

2023 SENATE EDUCATION

SB 2340

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

SB 2340
1/31/2023

Relating to required school counselors.

10:05 AM Chair Elkin opened the hearing. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

Discussion Topics:

- Shortage
- Behavior health specialists
- Smaller ratio

Sen Axtman, Dist 7, bill sponsor and testified in support #18091, #21114.

Kevin Hoherz, NDCEL, testified in support #18219, #18063, #18076

Mike Heilman, ND SOS, testified in support #18083.

Mike McNeff, Rugby Supt, testified in support #17903.

Dave Wheeler, Supt Manville, testified in support with no written testimony.

Carly Retterath, Dir Alternative Ed, Mandan Schools, testified in support #17607.

Aimee De Kok, ND SBA legal, testified in support with no written testimony.

Beth Slette, W Fargo Schools, testified in support #18057

Andrea Richards, W Fargo schools testified in support with no written testimony.

April Foth, ND School Counselors Assoc, testified in opposition #18058

Additional written testimony:

Dr Katherine Terras, in support #18066

Cristine Deavor, Pres ND Assoc for Behavior Analysis, in support #18013

Noah Brenden, Wahpeton School counselor opposed #18026

Rachel Meuchel, Bismarck, opposed #18023

Robin Lang, Bismarck School counselor opposed #17997

Jocelyn Kolle, ND Center for Distance Learning opposed #17744

Jessica Gilsrud, Wahpeton School counselor opposed #17494

10:35 AM Chair Elkin closed the hearing.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

SB 2340
1/31/2023

Relating to required school counselors.

2:30 PM Chair Elkin opened committee work. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

Discussion Topics:

- Counselor quota
- Counselor grant

Dr Aimee Copas answered questions.

2:50 PM Chair Elkin adjourned the meeting.

Pam Dever, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Education Committee
Room JW216, State Capitol

SB 2340
2/1/2023

Relating to required school counselors.

9:36 AM Chair Elkin opened the committee work. Present: Chair Elkin, Vice Chair Beard, Sen Axtman, Sen Conley, Sen Lemm, and Sen Wobbema.

Discussion Topics:

- Committee action

Sen Beard moved a DO PASS on Amendment 23.0993.01002.

Sen Axtman seconded.

Senators	Vote
Senator Jay Elkin	Y
Senator Todd Beard	Y
Senator Michelle Axtman	Y
Senator Cole Conley	Y
Senator Randy D. Lemm	Y
Senator Michael A. Wobbema	Y

VOTE: YES 6 NO 0 Absent 0

Motion PASSED

Sen Beard moved a DO PASS as Amended.

Sen Conley seconded the motion.

Senators	Vote
Senator Jay Elkin	Y
Senator Todd Beard	Y
Senator Michelle Axtman	Y
Senator Cole Conley	Y
Senator Randy D. Lemm	Y
Senator Michael A. Wobbema	Y

VOTE: YES 6 NO 0 -0-

Motion PASSED

Sen Axtman will carry the bill.

9:39 AM Chair Elkin adjourned the meeting.

Pam Dever, Committee Clerk

February 1, 2023

AG
2-1-23
(1-1)

PROPOSED AMENDMENTS TO SENATE BILL NO. 2340

Page 1, line 17, remove the overstrike over ", a "career"

Page 1, line 17, remove the underscored colon

Page 1, line 18, remove "a. "Career"

Page 1, line 22, remove "; and"

Page 1, remove lines 23 and 24

Page 2, remove lines 1 through 3

Page 2, line 4, remove "family therapist, licensed psychologist, or licensed addiction counselor"

Page 2, after line 4, insert:

"5. A school district shall attempt to meet the 300:1 ratio requirements under subsections 1 and 2 with an individual who meets the requirements of an approved program of graduate study in school guidance and counseling from a college or university approved by the education standards and practices board. If a school district is unable to meet the ratio requirements under subsections 1 and 2, for the purposes of qualifying for the 300:1 ratio, positions may be filled by a school psychologist recognized by the education standards and practices board, licensed social worker, licensed professional counselor, licensed marriage and family therapist, licensed psychologist, licensed vocational rehabilitation counselor, or licensed addiction counselor."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2340: Education Committee (Sen. Elkin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2340 was placed on the Sixth order on the calendar. This bill affects workforce development.

Page 1, line 17, remove the overstrike over ";-a-career"

Page 1, line 17, remove the underscored colon

Page 1, line 18, remove "a. Career"

Page 1, line 22, remove ";and"

Page 1, remove lines 23 and 24

Page 2, remove lines 1 through 3

Page 2, line 4, remove "family therapist, licensed psychologist, or licensed addiction counselor"

Page 2, after line 4, insert:

"5. A school district shall attempt to meet the 300:1 ratio requirements under subsections 1 and 2 with an individual who meets the requirements of an approved program of graduate study in school guidance and counseling from a college or university approved by the education standards and practices board. If a school district is unable to meet the ratio requirements under subsections 1 and 2, for the purposes of qualifying for the 300:1 ratio, positions may be filled by a school psychologist recognized by the education standards and practices board, licensed social worker, licensed professional counselor, licensed marriage and family therapist, licensed psychologist, licensed vocational rehabilitation counselor, or licensed addiction counselor."

Renumber accordingly

2023 HOUSE EDUCATION

SB 2340

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

SB 2340
3/8/2023

Relating to required school counselors.

Chairman Heinert opened the hearing at 10:00 AM

Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

Discussion Topics:

- Ratio increases.
- Vacancies
- Alternate trained professionals
- School counselor duties
- Emergency clause
- Behavior health
- Mental health
- Social workers
- Telehealth
- Guideline vs ratio
- Employee Retention
- Licensure process
- Hiring flexibility

Sen Michelle Axtman, District 7, Bismarck ND introduced SB 2340, Testimony 22861

Kevin Hohertz, NDCEL, Testimony 22152, 22958

Carly Retterath, Director, Alternative Education, Mandan Public Schools, Testimony 22575

Steve Holen, Superintendent of Schools, Mckenzie County Public, Schools, Watford City, Testimony 22855

Michael Heilman, Executive Director, Small School Association, Testimony 22838

Dave Wheeler, Superintendent, Manvel Public School District, Testimony 22574

Jared Bollom, Elementary Principal, K-12 School Counselor, parent, President-Elect for the ND School Counselor Association, Testimony 22856, 22857

Dr. Katherine Nelson, Grand Forks, licensed psychologist, licensed Professional Counselor
Credential former School Counselor, now School Counselor Educator, Primary
Investigator of school based mental health research team, Ethics Committee Member,
NDSCA, Testimony 22851

Additional written testimony:

Kiya Knable, Testimony 21904
Sara Voss, Testimony 21925
Anonymous Anonymous, Testimony 22121
Rachel Meuchel, Testimony 22278
Lindsey, Guidinger, Testimony 22529
Jennifer Lunde, Testimony 22543
Amy Meier, Testimony 22736
Lacey Enger, Testimony 22760
Courtney Quist, Testimony 22800
Tessa Roberts, Testimony 22803
Chasity Odeen Heide, Testimony 22815
Vanessa Boehm, Testimony 22839
Alannah Valenta, Testimony 22847
Erica Skoglund, Testimony 22849
Kristen Lynch, Testimony 22865
John Wangen, Testimony 22869
Andrew Rohrich, Testimony 22871
Amy Johnson, Testimony 22880
April Foth, Testimony 22883, 22881
Michael McNeff, Testimony 22900
Diane Crowston, Testimony 22903
Trisha Twite, Testimony 22911
Mary Wick, Testimony 22912
Missy Kremer, Testimony 22913
Jessie McClafin, Testimony 22920

11:28 AM Chairman Heinert closed the hearing.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Education Committee
Coteau AB Room, State Capitol

SB 2340
3/20/2023

Relating to required school counselors.

4:00 PM Chairman Heinert opened the meeting.

Members present: Chairman Heinert, Vice Chairman Schreiber-Beck, Representatives Conmy, Dyk, Hager, Hauck, Heilman, Hoverson, Jonas, Longmuir, Marschall, Murphy, Novak, and Timmons.

Discussion Topics:

- Committee action

Rep Timmons moved to adopt amendment 23.0993.02002 (Testimony #26056) and to add an Emergency clause, seconded by Rep Dyk. **Voice vote, motion carried.**

Rep Schreiber-Beck moved to adopt amendment 23.0993.02001 (Testimony #26052), seconded by Rep Murphy.

Representatives	Vote
Representative Pat D. Heinert	N
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	N
Representative Scott Dyk	N
Representative LaurieBeth Hager	Y
Representative Dori Hauck	N
Representative Matt Heilman	N
Representative Jeff A. Hoverson	N
Representative Jim Jonas	N
Representative Donald W. Longmuir	N
Representative Andrew Marschall	N
Representative Eric James Murphy	N
Representative Anna S. Novak	N
Representative Kelby Timmons	N

2-12-0 Motion failed.

Rep Schreiber-Beck moved to adopt amendment 23.0993.02001 (Testimony #26052) along with removing Lines 22-24 on Page 1, and removing Lines 1-7 on Page 2, seconded by Rep Hager.

Representatives	Vote
Representative Pat D. Heinert	N
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative Scott Dyk	N
Representative LaurieBeth Hager	Y

Representative Dori Hauck	N
Representative Matt Heilman	N
Representative Jeff A. Hoverson	N
Representative Jim Jonas	N
Representative Donald W. Longmuir	N
Representative Andrew Marschall	N
Representative Eric James Murphy	N
Representative Anna S. Novak	N
Representative Kelby Timmons	N

3-11-0 Motion failed.

Rep Timmons moved a Do Pass as Amended, seconded by Rep Dyk.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	N
Representative Liz Conmy	Y
Representative Scott Dyk	Y
Representative LaurieBeth Hager	N
Representative Dori Hauck	Y
Representative Matt Heilman	Y
Representative Jeff A. Hoverson	Y
Representative Jim Jonas	Y
Representative Donald W. Longmuir	N
Representative Andrew Marschall	Y
Representative Eric James Murphy	N
Representative Anna S. Novak	Y
Representative Kelby Timmons	Y

10-4-0 Motion carried. Rep Hoverson is carrier.

4:35 PM Meeting adjourned.

Kathleen Davis, Committee Clerk

2A
3-20-23

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2340

Page 1, line 2, after "counselors" insert "; to provide an expiration date; and to declare an emergency"

Page 2, after line 7, insert:

"SECTION 2. EXPIRATION DATE. This Act is effective through August 1, 2027, and after that date is ineffective.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2340, as engrossed: Education Committee (Rep. Heinert, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2340 was placed on the Sixth order on the calendar.

Page 1, line 2, after "counselors" insert "; to provide an expiration date; and to declare an emergency"

Page 2, after line 7, insert:

"SECTION 2. EXPIRATION DATE. This Act is effective through August 1, 2027, and after that date is ineffective.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Re-number accordingly

TESTIMONY

SB 2340

I am writing with concerns regarding SB2340. I meet with students at our high school in the area of social/emotional, academic and career. The standards that I cover would have to be met by classroom teachers, who are already overextended. Students also come to me to calm down and oftentimes I am able to prevent fights and disruptions. I think this could cause more behavioral concerns for teachers and office referrals for our principals.

Just today I had one student come in and talk to me because she was having a tricky day and wanted to go home. We talked about the issue and she was able to make it through the day. When I saw her in the lunchroom I asked how things were going and she gave me a thumbs up. I also had a student come in today that was upset at another student. She felt like she wanted to punch the student. She was also able to get through her day without an incident. Our students and school staff members deserve to have the extra support of school counselors that serve tier 1 and tier 2 level support with the ASCA recommended ratio of 300 to 1.

1 SB2340 – Counselor Positions-Requirement

2 Mandan Public Schools – Carly Retterath Testimony

3 Good morning Chairman Elkin and members of the Education committee. For the record, my
4 name is Carly Retterath. I am the Alternative Education Director for Mandan Public Schools. I
5 am here today to urge you to give SB 2340 a Do Pass recommendation.

6 I became the director of Alternative Education in Mandan Public Schools four years ago and I
7 have seen first-hand the increase of significant mental and behavioral health needs of students.
8 There is no doubt that increased counseling support in our buildings is essential to address these
9 needs however, the shortage of school counselors and the increasing therapeutic needs of students
10 makes the current requirement extremely difficult for schools to meet and even when it is met it
11 may not address the needs of our students.

12 This past school year Mandan Public Schools was able to fill two out of the five counseling
13 positions the district had open. District personnel attended career fairs, reached out to universities,
14 and continued to advertise these positions well into the school year starting, with no luck in filling
15 the remaining openings. Despite the inability to fill these positions, MPS recognized the
16 importance of student behavioral and mental health needs and took steps to address these through
17 school based clinical counseling and social work support. Right now, MPS partners with Together
18 Counseling, who currently provides individual clinical counseling to over fifty students
19 kindergarten through twelfth grade. In addition, Together Counseling has helped to cover general
20 school counseling services at the middle school who is shorthanded due to the tragic passing of
21 one of their school counselors. Even though the district has gone above and beyond to address
22 school counseling needs in creative ways, as this law is currently written MPS cannot count those
23 services towards their ratio.

24 The increasing mental health needs of students as well as the expanding of social emotional
25 learning in all classrooms has shifted the type of counseling supports needed in schools. In many
26 ways the traditional lessons and activities that school counselors would provide classes are now a
27 part of their everyday curriculum. I am by no means saying that school counselors are no longer

28 needed, in many ways they are need now more than ever, but their roles may look different. We
29 need school counselors that can run social skills groups, meet one on one with students to process
30 trauma they are experiencing, provide families supports and strategies for home and help the
31 school to identify students in crisis who need through care. In addition to school counselors there
32 are many trained clinical counselors, social workers, and psychologists that could offer these
33 needed services and in many ways are more qualified to provide them.

34 North Dakota does not require quotas for teachers, principals, social workers, librarians, or any
35 other professional. School counselors are great and the work they do is invaluable, but does it
36 make sense that they are the only education professionals with a quota? The issue with a quota is
37 that when a school has 310 students, the school now needs 1.03 counselors. DPI is required to
38 administer the law as it is passed. How can a school find a 3% FTE licensed school
39 counselor? A guideline would work much better in the real world than a quota. By expanding
40 the definition of “Counselor” schools are able to meet the requirement of this bill and better
41 serve the students in their care

42 ND does not require quotas for teachers, principals, social workers, librarians, or any other I urge
43 you to give SB 2340 a DO PASS recommendation. I would be happy to stand for any questions.

Chairman Elkin, Vice Chairman Bear, and the Members of the Committee,

Thank you for reading this testimony.

I have served as the School Counselor for the North Dakota Center for Distance Education since 2019. I am also a member of North Dakota's School Counseling Association. I am recommending a vote of DO NOT PASS for SB 2340 as it is written. While I do feel the intent of the bill was to support the role of the School Counselor and to allow schools to come up with new ways to support more students, the way in which the law is written makes the School Counselor optional. As a serving School Counselor for NDCDE, I work mainly as an Academic Advisor. I help students make sure they have the classes necessary for graduation, getting them Choice Ready, and assisting them as they begin to apply for colleges or enter the workforce or military. Our agency is continuously looking for new ways to help support students, families, and parents through our services.

Many times, School Counselors wear multiple hats. They are the ones making sure kids meet Choice Ready guidelines set forth by North Dakota's State ESSA Plan, they help with school activities, do large classroom resiliency lessons, small group sessions tailored to specific student needs, one on one counseling for students that need more intense intervention, assist with college applications, write letters of recommendation, provide information on scholarships, help students find jobs, and overall become better members of our community.

I am also a mother to two elementary children in West Fargo. I have heard stories about kids' behavior at school. Most days my kids don't want to attend school due to the behavior of others and the distraction it causes to their own learning. While all students benefit from a School Counselor, the students that have trouble socially and/or academically are the kids that need this service most. Please consider amending this bill to ensure we do not harm the kids of ND by removing the role of the School Counselor but instead offering schools and students more support.

It would be beneficial to speak with our ND School Counseling Association President April Foth. Guidance and discussion with North Dakota's School Counselors should be considered when writing a bill that affects them and their position. Let the people closest to the work tell you what needs they have and give suggestions on how to help. Support these professionals with incentives, student access to free professional counseling, and by restricting duties the School Counselor is often tasked to provide (ex: conduct state testing/ACT testing).

School Counselors are needed now more than ever. As the bill is written I would recommend a vote of DO NOT PASS. North Dakota kids deserve it.

Thank you,

Jocelyn Kolle

1 SB 2340

2 Testimony in Support

3

4 Chairman Elkin and members of the Senate Education Committee. For the record my name is Dr.
5 Michael McNeff – I serve as the superintendent of schools in Rugby, ND. I come to you today to
6 provide information on how difficult it is to find a traditionally trained school counselor and to
7 suggest a small amendment to the bill.

8

9 SB 2340 provides flexibility and allows school districts to meet the 300 students to 1 counselor
10 ratio criteria as described in 15.1-06-19 in elementary and secondary schools. The bill expands
11 the applicant pool for schools to include several other related fields that could fill the school
12 counselor position at a school district. These include a licensed social worker, licensed professional
13 counselor, licensed marriage and family therapist, licensed psychologist, or a licensed addiction
14 counselor.

15

16 Our school district has had an open high school counselor position for a month and we have not
17 received an application to date. This bill would provide more flexibility for schools to provide a
18 licensed professional to meet the school counselor requirement. These other licensed professionals
19 are likely living within our communities and may be interested in working in our schools.

20

21 I am suggesting an amendment that would add ‘vocational rehabilitation counselor’ to the list
22 within lines 3 and 4 on page 2 of the bill. School districts work closely with vocational
23 rehabilitation counselors and I believe they would provide an excellent alternative if a school
24 district could not find a traditionally trained school counselor.

25

26 Vocational Rehabilitation Counselors provide case management services to individuals with
27 disabilities, which include: ongoing vocational counseling, job development, job search assistance,
28 and placement services to students. These counselors also work with families to provide transition
29 services to high school students including attending IEP meetings, career interest testing,
30 assistance with FAFSA, college exploration, follow-up consultation with area businesses
31 regarding job placement, and ongoing vocational support.

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Suggested amendment:

"Counselor" means an individual who meets the requirements of an approved program of graduate study in school guidance and counseling from a college or university approved by the education standards and practices board, a school psychologist recognized by the education standards and practices board, or a licensed social worker, licensed vocational rehabilitation counselor, licensed professional counselor, licensed marriage and family therapist, licensed psychologist, or licensed addiction counselor.

10 Please issue a Do Pass on SB 2340 with the suggested amendment.

Testimony Prepared for the Senate Education Committee

January 30, 2023

By: Robin Lang

RE: SB 2340: Relating to required school counselors

Mr. Chairman and Members of the Senate Education Committee:

My name is Robin Lang, and I have been a licensed teacher and credentialed school counselor in North Dakota for over 20 years. I am providing my testimony based on my personal experience.

First, I want to thank you for putting the health and well-being of our ND students in the forefront and supporting the role of school counselors and the implementation of comprehensive school counseling programs for all North Dakota K-12 students.

The purpose of the addition to the code as written, specifically section 4(b) of this bill is unclear to me. If it is to allow school psychologists, licensed social workers, licensed professional counselors, licensed marriage and family therapists, licensed psychologists, or licensed addiction counselors to be **hired and practice as a school counselor**, I strongly oppose this bill.

