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House Education Committee  
Chairman Pat D. Heinert

Subject: Opposition to House Bill 1490

Dear Chairman Heinert and Members of the House Education Committee,

I am writing as the President of the North Dakota Counseling Association (NDCA) to express my strong opposition to House Bill 1490, which seeks to mandate psychological evaluations for school counselors as a condition of their employment. While the intent of this bill may be to ensure student safety and professional integrity, it presents significant ethical, logistical, and workforce-related concerns.

As organization representing professional school, mental health and career development counselors across the state, the North Dakota Counseling Association has taken an official stance opposing House Bill 1490. Our association stands firmly in support of ethical, evidence-based policies that enhance the counseling profession and protect students—this bill does neither. We urge the committee to reject this legislation and instead focus on strengthening, rather than undermining, the school counseling profession in North Dakota.

The proposed requirement for psychological evaluations is inconsistent with the ethical codes of both the American School Counselor Association (ASCA) and the American Counseling Association (ACA):

- ASCA Ethical Standards for School Counselors emphasize that school counselors must abide by professional competence and continuous self-monitoring, ensuring they seek personal counseling or supervision when needed rather than being subject to mandated evaluations without cause.
- ACA Code of Ethics (Section C.2.g.) states that counselors must only be evaluated based on professional conduct, competence, and adherence to ethical standards—not assumptions about mental health status.
- Implementing this bill without evidence-based concerns or a direct performance issue contradicts the foundational principles of professional autonomy and self-regulation in the counseling field.

Our state already faces a severe shortage of school counselors, making it difficult for students to receive timely and adequate support. Adding unnecessary barriers—such as mandated psychological evaluations—would likely discourage qualified professionals from entering or remaining in the field. The result would be increased caseloads for remaining counselors, negatively impacting the very students this bill aims to protect.

Legislation should be based on systemic issues, not isolated events. The case that prompted this bill is not representative of the profession as a whole, and broad mandates based on outliers are neither effective nor justified. The existing licensing process, ethical oversight, and employer-based performance evaluations already ensure that counselors who are unfit for practice are properly addressed.

House Bill 1490 is unnecessary, unethical, and impractical. The North Dakota Counseling Association and its Governing Council stand united in opposition to this bill. North Dakota's focus should be on supporting and retaining school counselors, not creating unfounded barriers that further strain the profession. I strongly urge the committee to oppose this bill and instead consider solutions that strengthen the existing counseling workforce to benefit North Dakota students.

Thank you for your time and consideration. Please feel free to contact me at [counselorluebke@gmail.com](mailto:counselorluebke@gmail.com) if you have any questions.

Sincerely,  
Danielle Luebke  
President, North Dakota Counseling Association