

Chairman Heinert & Members of the House Education Committee:

For the record, my name is April Foth. As Past President of the North Dakota School Counselor's Association and school counselor of 15 years, I am here today to ask for a DO NOT PASS as written on HB 1449.

Just before this bill was introduced, Angel Lindseth, our current association President, and I met virtually with NDCEL to discuss this bill. We were able to find agreement with a couple minor amendments and were ready to support this bill as per that discussion and collaboration on the bill sent to us to review. However, upon reading the bill that was actually introduced, there were a number of changes from the bill we reviewed and discussed previously. This impacted our readiness to support this bill which why we are here today urging a DO NOT PASS as written testimony. We would propose the following amendments to return the language of this bill back to what was agreed upon between us and NDCEL.

Proposed Amendment 1: Subsection 1 (page 1 lines 7-9), there had been no change in this language when we met with NDCEL. The bill that was introduced changed the language from must to shall and added make a reasonable effort. This portion of the bill has been in effect since 2009 and there has not been much concern over this requirement at the 7-12 level. With Career Advisors being able to help fill up to 1/3 of the full-time equivalency requirement, we see no reason for a change to the language here and urge the following language for subsection 1:

1. ~~Beginning with the 2010-11 school year, each A~~ school district must ~~shall make a reasonable effort to~~ have available one full-time equivalent school counselor for every three hundred students in grades seven through twelve.

Proposed Amendment 2: Subdivisions a, b & c of subsection 5 (page 1 lines 21-22 & page 2 lines 1-4), the language of the bill we reviewed with NDCEL utilized active tense, whereas the bill in front of you is in past tense. From our standpoint, it is imperative that we maintain the active tense to ensure districts continue to actively recruit qualified school counselors until one can be secured. The past tense language insinuates that as long as districts have tried to fill positions, they have met the requirement. It is not clear whether or not they need to continue such efforts. Therefore, we urge the following language for Subsection 5, subdivisions a, b & c:

5. The annual requirement under subsection 1 or 2 is met if the school district is:
 - a. Actively recruited and attempted ~~recruiting and attempting~~ to hire the requisite number of qualified school counselors or career advisors;
 - b. ~~Explored~~ Exploring alternative methods to temporarily meet student needs if until a full-time school counselor position was not can be filled, including shared services agreements with other districts, contracted services, or virtual counseling options; and
 - c. ~~Documented~~ Documenting all the actions taken annually under subdivisions a and b to meet the requirement under subsections 1 and 2.

Proposed Amendment 3: Subsection 6 (page 2 lines 5-6). Our understanding is that even though there are no ramifications for districts when they are unable to find school counselors to fill this requirement, being flagged in the system as uncompliant is still a concern for them. As a possible solution to this concern, we would propose the following language under subsection 6:

6. A school district shall provide annual documentation under subdivision c in their annual report to DPI. If all requirements under subdivisions a and b are met, a district will be considered in compliance with this requirement upon request to any individual the documentation under subsection 5.

In conclusion, we recognize that while there has been an influx of students in our North Dakota school counseling master's degree programs, there are districts that are still struggling to fill their open school counseling positions. It is our goal to work together with NDCEL, district administrators and school boards to meet the needs of the students we collectively serve. In order to do so, we must maintain the integrity of the mental health services and supports available in our schools, which includes student access to school counseling services.

The amendments we propose allow for this by ensuring schools continue efforts to secure the required school counselors for their district. This helps to maintain manageable caseloads for the school counselors of our state, protects comprehensive school counseling programs which ensures that ALL students receive the academic, social-emotional, and career support they need to thrive, and increases retention of the school counselors currently in the profession.

Thank you for your time this morning. We ask that you consider our proposed amendments as you work on this bill to ensure every possible attempt is made to provide ALL our North Dakota students access to the valuable programming that school counselors provide.

Respectfully,
April Foth
North Dakota School Counselor Association
Past President