

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 Education

BILL: SB 1404

INTRODUCER: Senator Jones

SUBJECT: School Counselors

DATE: January 31, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Palazesi	Bouck	ED	Favorable
2.			CF	
3.			RC	

I. Summary:

SB 1404 establishes the “School Counselors Supporting Students Act” and clarifies the responsibilities 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 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

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>.

² *Id.*

³American 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>.

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 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

⁴Florida 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 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 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>.

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), <https://www.fla-schoolcounselor.org/wp-content/uploads/2017/04/OPPAGA-Report.pdf>.

- 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 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;

¹² Office of Program Policy Analysis and Government Accountability, *OPPAGA Review of School Counselors*, (2015), <https://www.fla-schoolcounselor.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*, <https://www2.ed.gov/about/offices/list/ocr/504faq.html> (last visited Jan. 31, 2022).

¹⁵ 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.

¹⁶ 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

- 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:

SB 1404 creates s. 1006.025, 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. 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.
- Provide orientation, coordination, and academic advising for new students.
- Interpret cognitive aptitude and achievement test results and support school administrators, parents, and students in understanding them.
- Counsel students who are tardy or absent.
- Provide mental health services 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.
- 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, classroom teachers, parents, student services personnel, and other school personnel, to identify and resolve student issues, needs, and problems.

- 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 required of all 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
- 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.

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 substantially amends section 1006.025 of the Florida Statutes.

The bill creates an undesignated section of Florida Law.

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

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

None.

B. Amendments:

None.