Each professional group mentioned above is recognized as incredibly valuable, and all provide critical work along the continuum of care for our schools, students, families, and communities. While there may be notable overlaps in each other's work, they are all distinctly unique and not interchangeable.

Each profession has their own specialized training (course work), internship requirements, credit hour requirements, level of degrees, level of licensure, different licensing agencies, renewal requirements, and scope of practice. [Scope of practice](#) is very important to note as it aligns our legal ethics with the role we perform in the schools. If the above roles were to practice as school counselors, what ethics would govern their work? Will they all need to meet the same rigorous requirements to be a [credentialed school counselor](#)? Will the above professions allow reciprocity and allow school counselors to practice within their respective fields?

[School counseling](#) is a specialized degree with specialized training. It is strongly based in the pedagogy of education, prevention, and early intervention within the three domains; **academic, career, and social/emotional**. It is important to note that the above professionals have limited is any course work or pedagogy in career counseling, academic counseling and perhaps limited work in youth and adolescent development as it pertains to education. We would be greatly short changing our students if we did not have qualified professionals to support all the required domains of a school counselor.

It is through the three domains that education, prevention and intervention instruction happens and during this time, school counselors recognize when students and families may need additional supports; such as change in course work, college prep courses, AP courses, career inventories, work based learning placements, referrals to outside partners for behavioral health supports and services to name a few. This is where the struggle exists, there is work force shortage in the behavioral health supports within communities for our students and families to access.

A work force shortage exists within most if not all of the above mentioned areas. The idea that allowing the above professionals to work as school counselors does not support the whole student and does not help with the work force shortage. If anything, one could suggest it may increase the problem. What happens when those professionals leave their current fields to practice as a school counselor and work within schools, creating a larger gap within their respective fields in our ND communities. This can be illustrated by the growing number of social workers hired within schools and the shortage of Human Service Zone social workers.

If we want to create stronger systems of service and supports for students and families, it can through intentional partner collaboration where all the professionals work together collaboratively within their roles. Many schools have collaborated with their local behavioral health or incorporated telehealth to provide services and supports without interchanging professions.

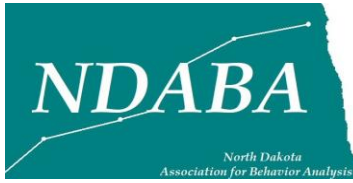
If this bill is to allow school psychologists, licensed social workers, licensed professional counselors, licensed marriage and family therapists, licensed psychologists, or licensed

addiction counselors in *addition to school counselors*, to count toward the district meeting the ratio requirement, I would question the purpose for that and caution for possible unintended consequences.

Currently, if a district **does not meet** the required school counselor to student ratio, there is not any negative consequences to the district. They simply outline the step due diligence steps they have taken to find a school counselor and submit that information to NDDPI. While not meeting the ratio may be unsettling for districts, that information is very valuable as it helps to illuminate critical shortage areas, which school counseling is current one area. This information is then utilized by various entities to seek grant opportunities to help address the work force shortages in school counseling. Two recent examples of this are [West Fargo Public Schools Behavioral Health and Wellness](#) Grant(which is nearly 12 million) and the [University of Mary's](#) (6 million)grant to address critical school counseling shortages.

If we would use the above professions to count toward the ratio, I would ask “why”? What problem are we trying to solve, who does it benefit, and what would be the unintended consequences?

In conclusion, long before COVID 19, ND student’s health and mental health behaviors were trending in the wrong direction in many areas. I do not see this bill having the clarity or helping us address these concerns and therefore I am respectfully asking for a **DO NOT PASS** as this bill stands.



North Dakota Association for Behavior Analysis

northdakotaaba@gmail.com • <http://northdakotaba.org>

Chairman Elkin and Senate Education Committee,

My name is Cristine Deaver. I represent North Dakota Association for Behavior Analysis. We are in support of SB 2340 with one minor change under Section 1, 4.b:

SECTION 1.

15.1-06-19 Counselor positions- Requirement

4. For purposes of this section,

b. "Counselor" means an individual who meets the requirements of an approved program of graduate study in school guidance and counseling from a college or university approved by the education standards and practices board, a school psychologist recognized by the education standards and practices board, a behavior intervention specialist recognized by the education standards and practices board, a licensed behavior analyst, or a licensed social worker, licensed professional counselor, licensed marriage and family therapist, licensed psychologist, or licensed addiction counselor.

Behavior intervention specialists and licensed behavior analysts have completed course work and supervised experience in behavior skills training, preventative practices, environmental modifications, and crisis/safety management. These services can be delivered across all grade levels and populations of students, as well as using a variety of instructional formats (large and small group, and one-on-one instruction). The inclusion of behavior intervention specialists and licensed applied behavior analysts will help address the workforce shortage while assuring students have access to highly skilled professionals to meet their social, emotional, and behavioral needs.

Behavior Intervention Specialist Endorsement Requirements:

<https://www.nd.gov/esp/sites/www/files/documents/Behavior-Intervention-Specialist%20-Special-Education-Endorsement-best.pdf>

Licensed Applied Behavior Analyst Licensure Requirements:

<https://ndlegis.gov/information/acdata/pdf/112-05-01.pdf>

Chairman Elkin, Vice Chairman Bear, and the Members of the Committee,

Please give SB 2340 a DO NOT PASS.

As it is written, districts could pay for contracted counseling services instead of hiring school counselors. While I believe this was probably intended to help with the school counselor shortage, it might spur some districts to forgo hiring school counselors in exchange for contracted mental health services, especially if doing so saves money on a full-time equivalent salary and benefits package.

This would negatively impact our students. School counselors are trained to help students within the academic context, specifically in three core areas: social-emotional, career, and academic. We work comprehensively with students to help meet a variety of school-based and other needs; and our training is specialized to include educational systems, special education, and classroom instruction, among other things. While a full case load for a clinical mental health counselor may only include 25-30 students, school counselors are accustomed to having 300 or more students on a case load, and, rather than strictly providing therapy, can provide a variety of services for all students. Some of these include career exploration, scholarship searches, communication with parents and teachers, check-ins for social-emotional health, and many other specialized supports. Forgoing school counselors will limit the opportunities for students within that school or district.

There is a place for contracted clinical mental health counseling in schools; however, not in place of school counseling.

Let's find ways to recruit and maintain professional membership in the field, rather than reducing the valuable services provided to students by school counselors.

Thank you,
Rachel Meuchel

SB 2340: School Counselor Mandate

Noah Brenden Testimony - Wahpeton Public Schools

Thank you for reading this testimony.

I am currently an elementary school counselor in Wahpeton, ND. I am recommending a vote of DO NOT PASS for SB 2340.

As an elementary school counselor, I do not work in isolation; rather I am integral to the total educational program. I provide a proactive program that engages students and includes leadership, advocacy and collaboration with school staff, administration and community/family members in the delivery of programs and activities to help students achieve success. My services are not limited to providing individual counseling, group counseling, and crisis support. I also provide 240+ classroom lessons each school year geared toward social-emotional learning. I lead a mentoring program where each student is matched with a staff member for support. I collaborate with teachers and parents on early identification and intervention of children's academic and social/emotional needs, which is essential in removing barriers to learning and developing skills and behaviors critical for academic achievement.

I ask you to consider amending this bill in a way that preserves the definition and unique role of the School Counselor while also providing the flexibility school districts need to ensure student mental health needs are being met during the current shortage of School Counselors. It would also make sense to consider funding (or refunding) loan forgiveness programs and scholarships/grants for those considering school counseling and other high-demand education positions and increase recruitment efforts to help address these shortages and support additional mental health partnerships between districts and mental health providers to help meet the intensive needs of students that fall outside the scope of a school counselor's role.

I am concerned that the bill in its current form will take away the early identification, collaboration, and immediate teacher/staff support school counselors provide. Please support our students by voting DO NOT PASS for SB 2340 as it is currently written.

Thank you,

Noah Brenden

1 Tuesday, January 31, 2023

2 Beth Slette, Superintendent, West Fargo Public Schools

3 Support for HB 2340

4 Good afternoon, Chairman Elkin, members of the Senate Education Committee. My name is Beth Slette
5 and I am the Superintendent at West Fargo Public Schools (WFPS), and with me is Andrea Richards, our
6 district's Wellness Director. We are here today to speak to you in support of House Bill 2340 and to
7 share how this bill will allow our district to better serve our students and support our educators through
8 collaboration with our community.

9 First, I cannot emphasize enough how important school counselors are in the schools; they play a vital
10 role in student support services. Some might think their only role is to provide mental health support,
11 but that is not the case. Counselors are highly trained professionals and provide expertise in three areas:
12 implementing academic achievement strategies, managing emotions and applying interpersonal skills,
13 and planning for postsecondary options.

14 Current statute requires schools to have one school counselor for every 300 students. Non-school
15 counselors with specialized training in career development may be included in this ratio in a limited
16 sense. Logically, those with specialized training in social-emotional learning (i.e., mental health needs) or
17 multi-tiered systems of support should also be included. For example, WFPS has dedicated ESSER
18 funding to support social-emotional learning strategists at the secondary level focusing on restorative
19 practices, an evidence-based approach that focuses on repairing harm instead of punitive punishment
20 that can further perpetuate troublesome behaviors in school.

21 While all students need support from the skill sets provided by a school counselor, individual students
22 might need social workers, specialized therapists, or the skills provided by a licensed school
23 psychologist. The challenges we face will not be solved by a single credentialed specialist; rather, we
24 must collaborate with our community to provide the best resources available to meet the individual
25 needs of our students. Expanding the definition of counselor to include other mental health experts,
26 including school psychologists, allows for districts to align support based on the unique needs of their
27 students. Given the ongoing behavioral health provider shortage in ND, flexibility is important to ensure
28 schools can meet these needs.

29 Thank you for allowing us to testify this morning. We will now stand for questions if there are any at
30 this time.

Good morning Chairman Elkin and members of the Education committee.

For the record, my name is April Foth. I am currently the President of the North Dakota School Counselor's Association and have been a school counselor for 13 years. I am here today to ask that you amend SB 2340 in order to best serve the students of North Dakota.

Definition: The definition of a school counselor cannot be made to mean the same as the definition of a mental health counselor or social worker. The roles of these professionals, although they share some similarities, are vastly different from that of a school counselor. School counselors provide comprehensive services to ALL students through a variety of methods (whole school, whole class, small group, individual and referrals) while mental health counselors and social workers provide mostly individual intervention, maybe some groups. It is because of this that I ask you to amend the bill back to the original definition of "school counselor" and add separate definitions for any other mental health providers listed in the bill.

The definition of school counselor is important because the role of the school counselor is often misunderstood and under-utilized. Another testimony to this bill states the school counselor role is needed, but perhaps needs to look different and that schools need school counselors that can run social skills groups, meet with students to process trauma, provide supports and strategies for families to use at home, and help schools identify students in crisis. With the exception of processing trauma, school counselors are trained to do all these things! We can (and do) run small groups. We can (and do) provide families with support and strategies to use at home (not for mental health related concerns, but for concerns like self-esteem, stress or anger management & academic skills to name a few). We can (and do) help identify students in crisis and then advocate for them to help remove barriers to the additional mental health services they may need. Our role doesn't need to look different... our role needs to be utilized in a different way so that we can do what we have been trained to do. This would likely help in reducing the school counselor shortage as many leave the profession due to non-counselor related duties that impede their ability to work directly with students in their capacity as school counselors.

Who Can Fill the Mandate: I absolutely agree we need to help schools bridge the gap in mental health support while school counselors are in shortage and allowing schools to utilize other mental health services when unable to find a school counselor can help to close this gap. It is important to recognize, however, that this doesn't close the gap completely as mental health counselors don't provide social emotional learning for all students in a classroom setting nor do they provide college & career readiness services. Because of this, I ask that you consider amending this bill to allow for schools to hire mental health counselors and social workers to temporarily meet the school counselor requirements while continuing to search for and hire school counselors to fill these open positions. The reality is that the students we are serving today need school counselors AND mental health professionals. We need to continue to work toward solutions that make this possible!

Ratios: Last year I ended up covering for a counselor position in my district that was not filled. I had 575 students on my caseload. It is impossible to stay on top of this many students to help identify those who may be in crisis and require additional support, run small groups, provide support and strategies to families, meet individually with students needing additional support for academic and personal social skills, meet college & career readiness needs, provide preventative education for students and parents, this list could go on. When the ratio of students to school counselor is much beyond the American School Counseling Association recommendation of 250:1, the quality of school counseling services is

impacted, and it becomes easier for students to fall through the cracks. Administrators tend to monitor student to teacher ratios for classrooms, but who is monitoring the number of students on a school counselors' caseload if it isn't protected by law? It is because of this that I urge you to keep the ratio included in this bill intact.

I do agree that further discussion is required regarding schools that have enrollments of (for example) 310 falling just barely above the 300:1 ratio. It is unrealistic to expect schools to be able to fill 3% FTE school counseling positions. So, do we allow schools to meet those small percentages above the 300:1 ratio with outside mental health and social work services? Perhaps that could be an option. But taking school counselors out of schools is not the answer to better meeting student needs. It only creates new gaps that will need to be filled and will create new problems that will need to be solved.

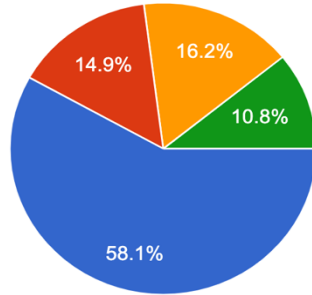
It is my hope that we can continue to work together to find the best solution for our students. Our students need access to comprehensive school counseling services daily, but there are students who will need more than a school counselor can provide them. We need school counselors and mental health counselors to work in collaboration to truly meet the needs of ALL our North Dakota students!

Thank you for your time and consideration of this testimony. I am more than willing to answer any questions you may have.

Respectfully,
April Foth
NDSCA President

How large is your district?

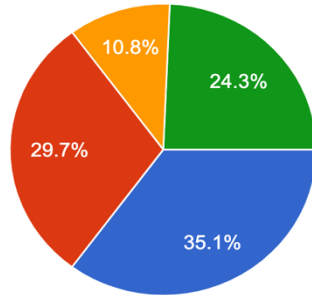
74 responses



- Less than 300 students
- Between 301 and 600 students
- Between 601 and 1200 students
- Over 1200 students

How is your district meeting your school counselor needs?

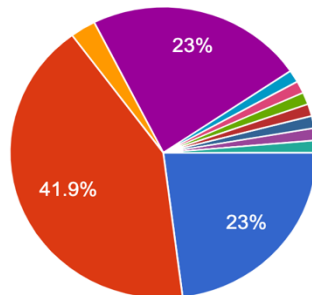
74 responses



- We have met our counselors needs.
- We have met our counselor needs but are concerned for the future if we need to hire.
- We are sharing a counselor with another school/district.
- We are struggling to meet the requirements of one counselor for every 300 students.

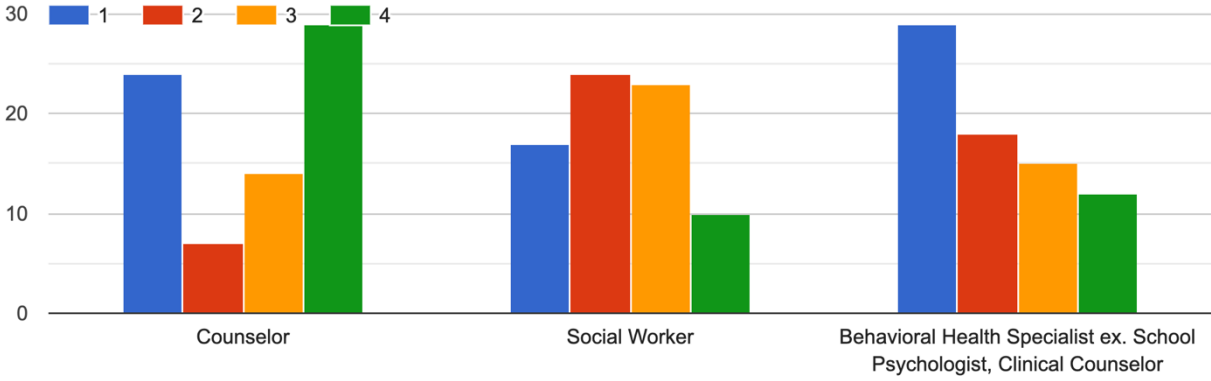
When hiring your last counselor, how many qualified applicants did you have?

74 responses



- 0
- 1 to 3
- 4 to 6
- Over 6
- I don't remember/wasn't with the scho...
- One applicant who is doing a great job...
- Zero, grew our own
- 0, we had to recruit a person and pay f...

To meet the needs of your students, rank your current behavioral health staffing needs. One is your greatest need to four is we are good for now.



Certification Central

ND's 1st Alternative Educator Preparation Program
 Box 322, McVille, ND 58254
 701.322.4429
www.certificationcentral.education



Written Testimony in Support of SB 2340

Chairman Elkin and Senate Education Committee,

For the record, my name is Dr. Katherine Terras. I represent Certification Central, ND's 1st Alternative Educator Preparation Program approved by the NDESPB. We train behavior intervention specialists at the graduate level. We are in support of SB 2340 with one minor amendment under Section 1, 4.b:

SECTION 1.

15.1-06-19 Counselor positions- Requirement

4. For purposes of this section,

b. "Counselor" means an individual who meets the requirements of an approved program of graduate study in school guidance and counseling from a college or university approved by the education standards and practices board, a school psychologist recognized by the education standards and practices board, a behavior intervention specialist recognized by the education standards and practices board, a licensed applied behavior analyst, or a licensed social worker, licensed professional counselor, licensed marriage and family therapist, licensed psychologist, or licensed addiction counselor.

Behavior intervention specialists and licensed applied behavior analysts are trained in behavior skills training, preventative practices, environmental modifications, and crisis/safety management. These services can be delivered across all grade levels and populations of students, as well as using large, small, and one-on-one instruction. The inclusion of behavior intervention specialists and licensed applied behavior analysts will help reach this workforce need while ensuring students have access to highly skilled professionals to meet their social, emotional, and behavioral needs. This concludes my testimony. I will now stand for questions.

