

# SENATE BILL REPORT

## SSB 5030

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As Amended by House, April 7, 2021

**Title:** An act relating to developing comprehensive school counseling programs.

**Brief Description:** Developing comprehensive school counseling programs.

**Sponsors:** Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Mullet, Wellman, Conway, Darneille, Hasegawa, Kuderer, Liias, Lovelett, Nguyen, Rivers, Salomon and Wilson, C.).

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 1/13/21, 1/20/21 [DPS].

**Floor Activity:** Passed Senate: 2/23/21, 48-1.

Passed House: 4/7/21, 82-16.

### Brief Summary of First Substitute Bill

- Requires school districts to develop and implement a written plan for a comprehensive school counseling program by the beginning of the 2022-23 school year.
- Requires school counselors to implement the plan and spend at least 80 percent of their work time providing direct and indirect services to students.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** That Substitute Senate Bill No. 5030 be substituted therefor, and the substitute bill do pass.

Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier, Hunt, McCune, Mullet and Pedersen.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Alexandra Fairfortune (786-7416)

**Background:** School counselors develop and lead comprehensive guidance and counseling programs that focus on the academic, career, personal, and social needs of all students. Along with school psychologists and school social workers, school counselors are involved in multitiered systems of support for academic and behavioral skills. Together, this group also focuses on student mental health, works with at-risk and marginalized students, performs risk assessments, and collaborates with mental health professionals to promote student achievement and create a safe learning environment. State law encourages, where possible, responsibilities such as data input and tracking, to be handled by non-licensed, non-certified staff to provide time for counselors to prioritize activities requiring direct student contact.

**Summary of First Substitute Bill:** Each school district must develop and implement a written plan for a comprehensive school counseling program by the beginning of the 2022-23 school year. The school counseling program must be based on regularly updated standards developed by a national organization representing school counselors.

Written Plan. The written plan must:

- establish a comprehensive school counseling program that uses state and nationally recognized counselor frameworks and is systemically aligned to state learning standards;
- provide a process for identifying student needs through a multilevel school data review and analysis that includes, at a minimum, use-of-time data; program results data; and data regarding communication with administrators, parents, students, and stakeholders;
- explain how direct and indirect services will be delivered through the comprehensive school counseling program; and
- establish an annual review and assessment process for the comprehensive school counseling program that includes building administrators and stakeholders.

Plan Implementation. The written plan must be implemented by school counselors, who must spend at least 80 percent of their work time providing direct and indirect services to benefit students. Tasks such as coordinating and monitoring student testing, supervising students at lunch and recess, and assuming the duties of other non-counseling staff are not direct or indirect services.

Direct services are in-person interactions between school counselors and students that help students improve achievement, attendance, and discipline. Examples include instruction, appraisal, advisement, and counseling. Indirect services are provided on behalf of students as a result of the school counselor's interactions with others. Examples include collaboration, consultation, and referrals.

Work time is defined as the portion of an employee's contracted hours for which they are

contracted to perform the duties of a school counselor.

**Guidance and Transition.** By December 1, 2021, the Office of the Superintendent of Public Instruction, in collaboration with a nonprofit organization representing school directors, must develop and distribute policy guidance for school districts developing and implementing a written plan.

Prior to the 2022-23 school year, each school district board of directors must, within existing funds, develop a transition plan for developing and implementing the comprehensive school counseling program plan.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: The Senate passed this bill last year. The basic goal is to make sure the school counselors with their educational backgrounds are able to perform the duties of school counselors at least 80 percent of the time. During this time of unrest, teachers need to know they will have full access to counselors to help them address trauma and mental health needs. This bill will protect the highly valuable time of school counselors, giving schools as much capacity as possible to respond to these needs. Certain job duties will need to be assigned to more appropriate staff, which highlights the need for increased staff in support roles. Leaving 20 percent of time open recognizes the need for flexibility in the school building.

CON: This bill assumes every school will have a full time counselor, which is not the case. More counselors need to be funded so they aren't stretched so thin, and the state should focus on that first. Small, rural districts need flexibility as counselors often serve multiple roles. This provides an unfunded mandate for schools. It also requires the use of national standards which takes away from local control and priorities. Districts should be able to amend standards in accordance with their needs.

OTHER: Professional Educator Standards Board has already defined school counselor competencies, so that portion of the bill should be removed. Students with disabilities should be specifically identified in the bill for extra support.

**Persons Testifying:** PRO: Nita Hill, Washington School Counselors Association; Debi Doyle, Elementary School Counselor; Erin Lipsker, citizen; Anna Armstrong, Director of Education for the Kalispel Tribe; Virginia Barry, Stand for Children Policy and

Government Affairs Manager; Lucinda Young, Washington Education Association; Laurie Weidner, Professional Educator Standards Board; Megan LaPalm, Washington Office of Superintendent of Public Instruction.

CON: Gary Wilson, citizen; Beth Daranciang, citizen; Timothy Ames, Medical Lake School District No. 326; Jim Kowalkowski, Davenport School District & Rural Ed. Center.

OTHER: Adrienne Stuart Stuart, Developmental Disabilities Council.

**Persons Signed In To Testify But Not Testifying:** PRO: Diana Stadden, The Arc of Washington State.

CON: Sharon Hanek, citizen; Dawn Land, citizen; Vicki Trudel, citizen.

**EFFECT OF HOUSE AMENDMENT(S):**

- Allows comprehensive school counseling programs to be implemented by Educational Staff Associates (ESAs) in addition to school counselors, and changes references and requirements throughout the bill accordingly.
- Removes the requirement that OSPI collaborate with a nonprofit organization representing school directors when developing guidance on counseling programs and plans.
- Requires OSPI, when developing guidance, to: (1) consult with small school districts; and (2) Develop guidance for small school districts that is appropriate for the staffing resources, school counselor to student ratios, and range of duties performed by school counselors and ESAs in small school districts.
- Requires school district boards of directors to "adopt" rather than "develop" transition plans, and changes "social and emotional learning" to "social-emotional learning."