student Planning;
 - Responsive Services; and
 - Systems Support.
- Accountability:
 - Use of Data;
 - Program Evaluation; and
 - School Counselor Standards.

III. Effect of Proposed Changes:

CS/SB 1404 creates s. 1012.461, F.S., to specify roles and responsibilities for school counselors in Florida's schools. The bill requires the Department of Education to develop a program using Florida's School Counseling Framework for certified school counselors that deliver services within the context of a student-centered, data-informed, and outcome-oriented program. Such delivery of services means working directly with students, instructional personnel, school administrators, parents, other school personnel, and the community to achieve an integrated approach to students' educational success and an effective transition to postsecondary education and training or a career and may include services recommended by the American School Counselor Association. The program is required to integrate into curricula and which prepares public school students in prekindergarten through grade 12 for postsecondary education and training or a career.

Specifically, the bill provides that certified school counselor may deliver all of the following services:

- Offer advisement appraisal for academic planning, including for postsecondary education, and career coaching.

¹⁶ The Florida Department of Education, *Florida's School Counseling Framework*, at 9 (2010), available at <https://www.fldoe.org/core/fileparse.php/7690/urlt/0070167-finalcounselframework2010.pdf>.

¹⁷ *Id.* at 21

- Provide orientation, coordination, and academic advising for new students, which is prohibited from including the clerical duties of coordinating paperwork or data entry for such students.
- Interpret cognitive aptitude and achievement test results and support school administrators, parents, and students in understanding them. However, a certified school counselor may not serve as a testing coordinator.
- Counsel students who are tardy or absent.
- Provide mental health support to students, including, but not limited to: individual and small group counseling, including short-term counseling; suicide screenings and assessments; and collaboration with other school personnel, medical professionals, and community-based partners to provide referrals to both students and their families.
- Support students' social and emotional learning through classroom lessons and counseling.
- Consult with teachers to schedule and present school counseling curriculum lessons based on developmental needs. Such needs must be determined using data analyzed by certified school counselors.
- Interpret student records and protect such records and information as required by state and federal rules and regulations, through focusing on delivering direct services to students rather than performing clerical duties.¹⁸
- Analyze grade point averages and their relationship to student achievement.
- Consult with teachers about building class connections, effective classroom management, and the role of noncognitive factors in student success.
- Consult with a variety of stakeholders, including school principals and other school administrators, classroom teachers, parents, student services personnel, and other school personnel, to identify and resolve student issues, needs, and problems.¹⁹
- Advocate for exceptional students by participating in, but not leading, individual education plan meetings, student study teams, responses to intervention plans, 504 meetings, multitiered systems of support, and school attendance review boards.
- Analyze disaggregated schoolwide and school counseling program data for the purpose of delivery of programs and strategies to improve school successes.
- With input from students of diverse backgrounds, work to create a positive and inclusive school culture for all students.

The bill provides that a certified school counselor may perform additional duties if required to be performed by the majority of instructional personnel during the school year, such as supervision of common areas before or after school or during the lunch hour; however, a school counselor may oversee classes only when teachers are absent or when necessary to create teacher planning time.

The bill requires specifies that a certified school counselor may not:

- Perform administrative personnel tasks, such as building the master schedule;
- Be school test coordinators; and

¹⁸ The bill further provides the following tasks as examples of clerical duties including, but not limited to, maintaining students' records, maintaining students' cumulative folders, or inputting students' grades.

¹⁹ The bill further provides that a certified school counselor must be a nonjudgmental advocate for students, rather than a disciplinarian, and may not perform administrator-specific duties, including, but not limited to, building the master schedule.

- Perform purely clerical work of coordinating paperwork and data entry unrelated to school counseling.

The bill takes effect on July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1012.461 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Children, Families, and Elder Affairs Committee on February 8, 2022:

The committee substitute eliminates the short title of the bill and moves provisions related the certified school counselors from s. 1006.025, F.S., relating to counseling services under public K-12 education support to newly created s. 1012.461, F.S., relating to requirements for instructional and non-instructional personnel. The CS also provides minimum certification requirements for school counselors, requires adherence to specified ethical standards, and specifies their duties.

- B. **Amendments:**

None.