Resources:

Behavior Intervention Specialist Endorsement Requirements (ND ESPB):

<https://www.nd.gov/espb/sites/www/files/documents/Behavior-Intervention-Specialist%20-Special-Education-Endorsement-best.pdf>

Licensed Applied Behavior Analyst Requirements (ND Board of Integrative Health):

<https://ndlegis.gov/information/acdata/pdf/112-05-01.pdf>

Counselor Survey

How large is your district?	How is your district meeting your school counselor needs?	When hiring your last counselor, how many qualified applicants did you have?	To meet the needs of your students, rank your current behavioral health staffing needs. One is your greatest need to four is we are good for now. [Counselor]	To meet the needs of your students, rank your current behavioral health staffing needs. One is your greatest need to four is we are good for now. [Social Worker]	To meet the needs of your students, rank your current behavioral health staffing needs. One is your greatest need to four is we are good for now. [Behavioral Health Specialist ex. School Psychologist, Clinical Counselor]	Please make any comments or suggestions.
Less than 300 students	We have met our counselors needs.	0	4	2	3	
Between 301 and 600 students	We have met our counselor needs but are concerned for the future if we need to hire.	0	3	2	1	
Less than 300 students	We have met our counselors needs.	I don't remember/wasn't with the school or district.	3	2	1	
Less than 300 students	We have met our counselors needs.	1 to 3	4	2	2	
Between 301 and 600 students	We are struggling to meet the requirements of one counselor for every 300 students.	0	1	4	4	
Less than 300 students	We have met our counselor needs but are concerned for the future if we need to hire.	1 to 3	1	3	2	
Between 301 and 600 students	We have met our counselor needs but are concerned for the future if we need to hire.	I don't remember/wasn't with the school or district.	1	2	1	
Less than 300 students	We have met our counselors needs.	1 to 3	4	3	2	
Less than 300 students	We are struggling to meet the requirements of one counselor for every 300 students.	I don't remember/wasn't with the school or district.	4	1	2	Marvel had their counselor resign 5 days before school started in August. We hired a former school counselor at 40% but only 20% of that time is in our building. We did a contract for services with her and are paying her an hourly wage for 16 hours/week. She is starting a private practice and will, in all likelihood, never work in a school again.
Between 601 and 1200 students	We have met our counselors needs.	1 to 3	4	4	3	
Between 601 and 1200 students	We are struggling to meet the requirements of one counselor for every 300 students.	One applicant who is doing a great job. But the new requirement leaves us .18 short.	4	2	3	We have 2 full time counselors and a school psychologist that works with our special ed department but they are not full time.
Between 301 and 600 students	We have met our counselor needs but are concerned for the future if we need to hire.	1 to 3	4	4	1	
Between 601 and 1200 students	We have met our counselors needs.	4 to 6	1	3	2	We currently budget for school based mental health services through VBI. The budget is \$30,000 for 3 counselors (based on hours of service) who meet with students in our school district (K-12)
Less than 300 students	We have met our counselors needs.	1 to 3	4	2	2	
Between 601 and 1200 students	We are struggling to meet the requirements of one counselor for every 300 students.	1 to 3	3	2	1	The demands of mental health realities and "wrap around" support services for students and families is very real... Guidance counselors also have increased Career counseling expectations and the broad role they play simply doesn't afford time. We need funding and staffing to meet the mandates and increased expectations....especially as it relates to individual therapy and social work.
Less than 300 students	We have met our counselor needs but are concerned for the future if we need to hire.	1 to 3	2	1	3	
Less than 300 students	We have met our counselors needs.	1 to 3	3	2	4	

Between 301 and 600 students	We have met our counselors needs.	1 to 3	3	1	2	
Less than 300 students	We have met our counselor needs but are concerned for the future if we need to hire.	I don't remember/wasn't with the school or district.	4	3	3	
Between 301 and 600 students	We have met our counselor needs but are concerned for the future if we need to hire.	I don't remember/wasn't with the school or district.	4	3	4	
Less than 300 students	We have met our counselors needs.	1 to 3	4	1	1	
Less than 300 students	We have met our counselors needs.	1 to 3	3	3	1	
Between 301 and 600 students	We have met our counselors needs.	1 to 3	4	2	2	
Between 601 and 1200 students	We have met our counselor needs but are concerned for the future if we need to hire.	1 to 3	1	2	2	
Over 1200 students	We have met our counselor needs but are concerned for the future if we need to hire.	1 to 3	1	2	1	
Less than 300 students	We have met our counselor needs but are concerned for the future if we need to hire.	I don't remember/wasn't with the school or district.	1	2	3	
Over 1200 students	We are struggling to meet the requirements of one counselor for every 300 students.	0	3	2	1	
Between 601 and 1200 students	We have met our counselor needs but are concerned for the future if we need to hire.	Zero, grew our own	3	1	1	
Between 601 and 1200 students	We are struggling to meet the requirements of one counselor for every 300 students.	0	2	1	1	We have two applicants for a school counselor for next school year. One of the applicants (if hired) would take from a neighboring school district. We share resources with a local REA to help with school psychologist needs but with such high demand, she is only able to fulfill testing needs. We have a grant program that helps with behavior/mental health needs through telehealth, but students in this program first have to submit for payment through their family insurance.
Less than 300 students	We are struggling to meet the requirements of one counselor for every 300 students.	0	1	3	3	
Less than 300 students	We are struggling to meet the requirements of one counselor for every 300 students.	I don't remember/wasn't with the school or district.	1	1	1	
Between 301 and 600 students	We have met our counselor needs but are concerned for the future if we need to hire.	1 to 3	4	1	1	
Less than 300 students	We have met our counselor needs but are concerned for the future if we need to hire.	0, we had to recruit a person and pay for their training. We also cooped with another district for services in the mean time.	1	3	4	We utilize the Village Family Service Center now once a week and will be adding Avera Telehealth services for behavioral and mental services next year to fill in gaps.
Between 601 and 1200 students	We are struggling to meet the requirements of one counselor for every 300 students.	4 to 6	3	2	1	We need a .16 counselor to meet the requirements of the law. Another district needs .32. If we have to combine, it spreads people between districts and defeats the purpose of the position. It is bad policy.
Less than 300 students	We have met our counselors needs.	I don't remember/wasn't with the school or district.	4	2	3	While we are technically meeting the requirements for school counselors, we are not meeting the need for counseling services (career, academic, personal/social). We are working on how to address that, but current cuts to our funding and proposed funding is limiting our ability to find room in our budget to do so. Like every school, there are so many counseling needs.
Over 1200 students	We are struggling to meet the requirements of one counselor for every 300 students.	0	1	2	3	We have been unable to fill open guidance counselor positions the last two school years due to the lack of qualified and licensed applicants in this area.
Less than 300 students	We are sharing a counselor with another school/district.	0	3	4	2	
Less than 300 students	We have met our counselors needs.	I don't remember/wasn't with the school or district.	4	1	2	
Over 1200 students	We are struggling to meet the requirements of one counselor for every 300 students.	0	1	3	1	
Between 301 and 600 students	We have met our counselor needs but are concerned for the future if we need to hire.	1 to 3	1	1	1	
Less than 300 students	We have met our counselor needs but are concerned for the future if we need to hire.	0	4	3	4	
Less than 300 students	We have met our counselor needs but are concerned for the future if we need to hire.	1 to 3	1	1	2	We have a school counselor but does not have the skill set to actual do one on one counseling. Social workers in our area are spread thin and don't deal with attendance. I would like to see counseling for all students.
Less than 300 students	We are sharing a counselor with another school/district.	1 to 3	2	1	1	Mental health is still a problem with all our students and there isn't enough support in school or out.

Less than 300 students	We are struggling to meet the requirements of one counselor for every 300 students.	I don't remember/wasn't with the school or district.	1	2	2	
Less than 300 students	We are sharing a counselor with another school/district.	1 to 3	4	4	4	I am lucky that we are a state school and have staff in other capacities that are able to help us. And CREA is a blessing to share counseling services with.
Less than 300 students	We have met our counselors needs.	1 to 3	4	3	3	
Less than 300 students	We have met our counselors needs.	0	4	3	3	The last time we had a counselor opening, we convinced someone in the community with a psychology degree to get a provisional license and begin the course work to get her masters in school counseling. If that hadn't happened, we would likely be without a school counselor right now. We have several students who we would like to provide with counseling services, but we don't have qualified personnel to provide the service.
Between 601 and 1200 students	We have met our counselors needs.	1 to 3	4	4	4	
Less than 300 students	We have met our counselors needs.	We contract with CREA	4	2	3	
Between 301 and 600 students	We have met our counselors needs.	1 to 3	4	3	2	
Over 1200 students	We are struggling to meet the requirements of one counselor for every 300 students.	The only candidates were those trying to start plans of study or people from other fields seeing if they could get credentialed.	1	4	1	We have been unable to fill three school counseling positions from last year. Our School Psych shortages have been ongoing for several years and we added remote psych's this year. Retention in the mental health field is also a concern. We are losing school counselors due to stress, burnout and higher paying opportunities. For suggestions, a grow your own program or loan forgiveness could help. Counseling programs require 60 credits and most MA Education programs are around 32, but they start at the same level of pay. We need to find ways to entice educators to re-certify or pull in more undergrad applicants into the field.
Less than 300 students	We have met our counselors needs.	1 to 3	1	3	3	We are currently working with our neighboring districts to possibly hire a shared Behavioral Health Specialist
Over 1200 students	We are struggling to meet the requirements of one counselor for every 300 students.	I don't remember/wasn't with the school or district.	2	2	1	
Between 301 and 600 students	We are struggling to meet the requirements of one counselor for every 300 students.	I don't remember/wasn't with the school or district.	4	3	4	
Less than 300 students	We are sharing a counselor with another school/district.	I don't remember/wasn't with the school or district.	3	3	1	We share our K-12 counselor with Wyndmere (She is here on campus 3x/wk) and we contract with Sanford Health for a counselor on Thursdays from 8-12 weekly.
Between 601 and 1200 students	We are sharing a counselor with another school/district.	0	1	1	2	
Over 1200 students	We are struggling to meet the requirements of one counselor for every 300 students.	1 to 3	4	2	1	
Less than 300 students	We are sharing a counselor with another school/district.	The counselor is hired through our career and tech center - not sure how many applicants.	2	3	2	
Less than 300 students	We have met our counselors needs.	CREA hires for us	4	4	4	We depend on CREA for help in these areas.
Less than 300 students	We have met our counselors needs.	1 to 3	4	3	1	
Less than 300 students	We are sharing a counselor with another school/district.	0	3	3	2	
Less than 300 students	We are sharing a counselor with another school/district.	0	3	3	3	Edmore utilizes HOPE Counseling services out of Moorhead, MN. We utilize Zoom for both group counseling and also therapy counseling. Our bill from them may exceed \$40K this year but it is our only option as we don't receive any applicants for Edmore. We are pleased with the services they provide.
Less than 300 students	We have met our counselor needs but are concerned for the future if we need to hire.	I don't remember/wasn't with the school or district.	1	3	4	
Between 601 and 1200 students	We have met our counselor needs but are concerned for the future if we need to hire.	1 to 3	4	2	2	Since the return to "in person" learning, we have seen a lot of increased inability of our kids to get along with one another. This is translating into more office interventions, and restorative processes seem to be inadequate in trying to help the situations. In addition, we are seeing more students with anxiety, depression, anger management issues, etc, so as to make navigating the school day a real issue for them. Would there ever be call for schools to consolidate their funds to hire a clinical counselor or therapist, much like a multi-district special services unit for mental health? Would the state consider helping with something like that?

Between 601 and 1200 students	We are struggling to meet the requirements of one counselor for every 300 students.	0	1	1	1	We need pathways to support those going into these professions and alternative additional compensation packages to compete with private practice. Our district general fund dollars do not suffice so any state compensation pre or post hire would be well received. Thank you for advocating -- mental / behavioral health complexities have exploded these past few years like never before.
Over 1200 students	We have met our counselor needs but are concerned for the future if we need to hire.	1 to 3	1	2	1	
Less than 300 students	We have met our counselor needs but are concerned for the future if we need to hire.	1 to 3	2	1	3	
Less than 300 students	We have met our counselor needs but are concerned for the future if we need to hire.	I don't remember/wasn't with the school or district.	1	4	4	
Less than 300 students	We are struggling to meet the requirements of one counselor for every 300 students.	1 to 3	1	4	4	Allow for the language to be changed in NDCC so we can use local providers.
Less than 300 students	We have met our counselors needs.	1 to 3	4	1	1	
Less than 300 students	We have met our counselor needs but are concerned for the future if we need to hire.	0	3	2	1	
Less than 300 students	We have met our counselors needs.	I don't remember/wasn't with the school or district.	4	3	1	
Less than 300 students	We have met our counselors needs.	I don't remember/wasn't with the school or district.	2	3	1	
Less than 300 students	We have met our counselors needs.	0	1	1	1	We partner with Dakota Family Services but future sustainability is going to be our biggest struggle. Students also need parent permission to see outside entities which makes it extremely difficult to get students the help they need if parents are in denial.



North Dakota Small Organized Schools

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SB 2340 – Testimony in Support
Senate Education Committee
Senator Elkin – Chairman
January 31, 2023

Senator Elkin and members of the Senate Education Committee, my name is Michael Heilman. I am the Executive Director of the North Dakota Small Organized Schools (NDSOS). I represent 150-member school districts of the North Dakota Small Organized Schools. NDSOS supports SB 2340.

NDSOS supports SB 2340 as it provides our schools with the flexibility to serve and meet the needs of our students. Counselors are in short supply and filling a part-time position is extremely difficult. The addition of contracted service to meet the counseling requirements is beneficial especially, when a small FTE is needed to meet the required ratio. Also, the addition of section 4, subsection b., provides our schools with the option of a variety of highly qualified and licensed individuals to meet the counseling guidelines.

All of our schools are having a very difficult time hiring counselors and to hire a small fraction of an FTE is impossible. This bill provides our schools with a viable option to meet the counselor to student ratio requirements and the potential of a counseling staff with a broader skillset to serve students’ needs.

NDSOS supports a Do Pass Recommendation for SB 2430.

Mr. Michael Heilman – Executive Director
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The mission of NDSOS is to provide leadership for the small/rural schools in North Dakota and to support legislation favorable to their philosophy while opposing legislation that is harmful.

SB 2340

Senator Axtman

Chairman Elkin, fellow senate education committee members. For the record, I am Michelle Axtman, Senator from District 7, North Bismarck and I am before you to introduce Senate Bill 2340. During the past session, the number of counselors required was significantly increased to a ratio of one counselor per every 300 students for all grade levels. Since the increase in ratio, a large portion of school districts have found it difficult or even impossible to fill the position with a licensed school counselor. Despite not being able to hire a licensed school counselor as a FTE, many schools still recognize the need for some type of support for their students. Many of these schools are either contracting out for services or are hiring an alternate professional trained in an aspect of behavioral support. However, these resources currently do not count towards their ratio. A recent survey on counseling services across 79 districts in the state revealed that over 24 percent are struggling to fill their counseling position. When hiring their last counselor, 23 percent had zero applicants and nearly 42 percent had only one to three applicants. Additionally in the survey, districts answered that their greatest need is for additional behavioral health specialists such as a school psychologists or clinical counselor. Senate Bill 2340 provides an option for schools who are unable to meet their current needs due to a shortage of licensed school counselors. Our state is working hard to produce more school counselors, however, until we are able to fill the open positions across our state, it is important to give our schools the leeway to hire other behavior health specialists that can help provide services to help our students. Before you, there are also recommended amendments. These amendments were made in consultation with the North Dakota School Counselors Association President and help to not amend the definition of a school counselor, continuing to recognize the distinct qualifications of that profession. I fully recognize the important role that a licensed school counselor holds with all students, and hope that someday in the future, current efforts across the state will eliminate the shortages, however until we do, lets help give our schools the ability to hire and get credit for the behavioral health specialists that can bridge the gap. Thank you committee for your consideration of Senate Bill 2340 and the proposed amendments.



1 Testimony in support

2 SB 2340 – School Counselor ration and what qualifies

3 Chairman Elkin and members of the Senate Education committee,
4 NDCEL comes to you today in support for SB2340. We have several
5 leaders from the field here today to help share with you the rationale
6 for the bill. I will keep my remarks brief so the experts can spend time
7 with you today.

8 During the past session the number of counselors was increased
9 significantly increasing it to one counselor per every 300 students.
10 This was done without a hearing before an education policy
11 committee and was instead pushed through appropriations. This
12 increase in staffing was unfunded and was also one that was
13 impossible for schools to remain in compliance with as the definition
14 of a school counselor is quite narrow, availability of school counselors
15 is very short, and programs that graduate school counselors are few
16 and far between. We have data to share with you regarding just how
17 tough it is to comply. Furthermore, in administrative rules NDDPI
18 determined that other services used to help replace the needed
19 counselors (example: social workers, behavioral health coordinators,
20 contracted services with organizations such as the village) are
21 determined to not count in that requirement although they are doing
22 the job at the school level.

23 There is a general level of frustration from the field that this position
24 even has a ratio. No other position in a school has such a requirement.
25 I will allow for my testifiers from schools to comment on this.



1 This bill clarifies this and ensures that others hired to fulfill the
2 needed duties in a school to serve our students count toward this
3 requirement. We value our school counselors very much. That being
4 said, we also need to be realistic about the students we serve and our
5 needs in schools, and our hiring reality.

6

23.0993.01002

Sixty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2340

Introduced by

Senators Axtman, Elkin, Schaible

Representatives Bosch, Hauck, Heinert

1 A BILL for an Act to amend and reenact section 15.1-06-19 of the North Dakota Century Code,
2 relating to required school counselors.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 15.1-06-19 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **15.1-06-19. Counselor positions - Requirement.**

7 1. ~~Beginning with the 2010-11 school year, each~~Each school district must have available
8 one full-time equivalent school counselor ~~or contract for services equivalent to one~~
9 full-time equivalent school counselor for every three hundred students in grades seven
10 through twelve.

11 2. ~~Beginning with the 2022-23 school year, each~~Each school district must have available
12 one full-time equivalent school counselor ~~or contract for services equivalent to one~~
13 full-time equivalent school counselor for every three hundred students in grades
14 kindergarten through six.

15 3. Up to one-third of the full-time equivalency requirement established in subsection 1
16 may be met by career advisors.

17 4. For purposes of this section, a "career":

18 ~~a.~~ "Career advisor" means an individual who holds a certificate in career
19 development facilitation issued by the department of career and technical
20 education under section 15-20.1-24 or an individual who is provisionally
21 approved by the department of career and technical education under section
22 15-20.1-25 to serve as a career advisor; ~~and~~

23 ~~b.~~ "Counselor" means an individual who meets the requirements of an approved
24 program of graduate study in school guidance and counseling from a college or

1 ~~university approved by the education standards and practices board, a school-~~
2 ~~psychologist recognized by the education standards and practices board, or a~~
3 ~~licensed social worker, licensed professional counselor, licensed marriage and~~
4 ~~family therapist, licensed psychologist, or licensed addiction counselor.~~

5 5. A school district shall attempt to meet the three hundred to one ratio requirements
6 under subsections 1 and 2 with an individual who meets the requirements of an
7 approved program of graduate study in school guidance and counseling from a
8 college or university approved by the education standards and practices board. If a
9 school district is unable to meet the ratio requirements under subsections 1 and 2, for
10 the purposes of qualifying for the three hundred to one ratio, positions may be filled by
11 a school psychologist recognized by the education standards and practices board,
12 licensed social worker, licensed professional counselor, licensed marriage and family
13 therapist, licensed psychologist, licensed vocational rehabilitation counselor, or
14 licensed addiction counselor.

As a member of the school counseling community for the past seven years, I can say that school counselors are essential within our schools. Our role requires extensive education, training, and care. It is not a position that anyone can fill. I say this not only as an assumption, but from experience. I have worked as a school counselor (more as an educator) at a total of five schools and have been affected by a similar situation relating to the proposed bill.

Many mental health professionals who are not in the field of school counseling do not understand the numerous responsibilities and proper care it takes to work with minors within a school setting. During my first year as a school counselor, I was asked to fill the role of two counselors. Operating on a provisional license, I was already overwhelmed working four days per week at a small-town school. Another school, almost an hour away, had hired a mental health professional who worked in an institutional setting and was not adequately trained or educated about the school counseling profession. The individual abruptly quit in October, citing "too much work and nothing like her previous profession." I was then recruited to work at that school and my own school for the rest of the school year.

