

February 7, 2025

Dear Chairman Heinert and Education Committee Members,

My name is Heather Berg and I have been a school counselor serving rural public schools in North Dakota for nearly 13 years. I earned my Bachelor's Degree in Psychology at NDSU in 2008 and my Master's Degree in Education for School Counseling from NDSU in 2011. I am employed with North Valley Career and Technical Center in Grafton, ND currently serving grades 7-12 at Valley-Edinburg High School as their school counselor in Edinburg, North Dakota.

**I am submitting testimony IN OPPOSITION of HB 1490** which states that *a school counselor is not authorized to provide services to a student without another faculty member present unless:*

- a. *The school counselor has been evaluated by a licensed psychologist approved by the board;*
- b. *In the professional opinion of the licensed psychologist, the school counselor does not have a psychological condition or impairment rendering the school counselor unable to safely and effectively provide services to a student; and*
- c. *The school counselor provides to the board documentation of the professional opinion of the licensed psychologist under subdivision b in the manner prescribed by the board.*

**I urge you to consider the following:**

1. In order to legally practice as a school counselor in ND:
  - a. School counselors are required to hold a master's degree in counseling, school counseling, or other counseling area from a ND college (out-of-state options are available) or be working towards a master's degree with an approved plan of study by the ND Department of Public Instruction
  - b. submit a background check to the state
  - c. School counselors that are legally licensed in our state have two higher education degrees (bachelor's and master's), hold an educator license, and a school counselor credential. We continue our education each year to uphold our license through the state of North Dakota.
  - d. <https://www.nd.gov/espb/licensure/school-counselor-licensure>
2. North Dakota school counselors are bound to the American School Counselor Association (ASCA) Ethical Standards for School Counselors. ASCA is a national, professional organization supporting school counselors and holds ethical standards for school counselors (see attached document). Our North Dakota School Counseling Association (NDSCA) is a state division of ASCA. School counselors have unique qualifications and skills to implement a comprehensive school counseling program that addresses pre-K-12 students' academic, career and social/emotional development needs. School counselors are leaders, advocates, collaborators and consultants who create systemic change to ensure equitable educational outcomes through the school counseling program (ASCA page 1).
3. School counselors also follow ACA (American Counseling Association) Code of Ethics. ACA is a national, professional organization that supports all professional counselors (including psychologists and school counselors) in the United States. ACA and ASCA code of ethics both explicitly state confidentiality rights for students/clients. **HB 1490 directly conflicts with student rights to confidentiality during counselor-student professional relationships.**

Two core professional values (found on ACA page 3) are safeguarding the integrity of the counselor-client relationship and practicing in a competent and ethical manner. These two core values are the foundation of professional counseling-student relationships. We must earn the trust of our students and be able to keep their shared information confidential (unless legally obligated to report in cases such as abuse, neglect, self-harm/suicide ideation, etc.). If there is a faculty member required to be present for every conversation, how likely are students going to share what they really need/want to talk about? You cannot guarantee those faculty members will keep that shared information confidential. School counselors are the only

educators in our schools that have this unique confidentiality capability. The school counselors in our schools already have some of the most training, education, and certifications earned BEFORE they step foot in their contracted schools. Can you say the same of the other faculty members (such as administrators, teachers, paraprofessionals, teacher's aides, office staff, etc.) that would be allowed to sit in privileged counselor-student meetings? Confidentiality is further defined and discussed with client (student) rights on pages 6-7 of the ACA Code of Ethics as well as the ASCA Ethical Standards on page two.

I will also reference ND Century Code 31-01-06.1. *Counselors shall be immune from disclosing information given by pupils. For the purpose of counseling in a school system, any elementary or secondary school counselor possessing a valid North Dakota guidance credential from the department of public instruction, and who has been duly appointed a counselor for a school system by its proper authority, shall be legally immune from disclosing any privileged or confidential communication made to such counselor in a counseling interview. Such communication shall be disclosed when requested by the counselee.* This ND law exists for a reason. If HB 1490 passes, how can we guarantee students' confidentiality? We will not be able to. Students will not feel comfortable taking to their school counselor if we have to run and get a random faculty member to sit down with us in order to have a conversation.

4. School counselors already have a duty to their own professional responsibility as outlined on pages 8-9 of the ACA Code of Ethics. Under C.2.g Impairment, counselors monitor themselves for signs of impairment from their own physical, mental, or emotional problems and refrain from offering or providing professional services when impaired. ASCA's Ethical Standards on page 8 also reinforce a school counselor's responsibility to their own self-care. Further accountability of limiting oneself from their professional duties should be dealt with at the local level between that individual, their administrative team, and the school board when necessary. All employees within a school system should have their own level of accountability when working with students of any age. This bill singles out school counselors. We are not the only staff members working with students in 1-to-1 situations.

In summary, HB 1490 should not go any further. School counselors in North Dakota are already highly educated and licensed professionals. We should not be subject to a psychological evaluation in order to do the job we are already highly trained to do. I understand that this bill is trying to protect our children. Everyone working in a school should have the students' best interest at heart. There should not be any risk of harm, especially when parents and guardians ensure their trust in the people working with their children at school. Any concerns for any individuals working in a school should be dealt with at the local level by that school's administration and school board. Please do not target school counselors with this bill. We are in our positions to help our students succeed in the best way possible. **I strongly urge you to vote NO on HB 1490.**

Thank you for your consideration. I will now stand for questions.



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