

North Dakota Legislative Assembly
600 E Boulevard Ave
Bismarck, ND 58505

Opposition to House Bill 1490 – Psychological Evaluations for School Counselors

Dear Members of the North Dakota Legislative Assembly

I am writing to express my strong opposition to House Bill No. 1490, which proposes a psychological evaluation requirement for school counselors as a condition for providing services to students. As a professional school counselor with 14 years of experience, I have dedicated my career to supporting the academic, social-emotional, and post-secondary development of students. I have also served in leadership roles with the North Dakota School Counselor Association, advocating for the well-being of both students and counselors across the state.

While I fully support efforts to ensure the safety and well-being of students, this bill is both misguided and harmful to the integrity the school counseling profession. Here are several key reasons for my opposition:

1. Unnecessary and Redundant Requirements and Oversight

Licensed school counselors are already subject to rigorous ethical standards, training, and ongoing professional development to maintain licensure. Requiring a psychological evaluation every two years for counselors, to simply perform their duties, creates an unnecessary burden on both counselors and the educational system. School counselors are highly trained professionals who are already entrusted with the responsibility of working with students in a variety of sensitive and complex situations. The addition of this requirement implies a lack of trust in our expertise and undermines our professional judgment. House Bill 1490 also undermines school and district administration's ability to recognize concerns with their staff and appropriately address those concerns.

2. Impact on Student Support

The bill's provision requiring another faculty member to be present when counselors are working with students, unless the counselor undergoes a psychological evaluation, can potentially disrupt the important one-on-one counseling relationships that are essential to student success. The therapeutic relationship between a counselor and a student is foundational to providing meaningful support. Requiring another faculty member to be present could inadvertently compromise the confidentiality, trust, and effectiveness of these interactions, ultimately diminishing the support students receive. Additionally, requiring another faculty member to be present creates an unnecessary and logistically complicated strain on already limited school resources.

3. Lack of Clarity and Fairness

The language in the bill lacks clarity regarding how the evaluations will be conducted, the standards by which they will be assessed, and how these evaluations will affect the counselor's ability to perform their duties. There is a concern that this could lead to subjective judgments about a counselor's fitness, creating an inequitable and inconsistent process across the state. Given that school counselors already undergo continuous professional training, the imposition of a psychological evaluation by an external party adds a layer of potential bias and subjectivity that is not conducive to professional growth nor student benefit.

4. The Undermining of School Counselor Professionalism

School counselors are committed to upholding the highest ethical and professional standards. Adherence to our ethical code is fundamental to the school counselor role, which already has checks and balances.

This bill casts doubt on the professionalism of counselors across North Dakota by suggesting that we are inherently incapable of performing our duties without external evaluation. This perception is not only disrespectful but also demoralizing to a profession that works tirelessly to meet the needs of students.

5. Potential for Increased Attrition in the Profession

North Dakota is already facing a shortage of school counselors, and this bill could exacerbate the problem. The demand for psychological evaluations every two years will create an undue financial and logistical burden on counselors, potentially leading to burnout or, worse, forcing some to leave the profession or the state entirely. In a time when schools are struggling to fill positions, this bill risks driving away experienced professionals who are already under pressure to serve large caseloads with limited resources.

6. Strain to North Dakota's Psychological and Mental Health Resources

This bill is shortsighted and fails to recognize that North Dakota has a significant shortage of mental health professionals. Psychologists and mental health professionals in our state have waitlists that are months long for individuals that truly need mental health treatment and care. The requirement that this bill would impose, places a strain on these resources which will create waitlists significantly longer for those individuals as there are well over 300 school counselors in the state. House bill 1490 would place an undue burden on not only school counselors and the districts in which they work, but also on our community mental health providers.

7. Lack of Funding

Notably, this bill lacks a fiscal note. The lack of funding implies that school counselors or districts must fund these unnecessary and unwarranted bi-annual psychological evaluations. Are school counselors expected to pay toward their deductible for this service? Districts? The state (ie. taxpayers)? Who pays for the additional staff person when school counselors forgo the evaluation and choose the alternate route of having another staff person present? Ultimately, taxpayers will. Personally, I can see upwards of a dozen (or more) students each day which means I would require another full-time staff person to sit in my office much of the day. Will that additionally staff member be required to undergo the psychological evaluation to ensure that they are of sound mind to oversee the work of a professional school counselor?

8. Unwarranted Attack on School Counselors

There are numerous roles in schools that work individually (1:1) with children as frequently as, if not more frequently than, counselors. Some of these roles in education include coaches, athletic trainers, advisors, paraprofessionals, teachers, and administrators. In our communities: youth pastors, ministers, employers, medical professionals, mental health professionals, group home staff, juvenile corrections and probation officers, and countless others. In each of these roles, professionals are entrusted to spend a significant amount unsupervised time with youth, yet none of these professions are targeted by House Bill 1490 and expected to undergo a psychological evaluation to perform the essential function of their roles. Because of this, it seems apparent that school counselors are being specifically targeted without warrant.

I urge you to reject this bill, as it has the potential to damage the very fabric of our educational system, hinder the efforts of counselors who are deeply committed to student success, and exacerbate the current shortage of counselors in our state.

Thank you for your time and attention to this important issue. I remain committed to working alongside

my colleagues to ensure that our students continue to receive the support and guidance they deserve, but I ask that you respect the expertise, integrity, and professionalism of the school counseling field in your legislative decisions.

Sincerely,

Liz Kappel, MS, NCC

Licensed Professional School Counselor

Nationally Certified Counselor