My point in sharing this story is that other mental health professionals do not comprehend the depth of work required of school counselors. They are not trained to respond according to school counseling ethics and are unprepared for the variety of activities we are asked to do within a school setting, particularly those outlined by ASCA. School counseling entails more than just discussing difficult topics with students; we are much more than that. Therefore, I urge you to consider other options. Although we have a shortage of school counselors in North Dakota, we are also experiencing a lack of teachers. Just as we would not hire anyone who has ever worked with children to be a teacher, we should not hire anyone with a mental health background to be a school counselor.

Thank you for your consideration.

03/03/2023

To Whom It May Concern,

Working as a current school counselor, I strongly oppose the SB 2340. School counselors are highly educated to implement a comprehensive school counseling program. As school counselors, we follow ASCA guidelines, and the ethical code provided by ASCA. Other mental health professionals are not held to the same expectations that ASCA provides, which is highly concerning. Following ASCA guidelines is extremely important to ensure ALL students are provided with the academic, social, and career instruction and interventions within all 3 tiers of the multi-tiered systems of support.

Sincerely,

A handwritten signature in black ink that reads "Sarah Voss". The signature is written in a cursive style with a long horizontal flourish at the end.

Sarah Voss

To: Honorable Politicians (Senators, House Committee Members, and Others)

From: Anonymous

Re: SB 2340

Good Morning:

As a school counselor, I am in opposition to SB 2340. I know that doesn't mean anything to anyone—except for those of us who actually work as school counselors, but I wish not to digress.

During my thirty (30) plus years as a teacher and counselor, I have worked on the elementary, middle, and high school levels. I currently work as a high school guidance counselor. Honestly, I lasted only two (2) years as an elementary school counselor because it was so different from my passion of working with the high school population.

Some of the trends that I have seen over the course of my thirty plus years is that politicians believe that there is a person named *Anyone* who can do our jobs. *Anyone* can be a teacher, *Anyone* can be a school counselor, *Anyone* can be a school principal. Pray tell, who is *Anyone*? Politicians may answer that with: *Anyone* is a person who has a passion for sharing their knowledge and skills with the next generation. Well, people, that is not good enough!

Anyone cannot and should not be allowed to take shortcuts to become an educator in any capacity. *Anyone* needs to take a myriad of teacher preparation courses in pedagogy, methodology, classroom management, child psychology, differential learning styles, teacher etiquette and professionalism, and the list goes on and on.

Now, in terms of school counseling, I believe that one of the gravest mistakes was made in the 1990s when school counselors no longer had to be classroom teachers prior to working as a school counselor. (Unfortunately, that was the craziness from my home state, but I digress.) School counselors who have never taught are at a grave disadvantage in many ways. When teachers seek advice or suggestions from the school counselor about classroom management, for example, the counselor who has classroom experience is able to help more

effectively than one who does not have any classroom experience. There are several issues that I could cite, but again, I do not wish to digress.

Nevertheless, I mentioned the above example to state this: A mental health professional coming into the high school as a “school counselor” will be at an even greater disadvantage. This person will not be effective in helping navigate the nuances of a student’s big picture educational goals. The mental health professional will not be able to see the big picture in the average student who is not struggling mentally or emotionally. Believe it or not, there are far more students who are not in need of deep therapeutic help, than those that are in need of serious interventions. The mental health professional will not be able to address the needs and concerns of the general population, much like it is difficult for school counselors to spend an infinite amount of time working with one student who is having a crisis.

In my school building, we are fortunate to have a full-time social worker who addresses the needs of those students, while the counselors address the needs of the academic impacts of all students. If counselors were bogged down with the social-emotional and deep therapeutic needs of students, we would not be able to effectively address our students, parents, and administrators about the academic lives of the students in our caseloads.

All of that was said to address this: Yes, we do need mental health professionals, social workers, and school counselors in all schools, but with the understanding that they have totally different job descriptions, duties and responsibilities. They should also be under separate contracts. One should not be a substitute or in lieu of the other, except under very short-term provisions and exceptions.

It really never ceases to amaze me how politicians, who last stepped into a classroom or school building, except for the occasional photo opportunity, get to dictate the lives of millions of students over the course of time. Politicians have an awesome task and responsibility and must get this correct. SB 2340 should not be passed, but if it is passed, at least...well, I can’t really think of anything good from the school counselors’ side, but because those who are in favor of, and allow this bill to pass, I am sure that you know why this is good. Again, pray tell: How is this SB 2340 supposed to be effective and good for the lives of our students?



1 Testimony in support

2 SB 2340 – School Counselor ration and what qualifies

3 Chairman Heinert and members of the House Education committee, NDCEL
4 comes to you today in support for SB2340.

5 During the past session the number of counselors was increased significantly
6 increasing it to one counselor per every 300 students. This was done without a
7 hearing before an education policy committee and was instead pushed through
8 appropriations. This increase in staffing was unfunded and was also one that was
9 impossible for schools to remain in compliance with as the definition of a school
10 counselor is quite narrow, availability of school counselors is very short, and
11 programs that graduate school counselors are few and far between. We have data
12 to share with you regarding just how tough it is to comply. Furthermore, in
13 administrative rules NDDPI determined that other services used to help replace
14 the needed counselors (example: social workers, behavioral health coordinators,
15 contracted services with organizations such as the village) are determined to not
16 count in that requirement although they are doing the job at the school level.

17 There is a general level of frustration from the field that this position even has a
18 ratio. Ratios of how many people are in what position in a school were all redacted
19 from law in or around 2013. No other position in a school has such a requirement
20 with the exception of this one position at the request of school counselors.

21 This bill clarifies this and ensures that others hired to fulfill the needed duties in a
22 school to serve our students count toward this requirement. We value our school
23 counselors very much. We also need to be realistic about the students we serve
24 and our needs in schools, and our hiring reality.

Chairman Heinert, Vice Chairman Schreiber-Beck, and Members of the House Education Committee:

Thank you for reading this testimony regarding SB 2340, relating to required school counselors. I am a high school counselor in western North Dakota. I would recommend a vote of DO NOT PASS, or at least an amendment to the wording of the bill.

As it is written, districts could hire other mental health professionals in lieu of a licensed school counselor provided they cannot fill open positions with a licensed school counselor. There is no denying that having a variety of mental health services in a school system is beneficial to students, including those provided by the professionals listed in this bill such as social workers and clinical mental health counselors. However, whenever possible there must be school counselors on staff. School counselors are trained to provide comprehensive services in three areas: academic, career, and social-emotional. In other words, we work with all students in a school to help meet a variety of school-based and other needs. Many of our students do not need intensive mental health supports provided by psychologists and clinical mental health counselors; instead, they need the broad, comprehensive supports provided by school counselors such as academic supports, college & career readiness programming, and school wide prevention activities.

Please consider rewording this so that North Dakota school districts will still make every effort to hire and keep school counselors. While it is true that there is a school counselor shortage and many districts cannot meet the 300 to 1 required ratio, other mental health professionals should be hired in addition to, not instead of, school counselors whenever possible. Perhaps it can be worded that other mental health professionals can be hired on one-year contracts, thus spurring school districts to continue to pursue licensed school counselors as a benefit to all students. Or perhaps there could be a time frame for that professional to take school counseling classes before their contract with the school expires. Otherwise, without school counselors on staff, many students are in danger of slipping through the cracks without the supports that they need to have a successful life and future.

Thank you for your consideration.

Rachel Meuchel
School Counselor
Watford City, ND

Chairman Heinert, Vice Chairman Schreiber-Beck, and Members of the House Education Committee:

Thank you for reading this testimony regarding SB 2340, relating to required school counselors. I would recommend a vote of DO NOT PASS, or at least an amendment to the wording of the bill.

I work as a professional school counselor in a large urban high school. Twenty years ago, when I was working on my master's degree in school counseling, I studied alongside peers who were working on their master's in clinical counseling. While we had multiple courses together, we also had courses apart (for example, some of the courses for the school counselor track included teacher education and professional k-12 school counseling courses). The reason for that is because the profession of a school counselor is vastly different than the profession of a clinical counselor.

The size of the student body that school counselors work with is much higher than an average case load amount in a clinical setting. School counselors are trained in solution-focused brief counseling because when we have over 300 students whom we are responsible for there is not enough time in the day to provide 50-minute therapy sessions to each of them. We provide the counseling services necessary to get a student through the school day and refer out or utilize school-based mental health services for those situations where students need continued and more intensive mental health services.

Professional school counselors follow the American School Counseling Association framework to provide services to the entire student body via classroom lessons, group/individual work, and coordination with family members and other professional staff in the school to support student success. Many of these aspects of the school counseling profession are unknown to clinical counselors in the community.

I recently discussed this bill with a friend of mine who works as an addiction counselor and when I explained what my year as a professional school counselor is like, she stated she would not be prepared to accept a position within a school after knowing everything that a school counselor does. School counselors do so much more than counseling.

Work force shortages are in multiple areas of education and filling these spaces with partially trained or non-specialized personnel could result in consequences that could inhibit the betterment of our student body.

Professional school counselors hold the positions that they do because of the lengthy education and training involved. We work with our students following the American School Counseling Association guidelines to ensure that all students are served in the areas of social/emotional, academic, and career supports. This bill has the possibility to greatly disrupt the educational setting and reduce the effectiveness of a comprehensive school counseling program.

Thank you for your time and consideration of this testimony.

Respectfully,

Lindsey Guidinger
Professional School Counselor

March 7, 2023

RE: SB2340

My name is Jennifer Lunde and I have been a school counselor for 16 years with my masters in school counseling. I earned my masters in May of 2005 and fulfilled two- 16-week internship with both an elementary and high school counselor. Prior to that I was a classroom teacher for 5 years. I cannot tell you the importance of having the education of a school counseling program, the prior experience of teaching, and an internship. I do not take the role of a school counselor lightly and a mental health provider is not a school counselor. Our responsibility is not only mental health. We also have the responsibility of academic success and career/college/military readiness.

I do understand the demand for school counselors however I do not believe that can be filled with mental health providers with fidelity. I value our profession, both education and counseling where substituting one profession for another is not acceptable. Please value us with keeping the integrity of school counseling intact. I am thrilled with University of Mary's grant to educate our future school counselors. This is where our legislators are needed in providing funding for graduate level school counselor education opportunities and funding our schools to not only be competitive in hiring school counselors but also qualified educators.

I am very proud of our education system in North Dakota. I have worked in school districts outside of North Dakota and I have a pulse on students transferring from out of state school districts and based on my experiences North Dakota is the best state to be educated in. We have high expectations of our students and of our education system. Please keep the standards of our school counselors and educators top notch.

Best Regards,

Jennifer Lunde
Minot High School
Magic City Campus School Counselor

Manvel Public School

Inspiring 21st Century Learners to Influence 22nd Century Successes



March 8, 2023

Good morning Chairman Heinert and members of the House Education Committee,

My name is Dr. Dave Wheeler and I am the Superintendent for Manvel Public School district. I am here today to speak in support of SB 2340 and the amendment to section 15.1-06-19 of the North Dakota Century Code, relating to required school counselors.

Manvel Public School is a district of 173 students as well as 18 Pre-K students and this fall, 5 days before we were to start with students, our full time counselor resigned and did not return to our district after September 9th. We spent the first 5 weeks of school with no counselor as we searched to fill the position. We were fortunate to be able to fill the position at .40 with a counselor who had left a nearby district to go into private practice; she is in our building 1 day a week and has been since early October.

The Department of Public Instruction (DPI) has told Manvel Public School that based on our enrollment, we are required to have a counselor at a minimum of .59. Manvel P.S. believes in having a full time counselor but with large districts like Grand Forks and West Fargo also being as many as 5 counselors short to start this school year, our ability to hire gets even more difficult.

SB 2340 provides flexibility for school districts of all sizes to provide counseling to their students in some manner and fulfill the law as it is written today. Manvel can look to hire a variety of counseling personnel on a contract for services basis to make sure our students receive the mental and emotional services necessary to be successful each day in school.

In Sept of 2022, when our counselor left the district, Manvel Public School sent emails to NDSU and UND to let them know that we had lost our counselor and we were hopeful that there was someone looking to still fill an intern position for this school year. We knew it would be a longshot but it was our first attempt to fill the void. Not surprisingly, I never heard back from either program. In December, Manvel opened our counseling position in a full time capacity on EdJobs and also reached out one more time to both counseling programs, UND and NDSU. As of today, March 7th, we have had 1 application for our position. While I'm confident that our higher education institutions are doing their best to increase the number of students in their programs, I am also confident that small districts such as ours will continue to struggle to fill our position in the manner the state requires or that we would prefer. School districts need flexibility in hiring counseling positions right now, there are not enough to go around with the requirements as they are currently written. Please support SB 2340 and give schools and students some

flexibility in the hiring of counselors. I have no doubt UND and NDSU are doing the best they can to turn counselors out but, today, it isn't happening fast enough to support large or small school districts in North Dakota.

1 SB 2340 – Counselor Positions-Requirement

2 Mandan Public Schools – Carly Retterath Testimony

3 Good morning Chairman Heinert and members of the House Education committee. For the record,
4 my name is Carly Retterath. I am the Alternative Education Director for Mandan Public Schools.
5 I am here today to support giving SB 2340 a Do Pass recommendation with the suggestion of
6 additional amendment.

7 I became the director of Alternative Education for Mandan Public Schools four years ago and I
8 have seen first-hand the increase of significant mental and behavioral health needs of students.
9 There is no doubt that increased counseling support in our schools is essential to address these
10 needs and expanding the pool of individuals that can provide these services will be a tremendous
11 step in the right direction.

12 Like many schools, Mandan has struggled to fill open school counseling positions, having had
13 three unfilled positions this past year. This was not for a lack of effort on the part of the district;
14 school personnel attended career fairs, reached out to universities, and continued to advertise these
15 positions well into the school year starting, with no luck in filling them. Despite the inability to fill
16 these positions, MPS recognized the importance of student behavioral and mental health needs and
17 took steps to address these through school based clinical counseling and social work support.
18 Mandan Public Schools has partnered with Together Counseling, who currently provides
19 individual school based clinical counseling services to over fifty student’s kindergarten through
20 twelfth grade. In addition, Together Counseling has helped to cover general school counseling
21 services at the middle school who is shorthanded due to the tragic passing of one of their school
22 counselors. The expended definition of counseling services currently in SB 2340 now allows us to
23 count these services to meet our district quota which we previously could not.

24 As a district we made the choice to seek these additional counseling services for students because
25 we knew it was what was best for our students, not because of a quota set in law. Quotas do not
26 get services for students, professional educators thinking creatively and using their resources do.
27 In addition, the Department of Public Instruction has no means to enforce this quota and it has

28 become another piece of red tape that both schools and the department have to navigate taking
29 time and energy that could be better spent elsewhere.

30 North Dakota does not require quotas for teachers, principals, social workers, librarians, or any
31 other professional. Why should school counselors be the exception? School counselors are great
32 and the work they do is invaluable, but does it make sense that they are the only education
33 professionals with a quota? The issue with a quota is that when a school has 310 students, the
34 school now needs 1.03 counselors. DPI is required to administer the law as it is passed. How can
35 a school find a 3% FTE licensed school counselor? A guideline would work much better in the
36 real world than a quota. I would propose an amending SB 2340 from a 300/1 quota to a guideline,
37 so schools are able to meet the requirement and intent of this bill to better serve the students in
38 their care.

39 I urge you to give SB 2340 a DO PASS recommendation with an amendment to remove the quota.
40 I would be happy to stand for any questions.

In opposition to House Bill SB2340

Amy Meier

March 6, 2023

I am writing in opposition to House Bill SB2340 today as it is written. If schools were to hire mental health professionals to fill open school counseling positions, what will occur once a license school counselor is available. If the language stands that a mental health provider can be hired in place of a licensed school counselor, the minimum language should read that hire is with a one-year time limit and or are provided 1-year contracts for mental health professionals hired to fill the mandate. These 1-year contracts can be renewed each year until a school counselor can be hired but will require schools to continue looking to hire school counselors.

While mental health professionals are being hired to fill the mandate, please keep the following items in mind:

1. Learners are not receiving comprehensive student support services provided by school counselors and school counseling programs which could allow many learners to fall through the cracks.
2. Learners will be missing out on vital college and career readiness programming, which will have negative ramifications for our ND Workforce.
3. The academic supports provided to learners through the school counseling program will not be available to help build academic skills which result in better learner outcomes.
4. Learners will not receive important social emotional training provided by the school counseling curriculum.
5. School wide prevention activities will be absent.
6. The majority of ND learners will not have access to counseling services as the majority do not need extensive intervention provided by mental health professionals.
7. Schools are already able to hire mental health professionals to meet student needs... they do not need these professionals to count toward the school counselor ratio in order to hire these support service to help learners while continuing to search for qualified school counselors.
8. School counselors serve on many leadership teams, including the building emergency response team and have had specific training to crisis response and evacuation drills.

This week and last week, as counselors we met 1:1 with all the learners in our building to complete minute meetings. These meetings are a Tier 1 intervention to ask our learners questions from Panorama, a researched based social emotional platform which our district uses to gauge the emotional climate of our school. We use these 1:1 meetings each quarter to get to know our learners and see if there is any need which requires further conversation. They take one day per team, so it takes us 6 full days and one half day to complete each quarter. Our

school social worker splits her time between our school and one other middle school. She has been to our school a total of 10 hours in the past three months. Additionally, our school psychologist splits her time with our school and one elementary school and is here one and half days per week. Today we had a Tier 3 meeting for one student out of 680, and she was not able to attend because she was pulled to her other building which she serves more regularly. If we were not hired or our jobs were supplemented by these two other positions, our learners needs would not be met at a basic level, nor at a high level of intervention.

Similarly, we have developmental training and education which a licensed addiction, or licensed family and marriage counselor would not have received during their education. We are uniquely trained to handle academic interventions, appropriate behavior interventions, life saving interventions in the case of suicidal ideation and or self-harm. School counselors are able to meet the needs of all learners because we have been educated to do so and that is our job. If our math classes were over ratioed, we would not ask a financial advisor to come in for a short amount of time each week to cover the additional students. It makes no sense to hire a non-school counselor to cover our workload, especially when those positions mentioned, are not even full time either.

Please reconsider this bill as it was proposed without consultation with school counselors around the state, was proposed by the education committee without thorough consultation from school counselors around the state and will prove detrimental to learners in our educational system. School counseling programs are effective and for all learners. At the basic level we provide systemic programming for learners to be productive and stable citizens of their communities.

Dear Members of Congress,

I am writing in support of SB 2340. This is my fourth year as a K-12 school counselor at Litchville-Marion school district which serves 141 students. I thought I would share my perspective as I am trained as a mental health professional (I hold a MA in Clinical Counseling) and have a certificate in School Counseling.

I feel that my training as a mental health professional has been much more useful and relevant to the core aspects of this job than the information I learned in my classes to become a school counselor. As would be expected in any school, I frequently address garden-variety issues such as adjustment to divorce and peer relationships. However, I also regularly encounter much more complex issues such as abuse, trauma, and suicidal behavior. My training as a mental health professional has better prepared me for these complicated issues than my training as a career development counselor.

