



## North Dakota School Counselor Association

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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,

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