While I feel that career guidance is a value-added component of my work with students, it falls lower on the hierarchy of needs that many of my students exhibit. Over the past few years, I have encountered some very challenging mental health situations including conducting suicide risk assessments. Occasionally even very young children will express suicidal ideation; I have evaluated children as young as nine-years-old. On numerous occasions, I have been the first confidant to a child who gathers the courage to disclose egregious physical, emotional, or sexual abuse. I have emotionally supported some of these students for weeks, months, and even years as they navigate social services and the court system. Even though my school is very small and our community is close-knit, our students have experienced many of the same mental health challenges found in bigger schools.

My school counselling colleagues talk openly about not feeling adequately prepared to handle mental health issues in school. As per the American School Counseling Association (ASCA) recommendations, school counselors are taught to refer mental health issues out to trained mental health professionals. However, a school counselor is often the first point-of-contact a child or family may have with psychological services, and quite frankly, for many children, a school counselor winds up being the only point-of-contact due to an array of factors such as economics, availability, transportation, etc... While the services I provide my students are no substitute for good therapeutic help, they are better than nothing. I very much wish I had the resources to do more for the children in my care regarding mental health.

The North Dakota School Counseling Association has raised concerns that filling school counseling roles with licensed mental health staff will result in students not receiving adequate social/emotional training, college and career readiness training, prevention programming, and academic supports. I rebut those concerns with the following suggestions: 1) Individuals trained in mental health are better prepared to teach comprehensive social/emotional skills than career development counselors. 2) Our local county health departments are adequate for prevention campaigns such as drug/tobacco use and reproductive wellness. 3) Academic supports are best managed by school administrators and teachers (although, if emotional issues seem to be a contributing factor, a consult with a mental health professional may be helpful). 4) College and career development services do not often require one-to-one rapport and can be shared among several communities.

I am hopeful that by making school counseling jobs more accessible to mental health professionals, many more students will receive the first-line care that they need. Thank you for your work on behalf of

North Dakota's students. I welcome any questions or comments you may have. I can be reached at Lacey.enger@litchvillemarion.com or (701)320-7340.

Lacey Enger
School Counselor
Litchville-Marion School District

North Dakota House Education Committee:

Thank you for taking the time to read and hear the testimony regarding Engrossed Senate Bill No. 2340 related to school counselors. My name is Courtney Quist, and I am a licensed professional school counselor at a large public high school. I have concerns that should this bill pass, there will be unintended negative consequences for students in North Dakota. I would recommend a vote of DO NOT PASS, or at least an amendment to the wording of the bill.

School counselors are highly educated, professionally certified individuals who help students succeed in school and plan their career. An integral part of the total education system, school counselors help students form healthy goals, mindsets and behaviors. With the aid of a school counselor, students learn to develop effective collaboration and cooperation skills, to practice perseverance, to develop time management and study skills, and to learn self-motivation and self-direction habits.

The American School Counseling Association recommends a 250:1 ration of students to school counselors. Several studies have noted that smaller ratios support increases in attendance, GPA, graduation rates, as well as decreased disciplinary issues. Additionally, studies have shown that lower ratios increase the likelihood of students having conversations with their school counselor regarding post-secondary plans. The ratio that has been established in North Dakota demonstrates that ALL students deserve and need access to the services that school counselors are *uniquely* trained to do.

According to the current language of SB 2340, schools will be required to attempt to fill the 300:1 school counselor mandate with licensed & credentialed school counselors. However, if unable to find and hire a school counselor, schools would be able to fill open positions by contracting in for mental health services. Allowing this puts our state at risk of reducing counseling support for the majority of students in our state. At a time when student mental health is in crisis, we need to continue working to provide both school counseling and mental health services to our students to help meet the unique needs of *every* North Dakota student.

North Dakota School Counselors understand the intent of this bill to help meet students' needs until school counselors can be trained and hired for open positions. Mental health counselors, social workers, school psychologists, and other mental health professionals are integral to supporting student needs on the tier 3 (intensive needs) level. These other professionals are incredibly valuable, and all provide critical support to our schools, students, families, and communities that we serve. However, if they are hired to cover the School Counseling mandate of 300:1, the majority of students in those schools will not have access to counseling support unless they have intensive needs. Additionally, preventative instruction will be lost, and college and career readiness will suffer.

I recommend that for districts who are not currently able to hire enough school counselors to meet student needs through the recommended ratio, that a 1-year contract be utilized when hiring a non-school counseling professional. This continues to give schools and districts more time and flexibility to recruit and retain school counselors. I would recommend that the Department of Public Instruction be given time and resources to evaluate the reasons that schools may be struggling to hire a school counselor and create action steps to address this issue. This bill would

represent a significant step backward for the school counseling profession in North Dakota, and I urge you to recommend a vote of DO NOT PASS.

Thank you for your time.

Testimony for SB2340

Chairman Heinert, Vice Chairman Schreiber-Beck, and Members of the House Education Committee,

My name is Tessa Roberts, and I am a licensed professional school counselor at a large public high school. I would like to start by thanking you for taking the time to read my testimony today regarding SB 2340. I am writing with concerns that should this bill pass as it is currently worded, it would have unintended consequences on not only the access to equitable mental health services for our students, but the level of fidelity in which we execute our comprehensive school counseling programs.

The American School Counseling Association has stated that the appropriate school counselor to student ratio would be 1:250 students. The current ratio under North Dakota's Century Code is 1:300. There is a question of whether this ratio is necessary, as well as why other school professionals, such as teachers, do not have a ratio. Several studies have shown (which I will link at the bottom of this page) that smaller ratios support increases in standardized test performance, attendance, GPA and graduation rates, as well as decreased disciplinary infractions.

I worry that in an attempt to create equal ratios across all schools, we would be filling vacant positions with professionals that would be asked to work outside of their scope of practice, while putting the fidelity of comprehensive school counseling programs at risk. It is a huge privilege to have a variety of mental health services in a school system, but many of our students do not need intensive mental health supports that school psychologists and clinical mental health counselors would provide. Our students need equitable access to a licensed professional school counselors to provide them with academic, social/emotional, and career support to all students within our building, not just the select few in need of intensive support.

In talking with two colleagues of mine, a licensed social worker, and a licensed school psychologist, they felt uncomfortable with the possibility that they would be asked to assume the roles and responsibilities of a school counselor. They felt that they would be ill-equipped to offer the supports that we do. It is not a matter of whether or not they could, but a matter of whether or not they were trained and received the specialized training to. While all mental health professionals offer priceless supports and services to our students, we all serve our students in vastly different capacities.

I would urge you to reconsider the wording of this bill. While I agree that the ratios of school counselors should be protected and advocated for, I would recommend adding verbiage that professionals hired in lieu of school counselors would be hired on a temporary or one-year contract, urging schools to continue to search for and hire licensed school counselors.

I want to say thank you again for taking the time to read my testimony. I am hopeful that language can be reworded, or amendments added, to protect the fidelity of the work that licensed school counselors do.

Tessa Roberts

Below are links to research regarding school counselor ratios.

<https://www.schoolcounselor.org/getmedia/5157ef82-d2e8-4b4d-8659-a957f14b7875/Ratios-Student-Outcomes-Research-Report.pdf>

<https://onlinelibrary.wiley.com/doi/10.1002/jcad.12221>

<https://journals.sagepub.com/doi/10.1177/2156759X0001600207>

<https://www.schoolcounselor-ca.org/files/Advocacy/Lower%20Counselor%20Ratios%20Equal%20Less%20Discipline.pdf>

Chairman Heinert, Vice Chairman Schreiber-Beck, and Members of the House Education Committee:

Thank you for reading this testimony regarding SB 2340, relating to required school counselors. I would recommend a vote of DO NOT PASS, or amending the current wording of the bill.

While under the umbrella of student support, the various mental health professionals/educators listed in the bill are not interchangeable and each have their own training and scope of practice. School counselors are trained to work within the educational system, with a significant focus on proactive and preventative approaches. This work is largely done by implementing a comprehensive school counseling program (CSCP) which supports student academic, career, and social/emotional development. The school counselor to student ratio is not arbitrary. The ratio helps to ensure school counselors can provide a CSCP to all students, which research has shown to improve student outcomes like better attendance, fewer disciplinary issues, and higher graduation rates.

The educational landscape has changed post-Covid. While students demonstrated great resiliency, they now work their way back from interrupted academic development and career planning and face social/emotional ramifications. This is a time to be exploring how we broaden access to supports and build robust systems. All the mental health professionals/educators listed in the bill provide incredibly important services to students and the goal is for continued collaboration.

The school counselor vacancies do need to be addressed because all students deserve support. Amendments that allow for flexibility in reporting, temporary contract for services for vacant positions, developing grow-your-own programs, filling vacancies with school counseling interns, or exploring loan forgiveness opportunities to encourage people to work in the profession are considerations.

Thank you for your time.

Respectfully,

Chasity Odden Heide, PhD
School Counselor



North Dakota Small Organized Schools

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SB 2340 – Testimony in Support
House Education Committee
Representative Heinert– Chairman
March 7, 2023

Chairman Heinert and members of the House Education Committee, my name is Michael Heilman. I am the Executive Director of the North Dakota Small Organized Schools (NDSOS). I represent 150-member school districts of the North Dakota Small Organized Schools. NDSOS supports SB 2340.

NDSOS supports SB 2340 as it provides our schools with the flexibility to serve and meet the needs of our students. Counselors are in short supply and filling a part-time position is extremely difficult, especially in our small schools. While the counselor to student ratio may seem like a great idea it simply does not work when counselors are not available to hire. The addition of contracted service to meet the counseling requirements is beneficial especially, when a small FTE is needed to meet the required ratio. Also, the addition of section 4, subsection b., provides our schools with the option of a variety of highly qualified and licensed individuals to meet the counseling guidelines.

All schools, especially the small schools are having a very difficult time hiring counselors and to hire a small fraction of an FTE is impossible. This bill provides our schools with a viable option to meet the counselor to student ratio requirements and to provide the students with access to professionals with a broader skillset to serve student and family needs.

NDSOS supports a Do Pass Recommendation for SB 2430.

Mr. Michael Heilman – Executive Director
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The mission of NDSOS is to provide leadership for the small/rural schools in North Dakota and to support legislation favorable to their philosophy while opposing legislation that is harmful.

March 7, 2023

Dear Members of the House Education Committee:

I am writing this letter to share my opposition to SB 2340 which allows other disciplines to be hired to act in the capacity of a school counselor when a district is unable to meet the student to counselor ratio. North Dakota has been a leader in following the American School Counselor recommended ratios for a number of years and I have been proud in sharing this fact when talking with counselors in other states. Having appropriate ratios allows counselors the opportunities to meet the needs of their students providing services in all school counseling areas – academic, career, and social emotional learning.

Although I sympathize with those schools and districts that have had difficulty in recruiting qualified counselors, hiring from other disciplines is not the answer. There are several reasons for this. First, school counselors have specific training. This training includes education on working with children at various developmental stages K-12. This training also includes coursework specific to academic and career counseling not received in other counseling disciplines. Without this training, these counselors have gaps in two of the three areas that school counselors are trained to address.

In addition to being a school counselor, I also have the unique perspective of being a licensed addiction counselor and licensed professional counselor. Although many of the core counseling classes are the same, each counseling track has unique courses with specific training in core competencies. In addition to these additional courses specific to school counseling, school counselors have completed internships in the school setting. These school courses and internship completed provide the tools and skills needed to work with students in a K-12 setting. This is not experience I received in my addiction or clinical training, therefore, without these courses I would have been unprepared as a school counselor.

Some of the disciplines listed in this bill are bachelor's level prepared. School counselors must have a master's degree for licensure. As stated, master's level clinicians such as licensed professional counselors don't have the school specific and often the age-specific training. A professional with only a bachelor's degree is even less prepared for work as a school counselor.

Currently school counselors that are not certified teachers need to take additional coursework in classroom management. Not only would clinicians in other disciplines not have the school counseling coursework, they would not have the classroom management courses. As a result, these clinicians would have additional gaps in the skills needed to run a comprehensive school counseling program.

Lastly, there is a shortage of workers not just in school counselors, but also in school psychologists and addiction counselors. By allowing other disciplines to be considered

for school counseling positions, this may result in “robbing Peter to pay Paul.” With the increase in number of persons struggling with mental health and addiction issues in North Dakota, we certainly don’t want to risk taking away from other necessary community services such as addiction treatment facilities.

If other disciplines were to be considered, there are definitely certain parameters that need to be put in place. These other disciplines should be allowed only a provisional license that would be subject to annual renewal. This annual renewal would be dependent upon completion of additional coursework helping to prepare these professionals to be fully licensed as a school counselor. If these criteria are not met, the provisional license should not be continued. While working under a provisional license, licensed school counselors should be utilized to provide mentoring and supervision to assure appropriateness of services provided. School districts should continue to search for and hire qualified counselors. With three universities in the state of North Dakota that have graduate programs specific to school counseling, efforts should be made to recruit and retain qualified candidates from these programs rather than taking away from the professional credentials and training required for this specialty.

Thank you for your time.

Sincerely,

A handwritten signature in cursive script that reads "Vanessa Boehm".

Vanessa Boehm, LMAC, LPCC
Professional K-12 School Counselor



NORTH DAKOTA ASSOCIATION OF SCHOOL PSYCHOLOGISTS

The North Dakota Association of School Psychologists (NDASP) asks lawmakers to oppose SB2340, as currently written. We recognize School Counselors as integral professionals in school buildings and mental health systems. We acknowledge there are not enough School Counselors in North Dakota to adequately serve our students. We also believe the intention of SB2340 was to remedy that situation and better support students. That being said, the bill, as written, does not adequately differentiate the role of School Counselors from other mental health professionals, which could be problematic.

School Counselors are highly trained professionals, and they are invaluable to educational teams. School Counselors and School Psychologists, along with every other professional listed in SB2340 have their own scope of practice and code of ethics. While some roles overlap, there is a need for all of these professionals to support students collaboratively, while recognizing their own competencies.

We recommend that subsection 5 be amended that open School Counselor positions may be **temporarily** filled by the aforementioned professionals, until said positions may be filled by qualified School Counselors. We also recommend that it be noted that any professionals filling these temporary positions respect their competencies, and when necessary consult other School Counselors for guidance. Professionals should also consider their own professional ethics as well as the School Counseling code of ethics.

School Psychologists respect and appreciate the work of School Counselors. We recommend that legislators consult with the [North Dakota School Counselor Association](#) to help remedy the shortage of School Counselors. We need all mental health professionals to best support the needs of North Dakota's students!

Sincerely,

Alannah Valenta, PsyS, NCSP

NDASP President, on behalf of North Dakota Association of School Psychologists

Testimony Prepared in **OPPOSITION of SB 2340**

March 6, 2023

RE: SB 2340: Relating to required school counselors

My name is Erica Skoglund, and I have been a licensed teacher and credentialed school counselor in North Dakota for over 20 years.

One of the first things to consider with this bill is that all of the listed professional groups mentioned in the bill are valuable and provide important work in serving the students and families of our state. However, **those roles are not interchangeable**. Some facets of the work may overlap, but each of those groups do not receive the same training, follow the same ethical standards, or even provide the same continuum of care.

The best example I can give is from my own life years ago when my husband and I needed a fan wired into our bedroom. We asked my brother-in-law, an Electrical Engineer, to help us with the job. I have a general idea of what electrical engineers do, but not a complete idea of their scope of practice. My brother-in-law proceeded to FRY our electrical system in my bedroom. He is not an electrician. The electrician was the professional who had the correct training and understanding of the work to be done. The same applies to other professional mental health workers in our community. **School counseling is a specialized degree with very specialized training**. School counseling is deeply imbedded in the educational work, prevention, and meets the academic, career, and social/emotional needs of all students. None of the other professionals listed have expertise in ALL of those areas.

The second area to consider is that **school counselors serve ALL students** in their school setting, which is considered Tier 1 work. Contracting with a provider to come in to provide a select skill set of work would only provide for needs in the social/emotional area for students that are the neediest in the school setting (Tier 3), not providing any prevention work at all. Long term we will see MORE and MORE students with rising concerns because no one is present to help with the prevention work, which is done through classroom lessons on topics including friendship, bullying prevention, problem solving, academic learning skills, coping skills, self-management, career exploration, classroom readiness skills, refusal skills, etc.

I have seen the overwhelming support in our ND State Government to help provide opportunities for North Dakota students to become college and career ready. If we strip away at the Tier 1 support that helps create students with soft skills and provides them with opportunities to explore and learn about college and work opportunities, we will create a weaker workforce for our communities.

For all of these reasons, I am respectfully asking you to **OPPOSE SB 2340**.

Erica Skoglund

Professional School Counselor

Thank you for the opportunity to provide this testimony. My name is Dr. Katherine L. Nelson, and I am a resident of Grand Forks, ND. I am also a former School Counselor, now School Counselor Educator, and I have been deeply committed to Professional School Counseling for over 20 years. I am a Primary Investigator of a school-based mental health research team. One aim of this research group is studying the longitudinal impact and outcomes of more American School Counseling Association Aligned Comprehensive School Counseling programs on critical educational outcomes. I will speak more about this soon. I am also serving as the North Dakota School Counseling Association Post Secondary Vice President, and represented our legendary state on our national American School Counseling Association's Ethical Standards Review Committee that drafted, proposed, and passed our current national School Counseling Ethics. I am also a Licensed Psychologist in North Dakota and hold a Licensed Professional Counselor Credential in another state. Finally, I am also speaking to you as a mother, a single mother of two elementary school-age children, a fifth and first grader, enrolled in Grand Forks Public Schools.

I commend those who wrote this critical piece of legislation with the intent of filling our state's desperately needed school counseling positions throughout North Dakota. Thank you for doing so. Rural and underserved areas, as we may all know from professional and/or personal experiences, are in desperate need of counseling and mental health professionals. We in North Dakota, have for a long time, creatively worked to fill our needed School Counseling Positions. In our attempts to do so, while we have some of the hardest working, most committed and professionally skilled Professional School Counselors I have had the great privilege of knowing and working with, as a state, we also already have some of the lowest educational standards to become a School Counselor.

The national standard is that a School Counselor must have, at minimum, a Masters degree in School Counseling and have a school counselor credential issued by the state department of education. The training to be a school counselor is unique from other counseling specialty areas and other areas of mental health services, such as social workers, licensed professional counselors, and psychologists. Professional School Counselors are vital Educational Leaders within our school communities. Professional School Counselors provide comprehensive academic, career, and social emotional counseling and instruction to all students enrolled in our schools. The comprehensive and systemic nature of the training to become a Professional School Counselor, and to effectively do the critical work of comprehensive, preventative, developmentally, and culturally responsive school counseling programs is needed to serve the educational mission of our schools. To support our school communities, and state's our economic development. A central aspect of this work is the collaboration and consultation Professional School Counselors do day in and day out, which facilitates collaborative and positive systemic change. When the school counseling profession first began, "pupil guidance," professionals served only a small handful of students, and were not educational leaders. This is not what professional school counseling now is. Again, I commend those who proposed this bill as a

creative way to address our needs. And, this bill will revert the gains of professional school counseling development and is not aligned with national best practices and standards.

I want to share with you a few of the findings of my longitudinal school counseling outcome research team.

1. In looking at seven years worth of daily attendance in a rural reservation K - 12 grade school, with 99% of students tribally enrolled and all students receiving free breakfast and lunch services, we found a reduction in school absences.
2. In looking at five years worth of daily and weekly suspension data, we also found a reduction in out of school suspensions for Black elementary students.
3. In looking at six years worth of graduation rates in another rural reservation high school, we found a 16% increase in graduation rates with the implementation of an American School Counseling Association Aligned comprehensive professional school counseling program.

Professional School Counselors and programs serve all students in our schools. As Educational Leaders in school communities, a central aspect of Professional School Counselors' work is collaborating and consulting with other school and communities leaders to strategically address inequities within educational outcomes.

Our graduate training programs throughout our state are working to train, to supply and produce if you will, highly competent professional school counselors to meet our state's needs. Collectively, the graduate programs will be able to do this. Again, I commend those who put forth this bill to meet our needs. And, respectfully, it is short-sighted, and furthers the gap between national standards for professional school counselors and those who may fill such positions under this bill. This is not legendary. I ask that you put a term limit of one year on such hires. This will allow schools to more readily fill these positions immediately, while our graduate programs are further able to produce qualified candidates, based on our national standards. Professional School Counselors are educational leaders that are needed to meet our students' and school communities' social emotional, academic, and career development needs, while consulting and collaborating with school stakeholders to serve our school communities throughout our state.

Thank you, and respectfully,

Dr. Katherine L Nelson Ph.D
Former School Counselor
School Counselor Educator
Licensed Psychologist

North Dakota School Counseling Association Post-Secondary Vice President
Mom to a Grand Forks Public School Fifth and First Graders

SB 2340
Chairman Heinert
House Education Committee
March 8th, 2023

Good morning. Chairman Heinert and members of the House Education Committee, for the record, my name is Steven Holen and I am the Superintendent of Schools for the McKenzie County Public School District #1 in Watford City. I am here to testify in support of SB 2340 and its added flexibility to meet the full-time equivalent school guidance counselor requirements set in law and to also address the needs of student and families as school districts struggle to hire certified school guidance counselors as one of the most difficult areas to fill in an overall difficult employment market in education.

School guidance counselors are critical to the success of a school district, regardless of size, due to the role provided and the many gaps filled with a quality, certified guidance counselor in a school district. Many factors impact a school building climate and culture; a school guidance counselor can have as large an impact in this area as virtually any position. It has been my experience in education and in working with school districts, guidance counselors are not an area of which school districts intent to save money or reallocate to other areas. School districts willingly allocate funding for guidance counselor positions due to the importance placed on the positions, especially in current school environments and the challenges faced by today's students including college and career readiness initiatives. School districts unable to fill guidance counselor positions is driven by the lack of certified guidance counselors in the field and applying for open positions. SB 2340 clearly states the intent to meet the guidance counseling ratios currently in NDCC will remain and only in situations of which this is not possible will other options be considered. I believe SB 2340 can improve the work environment for guidance counselors by providing additional resources and opportunities to address areas of need without burning out our current guidance counselors by taking unfilled positions and reassigning duties to them. The flexibility provided in SB 2340 should be viewed as a support for current licensed guidance counselors and in no way a replacement for these critical positions.

The McKenzie County Public School District #1 has struggled to find and retain licensed guidance counselors the past several years. The retention rates for our new guidance counselors has averaged 1-2 years and we have been understaffed in this area for the last 5+ school years. For the 2022-2023 school year; our school district was only able to retain 4 licensed guidance counselors for our 2,000 students K-12; three full time equivalencies under the intended goal set forth in SB 2340 due to zero licensed applications received for open positions. The receipt of an application from a licensed school guidance counselor for an open position is viewed as a luxury with a very low probability; employees on a plan of study are more common, however, have lower retention rates in our school district. School guidance counseling requires the obtainment of three specific graduate credits before eligible for a plan of study provisional which also makes it a difficult area of which to utilize provisional staffing options compared to other professional positions. The ability to fulfill the full-time equivalence requirements is not

a matter of compliance, but in most cases an unachievable and unrealistic goal regardless of your school size or offerings. The shortage of school guidance counselors has exceeded the usual alert status with other hard to fill positions and reached a critical status of which no easy solutions exist.

The McKenzie County Public School District #1 has added the following services the past several years to address student needs and support of student development; social workers, school resource officers, school nurses, assistant principals, family facilitators, and recently contracted services for licensed mental therapy. Despite these additional positions, the role of the school guidance counselor has not diminished, but has been supported to focus on the areas of which they are licensed and can offer the best impacts for students. The hiring of these positions did not reduce guidance counseling position pursuits or intent; the school guidance counselor value is understood and the delineation of job duties is clear to warrant the need for all positions and their education and skill sets without concern of displacing school guidance counselors with options provided in this legislation.

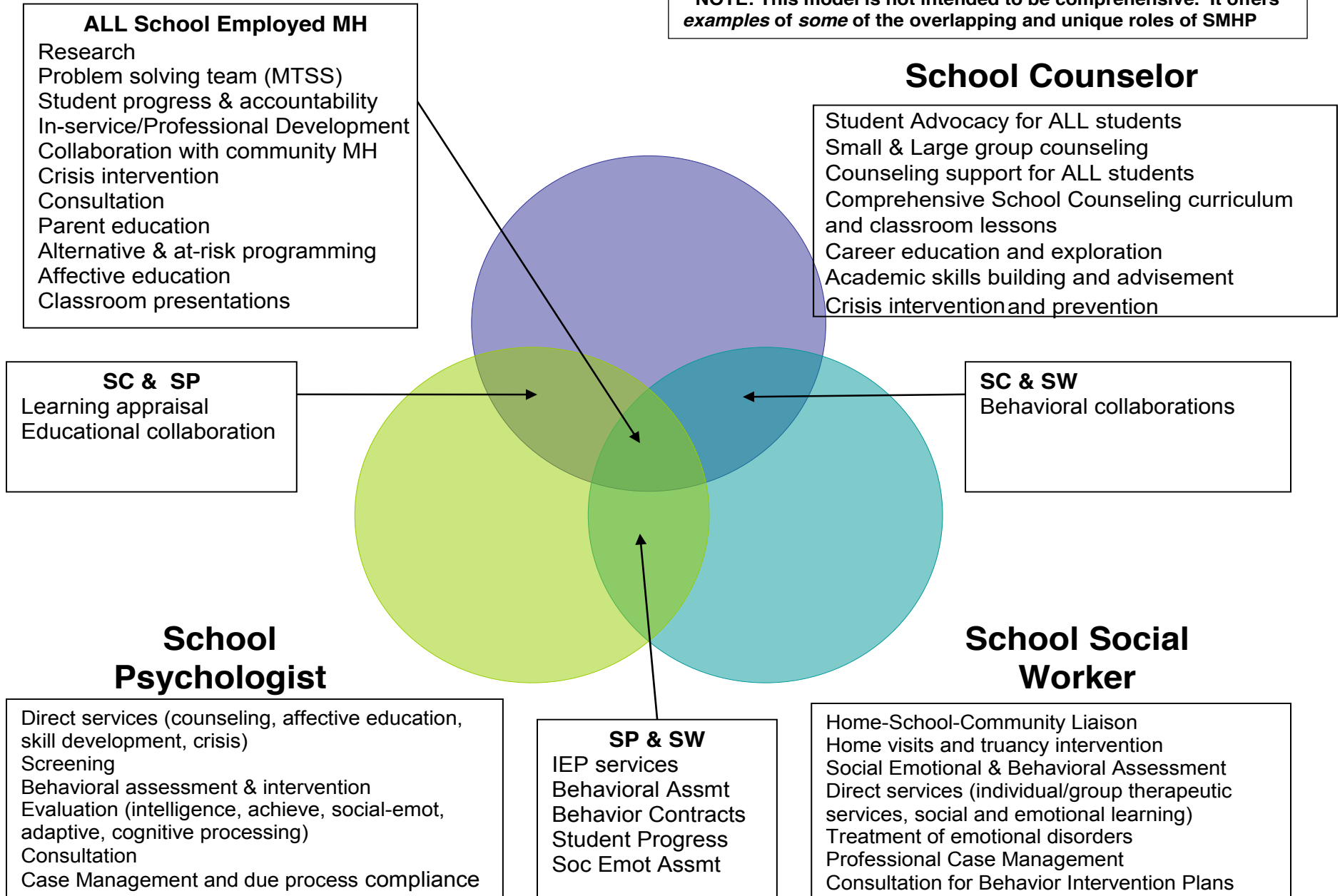
Please consider a yes vote on SB 2340 to provide realistic options to meet current NDCC requirements as other efforts are considered to increase the pool of candidates for school guidance counselors. SB 2340 is an effort to maintain and improve services and options for students and families in supporting academic achievement and mental health supports and deserves your strong consideration.

Thank you for your time and consideration and I will stand for any questions.

Overlapping and Unique Roles of School Mental Health Professionals*

Adapted from Sun Prairie Area School District, Wisconsin

* NOTE: This model is not intended to be comprehensive. It offers examples of some of the overlapping and unique roles of SMHP



Chairman Heinert and Representatives of the Education Committee,

As an Elementary Principal, K-12 School Counselor, a parent, and the President-Elect for the ND School Counselor Association I have concerns that the Senate Bill 2340 is premature and that there are unintended consequences that passing it will have on our students.

First, If the numbers reported to NDDPI are accurate as of January 2023, of the 413.6 School Counselor positions across the state there are only 19.6 School Counselor positions unfilled across the state. That means we have a fill rate of 95%.

Based on the information I received from the Universities NDSU, MSUM, U of Mary, and UND the numbers of graduates from their school counseling programs are on the rise and with the following break down for the next 2 years

Spring 2023 MS School Counselor Graduates:

UND: 0 (completing 1st year of program reset)

NDSU: 4

U of Mary: 6

MN State University- Moorhead: 8

Summer 2023 MS School Counselor Graduates:

MSUM- 20 in Certificate program

Spring 2024 MS School Counselor Graduates:

UND: 8

NDSU: 10

U of Mary: 15

MSUM: 10

U of Mary received a \$6 million grant: <https://www.umary.edu/about/news/all-stories/university-mary-awarded-6-million-grant-address-critical-counseling-shortage>

MSUM received a \$3.8 million grant <https://www.mnstate.edu/stories/psychology/msum-continues-legacy-of-serving-high-need-schools/>

ND Universities & K-12 Mental Health Grant: <https://www.cramer.senate.gov/news/press-releases/sen-cramer-north-dakota-universities-k-12-schools-receive-49-million-in-grants-for-mental-health-services>

According to the numbers I have been provided we have an increase in the number of School Counselors graduating and scheduled to be graduating in the next couple of years. Once this fall's numbers come in with the grant funded classes being added into the equation, I believe the ratio of 300:1 is sustainable.

Addressing the unintended consequences, I would like you to think of the 300:1 ratio in these terms. If a math teacher were to teach a classroom of 31 students for 7 periods a day that would equal a ratio of 217:1. That would be considered a very heavy caseload. As a school counselor we are not just expected to teach classroom lessons, but to provide small group counseling, some individual counseling, attend most if not all IEP and 504 meetings, often proctor testing, and a myriad of other duties with the equivalent to a classroom of 43 students per classroom for 7 periods a day.

What happens by increasing the ratio above 300:1 means that the quality of comprehensive care becomes diminished. If other mental health professionals are utilized to count towards this ratio instead of providing mental health support in addition to school counselors (which schools can and should already be doing) is that the actual ratio of students to School Counselors increases and we are neglecting the quality of care to our students.

In the end, this bill is about School Counselors as reflected in the title Section 15.1-06-19 of the North Dakota Century Code, relating to required school counselors. With that in mind we ask you to strengthen the role of School Counselors in ND not weaken their impact. We would not allow schools to put anyone with a math related degree into the classroom and expect them to be successful, would we? Would we allow anyone who has any form of English or literature degree or job title to teach our students English? If you truly want to help the safety and the mental health of our students then let us grow within our areas of responsibility not just lump all mental health professionals into one group. Schools need all parts of this team, but all mental health providers have unique roles and ethics codes that they must follow to stay in their practices.

I plan on attending Wednesday the 8th but am free to answer any questions you may have at any time.

Respectfully,

Jared Bollom
ND School Counseling Association
- President Elect
K-12 School Counselor
jared.bollom@gmail.com
<http://www.ndsca.us/>
<https://www.facebook.com/NDSCA/>

SB 2340
Senator Axtman

Chairman Heinert, house education committee members. For the record, I am Michelle Axtman, Senator from District 7, North Bismarck and I am before you to introduce Senate Bill 2340. During the past session, the number of counselors required was significantly increased to a ratio of one counselor per every 300 students for all grade levels. Since the increase in ratio, a large portion of school districts have found it difficult or even impossible to fill the position with a licensed school counselor. Despite not being able to hire a licensed school counselor as a FTE, many schools still recognize the need for support for their students. Many of these schools are either contracting out for services or are hiring an alternate professional trained in an aspect of behavioral support. However, these resources currently do not count towards their ratio. A recent survey on counseling services across 79 districts in the state revealed that over 24 percent are struggling to fill their counseling position. When hiring their last counselor, 23 percent had zero applicants and nearly 42 percent had only one to three applicants. Additionally in the survey, districts answered that their greatest need is for additional behavioral health specialists such as a school psychologist or clinical counselor. Senate Bill 2340 provides an option for schools who are unable to meet their current needs due to a shortage of licensed school counselors. It also helps our small, rural schools who struggle to fill the ratio requirements with an FTE rather than contacted employee. Our state is working hard to produce more school counselors, however, until we are able to fill the open positions across our state, it is important to give our schools the leeway to hire other behavior health specialists that can provide services to help our schools and students. I fully recognize the important role that a licensed school counselor holds with all students and the distinct qualifications of that profession. This bill is not trying to replace school counselors, or turn other behavioral health specialists into school counselors. It is trying to help our schools and students who are unable to fill positions under the mandated 300 to 1 ratio and in turn hopefully lighten the burden of the current undermanned and overworked counselors. I hope that someday in the future, current efforts across the state will eliminate the shortages, however until we do, lets help give our schools the ability to hire and get credit for the behavioral health specialists that can bridge the gap. Thank you committee for your consideration of Senate Bill 2340. There are quite a few people here to help explain how this will positively affect their schools and students but I also can stand for any questions.

To Whom It May Concern:

I am writing in opposition to SB 2340 as it is currently worded. I am a PreK-12 music specialist in a rural school district with just over a hundred students, and the need for a school counselor is apparent on a daily basis. Some of our students do receive services from other mental health professionals, either in person or via video chat, however, these are only the students that have the highest needs, leaving the rest of our students without daily access to essential services to help them navigate our changing world.

In my experience, ALL of our students need support from a school counselor. The vast majority of our students struggle with social skills and emotional regulation/moderation. There is a lack of discipline, work ethic, self-esteem, respect for self and others, and responsibility. Students come to us with minimal guidance on how to interact appropriately with their peers and teachers, which leads to challenging educational environments for teachers to navigate as they attempt to teach their content. As you are well aware, in addition to the shortage of school counselors, there is also a shortage of teachers. I firmly believe this is partially due to the challenging work environments that teachers face in today's schools, and many of those issues with student behavior can and should be addressed by school counselors. School counselors are tasked with implementing curriculums and programs that focus on developing social emotional skills. Having a consistent source teaching the curriculum throughout all grade levels, and setting the expectations for how the rest of the school can best support that curriculum, is essential to seeing growth with students.

School counselors are also an invaluable source of information for college and career development. Students need guidance from someone they trust and who knows them and their situation. Often, students don't know what they need, or what they should ask for. School counselors continuously seek out information on programs, scholarships, internships, job shadow opportunities, and career development options for the innumerable careers students may pursue.

I understand the desire to provide schools another avenue to fulfill the needs of students in the absence of a school counselor, however, it should be made abundantly clear that these stopgaps are meant to be temporary. Schools should be required to continue seeking someone who is trained and fully licensed as a school counselor, even while receiving temporary services from another mental health professional.

I recommend an amendment stating that schools may temporarily fill open positions with one of the other professionals listed in the bill but they are required to continue seeking a fully licensed school counselor.

I urge you to issue a vote of DO NOT PASS as the bill is currently written.

Thank you for your time and consideration.

Sincerely,
Kristen Lynch
PreK-12 Music Specialist

RE: SB 2340: Relating to required school counselors

Mr. Chairman and Members of the Senate Education Committee:

My name is John Wangen and I am an elementary counselor in Bismarck, a position I have held for 20 years in 3 separate schools. I am also a licensed teacher and feel like I can speak to what happens when attempts are made to “water down” the profession of school counseling.

School Counseling is a unique job and requires not only someone who has training in working with kids but also in Ethics and Mental Health theories, practices, and strategies. Effective elementary school counselors must have a child development background and be able to form and maintain relationships while teaching a social emotional curriculum. This can only be done through training and practice. When you take away the training, not requiring a teaching background or not requiring school counseling credentials, the practice suffers greatly.

I realize that those in favor are trying to fill positions, and I understand their push to do so. We need effective people in our schools that can impact lives and help set a course toward success for individuals in establishing good mental health strategies and positive coping skills. The future depends on it. Even after 20 years, I feel ill equipped as mental health concerns have increased in both severity and at an earlier age. I realize the need for more training to be effective in this ever-changing world. With the rise of anxiety and depression having additional and better training is essential in my profession. Putting me in a social work role or a school psychologist role would be a disaster, as I am not trained to do their job. In visiting with social workers and school psychologist, they also feel like their training is very specific to their role, not mine. They are a resource for me as I am to them. One would not allow a nurse to fill the role of a doctor unless they are trained to do so. The people that this matters to the most are the ones that will receive direct counseling services: children.

Elementary counselors see counseling services as preventative and proactive. We want to create lifelong learners that have experiences early in life in seeing counselors as effective helpers. This bill will directly impact that by putting untrained counselors in a school counselor role. This is dangerous in creating reasons for future lawsuits, as most school counselors are trained in accredited programs. Instead of replacing school counselors with other professions maybe a proactive approach through incentives and strengthening existing programs would be in order. There are reasons people are not going into school counseling, perhaps addressing pay or client load or burnout due to other duties would be a better use of the legislative process. Counseling is a very specific role, and the best counselors are trained and re-trained in that role. Perhaps “watering- down” the profession is not the answer to the current crisis. As the bill is written I would recommend a vote of DO NOT PASS.

Thank You,

John Wangen

Testimony of SB 2340
The House Education Committee
of the North Dakota House of Representatives
Representative Heinert, Chairman
March 7th, 2023

Chairman Heinert and members of the House Education committee, my name is Andrew Rohrich, and I am the Government Affairs Chair for the North Dakota Counseling Association and the North Dakota Mental Health Counseling Association. I am providing written testimony in opposition of Senate Bill 2340.

This legislation will not have the desired result that those proposing it think it will. If you ask yourself why there are no addiction counselors or mental health counselors providing testimony in favor of this legislation, it is because they do not want to work as school counselors. If you allow schools to replace school counselors with other mental health professionals, those schools are either going to ask the other professionals to provide a service that is outside of their scope of practice, or you are going to deprive every student of the service that school counselors provide.

I am both a licensed addiction counselor (LAC) and licensed associate professional counselor (LAPC) in the state of North Dakota, and I have very little knowledge of the services school counselors provide and no training in that field. Take a school district with 1200 students, they are currently required to have 4 school counselors. If you allow the school to replace 2 of those counselors with an LAC and an LPCC, you are going to double the workload of the 2 remaining school counselors. If you think that the LAC and LPCC will help pick up the

workload, you would be suggesting that they provide those services which are outside of their scope of practice. Ask yourself, how many students in that 1200 student district have a substance use disorder? Every one of those students can use the services of a school counselor, and it's likely that less than 50 need the services of the LAC (even less in elementary schools). How will tax paying residents feel, knowing that their children will no longer get school counseling services, such as career aptitude testing because their school district hired an addiction counselor who will be working with a small minority of the students? Many schools already partner with community agencies to get other counseling needs met. While there is nothing wrong with providing mental health and addiction services, it should not be in place of school counseling services. This bill would completely remove school counselors from many districts forever, and further strain those larger school districts. Imagine if Mandan hired 4 LAC's and had no school counselors, because that is what this legislation would allow.

The bill in its current form does nothing to ensure the students will continue to get the services that school counselors provide. And when we look at school districts with only 1 school counselor, if they lose that to an LAC, most of those students will get nothing out of that position.

There is only one common-sense answer and I urge you to give SB 2340 a do not pass recommendation.

Andrew Rohrich
Government Affairs Chair
NDCA/NDMHCA

Good morning, Chairman Elkin and members of the Education committee.

For the record, my name is Amy Johnson. I have been a PK-12 school counselor for two years. Prior to that I was a clinical mental health counselor for three years. I am here today to ask that you amend SB 2340. I will discuss further why I think it would be more appropriate that any hires in place of a school counselor should be temporary.

Upon first hearing about this bill, I thought it was a great idea. As a professional counselor, I have found it frustrating to be limited in how I practice as a school counselor. For example, I cannot count my hours spent with students toward my mental health practice hours. I also have to be very mindful of how I operate as a school counselor, because the roles are different and it is ethically inappropriate to function as a clinical counselor while acting as a school counselor, regardless of my dual credentialing.

I probably would have never switched over to school counseling had I not happened to end up living across the street from a school in rural North Dakota. I watch many school counselors leave the field because we are not properly utilized. We did not go through specialized graduate programs to be used as substitute teachers, test administrators, or to take lunch numbers. It creates a feeling of helplessness to watch ourselves become so consumed with being the school's junk drawer that we cannot engage in the areas we are uniquely qualified to help in. I truly believe that the long-term key to addressing these shortages is to utilize school counselors properly and clear up confusion about the profession.

I am curious who would end up taking on tasks involved with being a CTE or choice ready coordinator. Who would monitor state scholarship progress, coordinate work-based learning/internship opportunities, provide RReady lessons, audit transcripts, work through five-year plans, etc... There has been so much work done to prepare students for North Dakota's workforce, and I struggle to conceptualize who would be driving this progress forward.

My school currently contracts with a mental health therapist. She is a blessing to have given 6 month waits on referrals for mental health counseling intakes. However, the majority of student needs are not intensive enough to need clinical therapy. There are also hangups with insurance and qualifying for services. When students are struggling with more acute issues, it feels too overwhelming for them to have to have a parent come in for a formal intake session during which a treatment plan will be established. Students can stop by my office much more casually so we can work through skills to tackle whatever they are dealing with in the current moment. They will often claim to have a question about something like scholarships but then build the bravery to divulge much more personal issues.

Almost all of my very high-risk students this year have been students who would not have been on the list to meet with our therapist. I have a working relationship with my students because they get to know me in the classroom, or I call them into my office to discuss CTE or choice ready requirements. It is usually during these meetings that students will open up about the help they need. One student came to me after a lesson on healthy communication and relationships to talk to me about an abusive relationship. I have called students into my office to discuss academic goals, only to find they were planning to end their lives. Many times, I am the steppingstone between school and therapy. Students get a small taste of speaking to someone about their issues, and we walk through what therapy looks like so it does not feel so scary. It is after these conversations that students feel comfortable enough to discuss with their parents that they think they need help.

Schools already have the option to bring on mental health therapists. This is a wonderful tool to compliment a comprehensive school counseling program, but it is reactive in nature. Our students deserve an environment in which a healthy culture is fostered, and a preventative program is consistently in place. Let's try to build kids up with skills rather than scramble to put out fires.



North Dakota School Counselor Association

April Foth, President
 Jared Bollom, President-Elect
 Norma Theis, Past President

Natalie Heid, Secretary
 Angel Lindseth, Treasurer

Representative Heinert and Members of the Education Committee:

As the President of the North Dakota School Counselor Association, I am writing on behalf of our association in opposition to SB 2340 as it is written. Unfortunately, I cannot be with you in person today, as I am administering the ACT test to my juniors.

As I have continued to digest this bill and speak with a variety of individuals, I keep coming back to the same question... what is the intent of this bill?

The language of SB 2340 lends itself to many interpretations. In speaking with numerous school counselors and counselor educators, some think the language means these other professionals would be hired to meet student needs within their scope of practice, leaving lots of tasks and duties of the school counselor unmet. Others think it means other professionals hired to fill the ratio would be required to get certified and licensed as a school counselor. Still others think these professionals would be hired to fulfill the role and duties of the school counselor without adequate training. When the language of a bill can be interpreted in so many ways, it creates questions as to the intent of the bill and allows for varying interpretations by school leaders. This is a problem.

If the intention is to help school counselors by reducing workload, allowing other professionals to fill portions of the ratio will not achieve this. In fact, it will likely have the opposite effect. I have been told the true intention is for these other professionals to work within their own scope of practice, which is what they should do, but if they can count toward the ratio, the school counselors on staff within those districts risk seeing their ratios increase because they will still be the ones doing the school counselor duties for all students that the other professionals are not trained to do. This adds more to the workload than it takes away. This is a problem.

If the intention is to help students, checking a box to be compliant should not be our focus— especially since there are no penalties for non-compliance if schools can provide documentation of effort to fill positions. Schools are already able to contract for services to help meet student needs, they don't need these services to count toward a ratio to do so. Also, we should be working to make school counselor ratios manageable (which is what the ratio is in place to do) and identify non-counselor related duties required of school counselors that take months of valuable time away from meeting students' social, emotional, academic and career development needs. This is a problem.

Regarding the definition of school counselor—It is narrow because a school counselor is different from other mental health professionals that provide services in the schools. Just because they provide mental health services to students within a school setting does not make them "school counselors". We are not all one-in-the same in the mental health field. We each have our own scopes of practice and the scope of practice of school counselors is quite different from these other professionals. This bill has the potential of blurring the boundaries of these unique roles more than they already are and increasing the chances of working outside of one's training and credentials. This is a problem.

As an association that supports and advocates for school counselors to ensure their ability to best meet student needs, we cannot support this bill as it written for the reasons provided above. We do have some suggested amendments we believe would help provide the clarity we are seeking as well as help schools regarding compliance:

1. **Push the effectiveness date of the mandate to Fall of 2024-** The number of school counselors graduating from programs is on the rise. In fact, after visiting with school counseling graduate programs across the state (and MSUM) we anticipate between 80-100 graduates by the end of the Spring 2024 semester. With this type of influx of students in school counseling programs, perhaps it makes more sense

to adjust the date the mandate would take effect to Fall of 2024. This would remove the frustration for schools of being out of compliance while providing the time necessary for students in our graduate programs to complete their training.

2. **Clearly state that schools MUST continue to search for school counselors to hire** - The bill currently states that schools must first try to hire school counselors to fill open positions, but then simply states that if unable to do so, can fill positions with other professionals. This language does not clearly communicate that schools would be required to continue looking for school counselors once filled with these other professionals. We would ask for an amendment that states that schools can hire other professionals for one year at a time while continuing to post school counselor positions until filled.
3. **Identify a reasonable allowance for schools that fall slightly above 300 students** - An argument that has been made is that it is impossible to fill .2 or .3 positions that the ratio creates when schools are just above the 300:1 ratio. We would suggest considering ways to address this concern as we agree filling such positions could prove to be very difficult. Perhaps identifying a reasonable overage that would not impact compliance if schools can document continued effort to fill the position.

We absolutely agree that students need mental health services now more than ever before and we are not against providing more access to such services. We just believe that while this bill may provide a temporary fix to the problem of schools being out of compliance, it will create new gaps and new problems that will need to be addressed. The real problem we should be directing our energy to solve is the school counselor shortage—identifying **why** there is such a shortage—so that we can achieve our collective goal of providing more support to our ND students well into the future!

Thank you for your consideration of this testimony and the proposed amendments. I welcome your questions and would be more than happy to discuss further as you continue to make decisions about this bill.

Respectfully,

April Foth
NDSCA President
aprilsfoth@gmail.com



one vision. one voice

NDSCA has a long history of advocating important issues in our schools. The current issues we face have the potential to drastically impact our future and subsequently the lives of the students.

Benefits of Membership

1. Professional Development Opportunities
2. Leadership Opportunities
3. Mentorship Program/ Networking Groups
4. Listserv Access
5. Advocate for important legislative changes in education/ school counseling field
6. Annual NDCA Conference discounted rates

Benefits to Watch For

1. Counselor Coffee Chats-continuation
2. Virtual quarterly focus groups by level (elementary, MS, HS, K12)
3. School Counseling quarterly updates from DPI
4. Members only portal on NDSCA website
5. Partnerships offering free or reduced services & resources

Visit our website
for contact
information!



1 SB 2340

2 Testimony in Support

3

4 Chairman Heinert and members of the House Education Committee. For the record my name is
5 Dr. Michael McNeff – I serve as the superintendent of schools in Rugby, ND. I come to you today
6 to provide information on how difficult it is to find a traditionally trained school counselor.

7

8 SB 2340 provides flexibility and allows school districts to meet the 300 students to 1 counselor
9 ratio criteria as described in 15.1-06-19 in elementary and secondary schools. The bill expands
10 the applicant pool for schools to include several other related fields that could fill the school
11 counselor position at a school district. These include a licensed social worker, licensed professional
12 counselor, licensed marriage and family therapist, licensed psychologist, licensend vocational
13 rehabilitation counselor, or a licensed addiction counselor.

14

15 Our school district has had an open high school counselor position for a month and we have not
16 received an application to date. I am hearing the same issue across the state from my colleagues
17 and how they are not receiving applications for school counselors. There is no other place in law
18 that requires a specific number of employees within a school. If the quota is to remain in place,
19 then schools need more flexibility to provide a licensed professional to meet the school counselor
20 requirement. These other licensed professionals are likely living within our communities and may
21 be interested in working in our schools.

22

23 Please issue a Do Pass on SB 2340.

SB 2340

Testimony in Opposition

Dear Chairman Heinert and members of the House Education Committee. My name is Diane Crowston and my experience as a school counselor for 39 years leads me to believe this bill is not the answer to address the shortage of school counselors in North Dakota. In reviewing the testimony from the Senate I was struck by the fact that no one addressed the most important question; why aren't more people going into school and community counseling? Several people in support of this bill feel that the counselor to student ratio is at fault although that was implemented in 2010-11 in grades 7-12 and there is no penalty for school districts not meeting these expectations. Your first step should be to discover why the shortage exists and an excellent resource is the leadership of the **North Dakota School Counselors Association**.

Does it really make sense to move mental health professionals from agencies where there is also a shortage and put them a work situation for which they aren't trained? Each group has its own specialized course work and scope of practice. Besides providing mental health counseling for **some** students, school counselors provide **ALL STUDENTS** with classroom guidance in social emotional topics, study skills, and career development. Also, social workers with a bachelor's degree do not have training to do counseling. One solution that worked well for my school district when faced with difficulty finding school counselors was to provide some financial help to teachers in our district interested in getting their Master's in School Counseling. Those teachers were more likely to stay in the community. The grant to University of Mary for training school counselors is a good idea. The only change I would encourage is to pay part of the tuition instead of all so that more potential school counselors could be trained. Perhaps both North Dakota State University and the University of North Dakota could be included in these grants. Again the **North Dakota School Counselors Association** would be a great resource for potential solutions.

One possible reason for the lack of school counselors could be inadequate salaries to compensate for the requirements to earn a Master's Degree in School or Community Counseling (60 credits). Compare this to the 32-36 credits required to earn a Master's Degree in School Administration. (Source: NDSU Graduate Programs web page). A solution: Perhaps school counselors could be on an enhanced pay scale.

Please take the time to discover the causes of this shortage before making permanent changes.

SB 2340

Thank you for taking this time to read this testimony, I imagine this time of year is extremely busy for you so I appreciate you being will to hear my concerns about SB 2340. There are many reasons I am not in support of SB 2340 and some ideas I have that could provide solutions to the shortage of School Counselors. I understand why people would think this bill sounds like a solution to an ever growing problem but when looking at the logistics it is easy to see this bill would not reduce the ratio for School Counselor's caseload.

The first reason this bill would not help reduce the student to School Counselor ratio is the idea of having School Psychologist or Social Workers meet with students or be assigned learners so a School Counselor's ratio isn't so high. People in these positions already have a full caseload and schools need more people in these roles. If a school was able to hire more Social Workers or School Psychologist they would have full caseloads within their roles, as their need is very high too. These people also are not trained School Counselors, their roles are extremely important but different from a School Counselors role, they would not add value to a comprehensive school counseling program.

The second reason this bill is not helpful is the idea of having any mental health professionals fill the role as a school counselor, for example the bill would allow addictions counselor or marriage counselors to fill a school counselor's role. It would be great to have people trained in mental health but not to fill the role of a school counselor, have more mental health counselors would be beneficial for our high needs learners but it is not beneficial to count them in the ratios because they are not always available and not available to all students. School Counselors are mental health professionals but also trained in other areas in order to create a comprehensive school counseling program. Again these professionals are trained and have very valuable skills but they are not school counselors therefore cannot be a part of comprehensive a school counseling program. I also personally feel it would be very hard to get these types of mental health professionals into the schools because they typically work with 20 people maximum and school counselors typically have a caseload of approximately 300. As a school counselor we do not meet with all of the learners consistently but we are available to them and I think it would be challenging to convince mental health counselors to fill this role.

Another reason the solutions listed on this bill are not helpful is having School Counselor go to different schools based on ratios does not provide consistency to our students. This bill would allow school districts to require School Counselors to go to another school a couple hours a week if their ratios at their "home" school fall below 300. This is not helpful because it is not elevating any work from the main school counselor because the person is only at the school a couple hours a week so the students wont know them. The fill in counselor would not be aware of what is going on at the school. I totally understand a school counselor doing two days at one school and 3 days (especially for smaller communities) but pulling a school counselor for a couple hours a week to reduce the ratio on the full time counselor is not impactful. Part of a comprehensive School Counseling program is having is having counselors available to the students and consistently around.

Some ideas for getting more people into the School Counseling Profession are partnering with universities, finding different options for the required year long practicum, and paying more. If schools were able to partner with universities there could be an increase in connections for people in the graduate program to work throughout their internship and practicum hours which would then reduce the ratios for School Counselors currently practices and make these hours more attainable to fill. It

would be more impactful for an internship student (who is in a Master's program to be a School Counselor) to fill the role as a School Counselor because they are invested in the profession, they are familiar with a School Counseling program, and they would hopefully stay around for more than one year. If these positions could be paid that would make going back for your Master's even more achievable for individuals interested in the profession but not able to take a year off of work to complete internship hours. If a person could be paid for their year long internship then they would be able to provide consistency to learners and gain real life experience while also alleviating some of the stress from the full time counselors. My final idea is paying School Counselors more, I imagine everyone feels they should be paid more but I do truly think this would help get people into the field. A person must have a Master's degree in order to be a School Counselor but we are paid on a teacher contract that does not require a Master's degree. This is very challenging because it is a lot of school for not a lot of pay, personally the last contract I signed was for \$44,000 in West Fargo, ND. I love what I do and have a very supportive team so I continue to do it but I am going to guess people do not go into this profession because of the lack of money and high demands.

Thank you again for taking the time to read this and hopefully understand why this bill is not helping an already overwhelmed position. Thank you for all you do each day.

Chairman Heinert and members of the education committee:

My name is Mary Wick and I am an elementary teacher at a small rural school in North Dakota. I am also a parent to a high school and elementary student. I am writing this morning in opposition of SB 2340 as it is written.

I feel it is extremely important to maintain the integrity of our school counseling programs in our schools.

As a parent I believe it is a program that helps our students with career development and college planning. I am thankful that this is done at school which ensures our students are prepared for the future. School counselors are extremely an instrumental part of this which I can't understand how this would be fulfilled by other professionals.

As a teacher I currently have a student who often needs breaks. The school counselor is available when this student, or other students, are struggling and is here for myself and the student. The counselor is here for me so that I can focus on the other students in my classroom and here for the student to self regulate and get back on track so they can be successful in the classroom.

I would ask that you consider adding language to this bill that makes it clear that school counselors should be prioritized when hiring to fill the 300:1 ratio.

Thank you for hearing my testimony,
Mary Wick



Heritage Middle School

March, 2023

Dear North Dakota Legislatures:

My name is Missy Kremer, and I am writing this letter of opposition for House Bill SB 2340. Currently, I am the instructional coach for the educators at Heritage Middle School in Horace, North Dakota, part of West Fargo Public Schools. Rounding close to fifteen years in public education as both a middle level educator and coach, I truly understand the importance of our school counselors.

Previously, I've worked in another school within our district which was considered a Title I school. Currently in my building, especially post 2020 school year, the mental health needs of our learners are greater than ever. We have received ESSR funds to put other roles in place to support our learners, but in my experience, no role can replace that of a trained school counselor. While other supports may help triage needs our learners have, a licensed school counselor, at the end of the day, is irreplaceable due to their level of training and expertise in meeting our learners where they are at to be successful in both school and life.

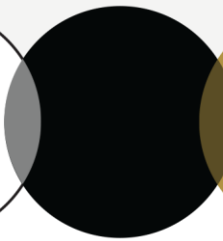
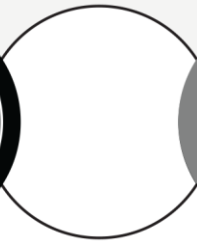
House Bill SB 2340 is insulting to the profession. While it is important to give schools as much support as possible, especially rural schools where finding staff may be harder, having the solution of letting other roles take the place of a licensed school counselor indefinitely is actually counter-productive. If our ultimate goal is to help learners create safe and healthy habits, a licensed school counselor is the only truly qualified resource within our buildings to get learners the exact support they may need.

Even if other mental health professionals are being hired to fill these open positions, students are ultimately not receiving comprehensive student support services provided by school counselors and school counseling programs, as those filling in are not trained in these areas. Additionally, students will be missing out on vital college and career readiness programming, which will have negative effects for our state's college and university systems, as well as job fields.

The academic supports provided to students through school counseling programs will not be crafted to hone academic skills for our learners, which will hurt student performance outcomes. Students will not receive important social emotional training through the school counseling curriculum designated by our licensed counselors. School wide prevention activities will be absent. The majority of ND students will not have access to counseling services as the majority do not need extensive intervention provided by mental health professionals, which could allow many North Dakota students to fall through the cracks. It is for these reasons and more that I ask you to not pass this bill.

Sincerely,

Missy Kremer
Instructional Coach
 Heritage Middle School



Heritage Middle School

March 7, 2023

Re: SB 2340

I would urge a DO NOT PASS vote on SB 2340 or amending the current language of the bill. While mental health professionals are being appropriately utilized in schools for school based mental health counseling, the role they play, along with other professionals/educators included in this bill is far different than the role of a school counselor. To address the great need of students, all of these professionals/educators are vitally important and we seek to work collaboratively with them in their roles. In speaking with three school-based mental health professionals, they spoke passionately about the lack of training to perform the role of a school counselor while utilizing a comprehensive school counseling program to address the social/emotional, career and academic needs of all students. While school counselors and mental health professionals work well together in the best interests of some of our most at risk students, our roles and student impact levels are very different. If other professionals are hired in place of school counselors:

- Students would not receive comprehensive student support services which would allow many students to fall through the cracks.
- Students would miss important opportunities like college and career readiness programming, which will result in negative ramifications for our state workforce.
- The academic supports provided to students through the school counseling program would not be available to help build strong academic skills which results in negative learner outcomes.
- Students would not receive critical social emotional skills lessons provided by the school counseling curriculum.
- School wide prevention activities would not be present.

When thinking about how this bill will impact students, I recall the student and family that I met with this week. We worked through high school registration and transition questions in collaboration with their current team of teachers while also discussing their history of study habits, academic performance and areas of strengths throughout their years in middle school. There is a significant amount of intervention that occurred over time and in collaboration with teachers, family supports, outside supports and the student. I also think about one-on-one minute meetings that school counselors have with all students in our building multiple times a year to collect information and data on which students need connections to a higher level of support within the building. Again, our students would miss opportunities like this without school counselors navigating a comprehensive school counseling program.

I realize the great need for additional supports in our schools and seek to continue to collaborate with the mental health professionals/educators in their roles to collectively support students. If we were to allow other professionals to fill open school counseling positions; I would advocate for a limited 1-year contract while the school district continue to seek out a qualified and licensed school counselor. These 1-year contracts could be renewed each year until a school counselor can be hired but would require schools to continue looking to hire qualified school counselors. Collaboration and collective support from all professionals performing roles within their scope of practice is what's best for students.

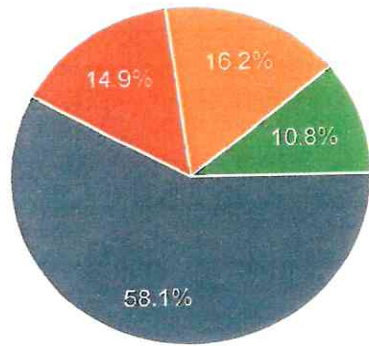
Counselor Survey

74 responses

Publish analytics

How large is your district?

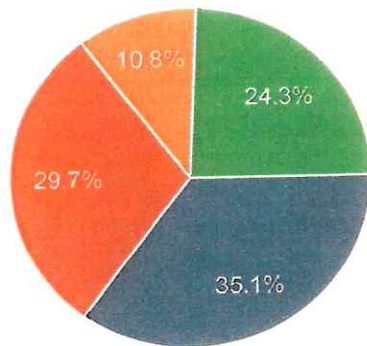
74 responses



- Less than 300 students
- Between 301 and 600 students
- Between 601 and 1200 students
- Over 1200 students

How is your district meeting your school counselor needs?

74 responses



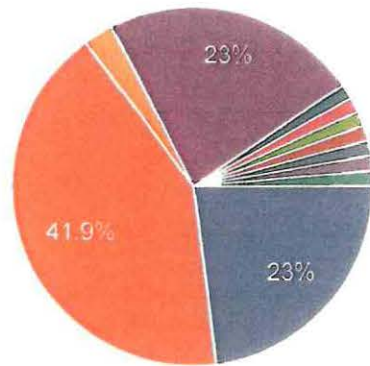
- We have met our counselors needs.
- We have met our counselor needs but are concerned for the future if we need to hire.
- We are sharing a counselor with another school/district.
- We are struggling to meet the requirements of one counselor for every 300 students.



When hiring your last counselor, how many qualified applicants did you have?



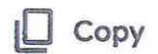
74 responses



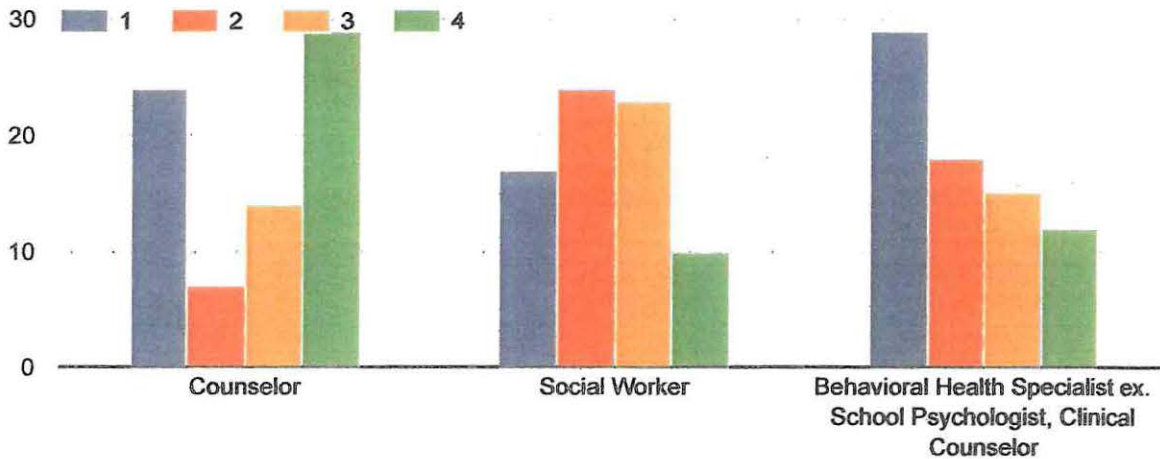
- 0
- 1 to 3
- 4 to 6
- Over 6
- I don't remember/wasn't with t...
- One applicant who is doing a...
- Zero, grew our own
- 0, we had to recruit a person a...

1/2 ▼

To meet the needs of your students, rank your current behavioral health staffing needs.



One is your greatest need to four is we are good for now.



Counselor Survey

How large is your district?	How is your district meeting your school counselor needs?	When hiring your last counselor, how many qualified applicants did you have?	To meet the needs of your students, rank your current behavioral health staffing needs. One is your greatest need to four is we are good for now. [Counselor]	To meet the needs of your students, rank your current behavioral health staffing needs. One is your greatest need to four is we are good for now. [Social Worker]	To meet the needs of your students, rank your current behavioral health staffing needs. One is your greatest need to four is we are good for now. [Behavioral Health Specialist ex. School Psychologist, Clinical Counselor]	Please make any comments or suggestions.
Less than 300 students	We have met our counselors needs.	0	4	2	3	
Between 301 and 600 students	We have met our counselor needs but are concerned for the future if we need to hire.	0	3	2	1	
Less than 300 students	We have met our counselors needs.	I don't remember/wasn't with the school or district.	3	2	1	
Less than 300 students	We have met our counselors needs.	1 to 3	4	2	2	
Between 301 and 600 students	We are struggling to meet the requirements of one counselor for every 300 students.	0	1	4	4	
Less than 300 students	We have met our counselor needs but are concerned for the future if we need to hire.	1 to 3	1	3	2	
Between 301 and 600 students	We have met our counselor needs but are concerned for the future if we need to hire.	I don't remember/wasn't with the school or district.	1	2	1	
Less than 300 students	We have met our counselors needs.	1 to 3	4	3	2	
Less than 300 students	We are struggling to meet the requirements of one counselor for every 300 students.	I don't remember/wasn't with the school or district.	4	1	2	Marvel had their counselor resign 5 days before school started in August. We hired a former school counselor at 40% but only 20% of that time is in our building. We did a contract for services with her and are paying her an hourly wage for 16 hours/week. She is starting a private practice and will, in all likelihood, never work in a school again.
Between 601 and 1200 students	We have met our counselors needs.	1 to 3	4	4	3	
Between 601 and 1200 students	We are struggling to meet the requirements of one counselor for every 300 students.	One applicant who is doing a great job. But the new requirement leaves us .18 short.	4	2	3	We have 2 full time counselors and a school psychologist that works with our special ed department but they are not full time.
Between 301 and 600 students	We have met our counselor needs but are concerned for the future if we need to hire.	1 to 3	4	4	1	
Between 601 and 1200 students	We have met our counselors needs.	4 to 6	1	3	2	We currently budget for school based mental health services through VBI. The budget is \$30,000 for 3 counselors (based on hours of service) who meet with students in our school district (K-12)
Less than 300 students	We have met our counselors needs.	1 to 3	4	2	2	
Between 601 and 1200 students	We are struggling to meet the requirements of one counselor for every 300 students.	1 to 3	3	2	1	The demands of mental health realities and "wrap around" support services for students and families is very real... Guidance counselors also have increased Career counseling expectations and the broad role they play simply doesn't afford time. We need funding and staffing to meet the mandates and increased expectations....especially as it relates to individual therapy and social work.
Less than 300 students	We have met our counselor needs but are concerned for the future if we need to hire.	1 to 3	2	1	3	
Less than 300 students	We have met our counselors needs.	1 to 3	3	2	4	

Between 301 and 600 students	We have met our counselors needs.	1 to 3	3	1	2	
Less than 300 students	We have met our counselor needs but are concerned for the future if we need to hire.	I don't remember/wasn't with the school or district.	4	3	3	
Between 301 and 600 students	We have met our counselor needs but are concerned for the future if we need to hire.	I don't remember/wasn't with the school or district.	4	3	4	
Less than 300 students	We have met our counselors needs.	1 to 3	4	1	1	
Less than 300 students	We have met our counselors needs.	1 to 3	3	3	1	
Between 301 and 600 students	We have met our counselors needs.	1 to 3	4	2	2	
Between 601 and 1200 students	We have met our counselor needs but are concerned for the future if we need to hire.	1 to 3	1	2	2	
Over 1200 students	We have met our counselor needs but are concerned for the future if we need to hire.	1 to 3	1	2	1	
Less than 300 students	We have met our counselor needs but are concerned for the future if we need to hire.	I don't remember/wasn't with the school or district.	1	2	3	
Over 1200 students	We are struggling to meet the requirements of one counselor for every 300 students.	0	3	2	1	
Between 601 and 1200 students	We have met our counselor needs but are concerned for the future if we need to hire.	Zero, grew our own	3	1	1	
Between 601 and 1200 students	We are struggling to meet the requirements of one counselor for every 300 students.	0	2	1	1	We have two applicants for a school counselor for next school year. One of the applicants (if hired) would take from a neighboring school district. We share resources with a local REA to help with school psychologist needs but with such high demand, she is only able to fulfill testing needs. We have a grant program that helps with behavior/mental health needs through telehealth, but students in this program first have to submit for payment through their family insurance.
Less than 300 students	We are struggling to meet the requirements of one counselor for every 300 students.	0	1	3	3	
Less than 300 students	We are struggling to meet the requirements of one counselor for every 300 students.	I don't remember/wasn't with the school or district.	1	1	1	
Between 301 and 600 students	We have met our counselor needs but are concerned for the future if we need to hire.	1 to 3	4	1	1	
Less than 300 students	We have met our counselor needs but are concerned for the future if we need to hire.	0, we had to recruit a person and pay for their training. We also cooperated with another district for services in the mean time.	1	3	4	We utilize the Village Family Service Center now once a week and will be adding Avera Telehealth services for behavioral and mental services next year to fill in gaps.
Between 601 and 1200 students	We are struggling to meet the requirements of one counselor for every 300 students.	4 to 6	3	2	1	We need a .16 counselor to meet the requirements of the law. Another district needs .32. If we have to combine, it spreads people between districts and defeats the purpose of the position. It is bad policy.
Less than 300 students	We have met our counselors needs.	I don't remember/wasn't with the school or district.	4	2	3	While we are technically meeting the requirements for school counselors, we are not meeting the need for counseling services (career, academic, personal/social). We are working on how to address that, but current cuts to our funding and proposed funding is limiting our ability to find room in our budget to do so. Like every school, there are so many counseling needs.
Over 1200 students	We are struggling to meet the requirements of one counselor for every 300 students.	0	1	2	3	We have been unable to fill open guidance counselor positions the last two school years due to the lack of qualified and licensed applicants in this area.
Less than 300 students	We are sharing a counselor with another school/district.	0	3	4	2	
Less than 300 students	We have met our counselors needs.	I don't remember/wasn't with the school or district.	4	1	2	
Over 1200 students	We are struggling to meet the requirements of one counselor for every 300 students.	0	1	3	1	
Between 301 and 600 students	We have met our counselor needs but are concerned for the future if we need to hire.	1 to 3	1	1	1	
Less than 300 students	We have met our counselor needs but are concerned for the future if we need to hire.	0	4	3	4	
Less than 300 students	We have met our counselor needs but are concerned for the future if we need to hire.	1 to 3	1	1	2	We have a school counselor but does not have the skill set to actual do one on one counseling. Social workers in our area are spread thin and don't deal with attendance. I would like to see counseling for all students.
Less than 300 students	We are sharing a counselor with another school/district.	1 to 3	2	1	1	Mental health is still a problem with all our students and there isn't enough support in school or out.

Less than 300 students	We are struggling to meet the requirements of one counselor for every 300 students.	I don't remember/wasn't with the school or district.	1	2	2	
Less than 300 students	We are sharing a counselor with another school/district.	1 to 3	4	4	4	I am lucky that we are a state school and have staff in other capacities that are able to help us. And CREA is a blessing to share counseling services with.
Less than 300 students	We have met our counselors needs.	1 to 3	4	3	3	
Less than 300 students	We have met our counselors needs.	0	4	3	3	The last time we had a counselor opening, we convinced someone in the community with a psychology degree to get a provisional license and begin the course work to get her masters in school counseling. If that hadn't happened, we would likely be without a school counselor right now. We have several students who we would like to provide with counseling services, but we don't have qualified personnel to provide the service.
Between 601 and 1200 students	We have met our counselors needs.	1 to 3	4	4	4	
Less than 300 students	We have met our counselors needs.	We contract with CREA	4	2	3	
Between 301 and 600 students	We have met our counselors needs.	1 to 3	4	3	2	
Over 1200 students	We are struggling to meet the requirements of one counselor for every 300 students.	The only candidates were those trying to start plans of study or people from other fields seeing if they could get credentialed.	1	4	1	We have been unable to fill three school counseling positions from last year. Our School Psych shortages have been ongoing for several years and we added remote psych's this year. Retention in the mental health field is also a concern. We are losing school counselors due to stress, burnout and higher paying opportunities. For suggestions, a grow your own program or loan forgiveness could help. Counseling programs require 60 credits and most MA Education programs are around 32, but they start at the same level of pay. We need to find ways to entice educators to re-certify or pull in more undergrad applicants into the field.
Less than 300 students	We have met our counselors needs.	1 to 3	1	3	3	We are currently working with our neighboring districts to possibly hire a shared Behavioral Health Specialist
Over 1200 students	We are struggling to meet the requirements of one counselor for every 300 students.	I don't remember/wasn't with the school or district.	2	2	1	
Between 301 and 600 students	We are struggling to meet the requirements of one counselor for every 300 students.	I don't remember/wasn't with the school or district.	4	3	4	
Less than 300 students	We are sharing a counselor with another school/district.	I don't remember/wasn't with the school or district.	3	3	1	We share our K-12 counselor with Wyndmere (She is here on campus 3x/wk) and we contract with Sanford Health for a counselor on Thursdays from 8-12 weekly.
Between 601 and 1200 students	We are sharing a counselor with another school/district.	0	1	1	2	
Over 1200 students	We are struggling to meet the requirements of one counselor for every 300 students.	1 to 3	4	2	1	
Less than 300 students	We are sharing a counselor with another school/district.	The counselor is hired through our career and tech center - not sure how many applicants.	2	3	2	
Less than 300 students	We have met our counselors needs.	CREA hires for us	4	4	4	We depend on CREA for help in these areas.
Less than 300 students	We have met our counselors needs.	1 to 3	4	3	1	
Less than 300 students	We are sharing a counselor with another school/district.	0	3	3	2	
Less than 300 students	We are sharing a counselor with another school/district.	0	3	3	3	Edmore utilizes HOPE Counseling services out of Moorhead, MN. We utilize Zoom for both group counseling and also therapy counseling. Our bill from them my exceed \$40K this year but it is our only option as we don't receive any applicants for Edmore. We are pleased with the services they provide.
Less than 300 students	We have met our counselor needs but are concerned for the future if we need to hire.	I don't remember/wasn't with the school or district.	1	3	4	
Between 601 and 1200 students	We have met our counselor needs but are concerned for the future if we need to hire.	1 to 3	4	2	2	Since the return to "in person" learning, we have seen a lot of increased inability of our kids to get along with one another. This is translating into more office interventions, and restorative processes seem to be inadequate in trying to help the situations. In addition, we are seeing more students with anxiety, depression, anger management issues, etc, so as to make navigating the school day a real issue for them. Would there ever be call for schools to consolidate their funds to hire a clinical counselor or therapist, much like a multi-district special services unit for mental health? Would the state consider helping with something like that?

Between 601 and 1200 students	We are struggling to meet the requirements of one counselor for every 300 students.	0	1	1	1	We need pathways to support those going into these professions and alternative additional compensation packages to compete with private practice. Our district general fund dollars do not suffice so any state compensation pre or post hire would be well received. Thank you for advocating -- mental / behavioral health complexities have exploded these past few years like never before.
Over 1200 students	We have met our counselor needs but are concerned for the future if we need to hire.	1 to 3	1	2	1	
Less than 300 students	We have met our counselor needs but are concerned for the future if we need to hire.	1 to 3	2	1	3	
Less than 300 students	We have met our counselor needs but are concerned for the future if we need to hire.	I don't remember/wasn't with the school or district.	1	4	4	
Less than 300 students	We are struggling to meet the requirements of one counselor for every 300 students.	1 to 3	1	4	4	Allow for the language to be changed in NDCC so we can use local providers.
Less than 300 students	We have met our counselors needs.	1 to 3	4	1	1	
Less than 300 students	We have met our counselor needs but are concerned for the future if we need to hire.	0	3	2	1	
Less than 300 students	We have met our counselors needs.	I don't remember/wasn't with the school or district.	4	3	1	
Less than 300 students	We have met our counselors needs.	I don't remember/wasn't with the school or district.	2	3	1	
Less than 300 students	We have met our counselors needs.	0	1	1	1	We partner with Dakota Family Services but future sustainability is going to be our biggest struggle. Students also need parent permission to see outside entities which makes it extremely difficult to get students the help they need if parents are in denial.

23.0993.02001
Title.

Prepared by the Legislative Council staff for
Representative Schreiber-Beck
March 7, 2023

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2340

Page 1, line 15, after "3." insert "The duties of a school counselor under this section include the academic advisement and appraisal of students, career preparation and advisement of students, assisting in the orientation of new students, interpreting aptitude and achievement tests, providing short-term individual and group counseling sessions to students, presenting age-appropriate school counseling lessons to students, interpreting student records, collaborating with teachers on building classroom connections, collaborating with school administration to identify student issues and needs, advocating for students, and analyzing disaggregated schoolwide data. The duties may not include assessment administration, clerical responsibilities, or other administrative duties.

4."

Page 1, line 17, overstrike "4." and insert immediately thereafter "5."

Page 1, remove lines 22 through 24

Page 2, remove lines 1 through 7

Renumber accordingly

23.0993.02002
Title.

Prepared by the Legislative Council staff for
Representative Timmons
March 8, 2023

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2340

Page 1, line 2, after "counselors" insert "; to provide an expiration date; and to declare an emergency"

Page 2, after line 7, insert:

"SECTION 2. EXPIRATION DATE. This Act is effective through August 1, 2027, and after that date is ineffective.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly