

2025 HOUSE EDUCATION

HB 1490

2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1490
2/11/2025

Relating to required psychological evaluations for school counselors.

9:31 a.m. Chairman Heinert called the hearing to order.

Members Present: Chairman Heinert, Vice Chairman Schreiber- Beck, Representatives, Conmy, Hager, Hatlestad, Hauck, Heilman, Jonas, Longmuir, Maki, Marchall, Morton, Novak, Osowski

Discussion Topics:

- Ethics
- Proper evaluations for school counselors
- The importance of counseling
- Cost of further evaluations

9:31 a.m. Representative Vigesaa introduced the bill.

9:33 a.m. Ivan Berg, ND Resident, testified in favor and submitted testimony. #37047

9:39 a.m. Katherine Terras, ND Resident, testified in favor and submitted testimony. #36986

9:43 a.m. Whitney Hofar, Counselor, Dickinson Public School, testified in opposition and submitted testimony. #36266

9:49 a.m. Angel Lindseth, President, ND SCA, testified in opposition and submitted testimony. #36828

9:57 a.m. Heather Berg, Counselor, Valley-Edinburg High School, testified in opposition and submitted testimony. #36303, #36304, #36305

10:07 a.m. Danielle Giesler, Counselor, Jamestown Middle School, testified in opposition and submitted testimony. #36970

Additional written testimony:

#36262, #36312, #36328, #36439, #36493, #36538, #36571, #36575, #36589, #36614, #36621, #36629, #36704, #36718, #36780, #36802, #36814, #36815, #36867, #36899, #36901, #36926, #36927, #36944, #36956, #36520, #36794, #36834, #36990

10:12 a.m. Chairman Heinert closed the hearing.

Addison Randazzo for Leah Kuball, Committee Clerk

Testimony in Opposition to House Bill 1490

Presented to the House Education Committee

North Dakota Legislative Assembly

Chairperson Heinert, Members of the House Education Committee,

My name is Matt Liebel, and I am writing here today to express my opposition to House Bill 1490, which would require psychological evaluations for school counselors.

School counselors play a vital role in supporting students' academic, social, and emotional well-being. They are highly trained professionals who already undergo rigorous education, certification, and background checks to ensure they are well-qualified to work with students. Mandating psychological evaluations as a condition of their employment places an unnecessary burden on these dedicated professionals, potentially discouraging individuals from entering or remaining in the field.

There is no evidence to suggest that such a requirement would improve student outcomes or school safety. Instead, it adds an additional layer of scrutiny that unfairly singles out counselors, implying a lack of trust in their professional integrity. If the goal is to support counselors in their work, we should be focusing on reducing caseloads, providing adequate resources, and ensuring competitive salaries rather than implementing unnecessary and intrusive evaluations.

At a time when North Dakota is already facing shortages in school mental health professionals, this bill risks further exacerbating the problem. I urge the committee to oppose House Bill 1490 and instead explore ways to support, not hinder, the important work of school counselors.

Thank you for your time and consideration.

Respectfully submitted,

Matt Liebel

Williston, ND

Good morning legislators,

I am a school counselor in Dickinson with 12 years of experience employed with Dickinson Public Schools. I have many concerns about HB1490. 1490 will require all licensed school counselors in our state to have a psychological evaluation every two years to do our job of counseling students, otherwise, we would need to have another adult supervising us to make sure we are being appropriate and safe with students. This is absurd to me as becoming a school counselor is a lengthy process requiring a master's degree in school counseling (around 50 credit hours) as well as around 1000 hours of internships in school settings at all levels; elementary and secondary school placements. We must apply for both an ND teaching license after taking 5 additional teaching courses, and we must apply for the counselor credential and obtain both to be hired in an ND public school as a counselor. We are required to take an ethics course and sign a code of ethics which we must abide by. Failure to do so may result in a complaint to DPI /ESPB and a loss of our license and school counseling credential. The process of graduating and becoming licensed and credentialed also involves a background check. I feel there are already a lot of safeguards in the system to ensure that school counselors are safe, knowledgeable, and ethical professionals who help ensure students are safe and given opportunities to thrive. That said, any profession can have a "bad apple" who commits misconduct. That is my understanding of why this bill is being proposed, one bad apple. That "bad apple" would not go to a psychological evaluation and disclose their intent for misconduct. this attempt would not work to curb this rare occurrence of unethical and criminal school counselors.

Now, let's talk about how this bill would harm North Dakotans. I see students every day in this job who are struggling with their mental health from the most common depression and anxiety issues to the extreme of hearing voices and experiencing visual hallucinations. I have talked to parents who want to help their children, and they are met with waitlists at every agency they have called trying to get their child an evaluation from a mental health professional. Mental health resources are scarce in North Dakota, and now we are going to require the state's hundreds of licensed professional school counselors to see a mental health professional for an evaluation unnecessarily because of arbitrary law and make it even more difficult for people in need of care to get help.

This bill is also very disrespectful to counselors because we are not the only school employees who work one-on-one with students in private settings. Principals, physical and occupational therapists, speech-language pathologists, social workers,

and school psychologists are all among the many individuals who work one-on-one with kids in school settings, yet this bill just unjustly targets school counselors.

Client-counselor confidentiality is mandated by our ASCA code of ethics. We cannot be ethical school counselors if another adult is in the room with us when students seek us out for counseling services. I am asking you to vote no on this bill. Thank you for your time and consideration of my opinion on this matter.

Sincerely,

Whitney (Fong) Hofer

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.



Heather Berg

7-12 School Counselor
North Valley Career and Technical Center, Grafton, ND
Valley-Edinburg High School, Edinburg, ND

2014 ACA Code of Ethics

As approved by the ACA Governing Council



AMERICAN COUNSELING
ASSOCIATION
counseling.org

Mission

The mission of the American Counseling Association is to enhance the quality of life in society by promoting the development of professional counselors, advancing the counseling profession, and using the profession and practice of counseling to promote respect for human dignity and diversity.

© 2014 by the American Counseling Association.

All rights reserved. *Note:* This document may be reproduced in its entirety without permission for non-commercial purposes only.

Contents

	<i>ACA Code of Ethics Preamble</i>	• 3
	<i>ACA Code of Ethics Purpose</i>	• 3
Section A		
	The Counseling Relationship	• 4
Section B		
	Confidentiality and Privacy	• 6
Section C		
	Professional Responsibility	• 8
Section D		
	Relationships With Other Professionals	• 10
Section E		
	Evaluation, Assessment, and Interpretation	• 11
Section F		
	Supervision, Training, and Teaching	• 12
Section G		
	Research and Publication	• 15
Section H		
	Distance Counseling, Technology, and Social Media	• 17
Section I		
	Resolving Ethical Issues	• 18
	Glossary of Terms	• 20
	Index	• 21

ACA Code of Ethics Preamble

The American Counseling Association (ACA) is an educational, scientific, and professional organization whose members work in a variety of settings and serve in multiple capacities. Counseling is a professional relationship that empowers diverse individuals, families, and groups to accomplish mental health, wellness, education, and career goals.

Professional values are an important way of living out an ethical commitment. The following are core professional values of the counseling profession:

1. enhancing human development throughout the life span;
2. honoring diversity and embracing a multicultural approach in support of the worth, dignity, potential, and uniqueness of people within their social and cultural contexts;
3. promoting social justice;
4. safeguarding the integrity of the counselor–client relationship; and
5. practicing in a competent and ethical manner.

These professional values provide a conceptual basis for the ethical principles enumerated below. These principles are the foundation for ethical behavior and decision making. The fundamental principles of professional ethical behavior are

- *autonomy*, or fostering the right to control the direction of one's life;
- *nonmaleficence*, or avoiding actions that cause harm;
- *beneficence*, or working for the good of the individual and society by promoting mental health and well-being;
- *justice*, or treating individuals equitably and fostering fairness and equality;
- *fidelity*, or honoring commitments and keeping promises, including fulfilling one's responsibilities of trust in professional relationships; and
- *veracity*, or dealing truthfully with individuals with whom counselors come into professional contact.

ACA Code of Ethics Purpose

The *ACA Code of Ethics* serves six main purposes:

1. The *Code* sets forth the ethical obligations of ACA members and provides guidance intended to inform the ethical practice of professional counselors.
2. The *Code* identifies ethical considerations relevant to professional counselors and counselors-in-training.
3. The *Code* enables the association to clarify for current and prospective members, and for those served by members, the nature of the ethical responsibilities held in common by its members.
4. The *Code* serves as an ethical guide designed to assist members in constructing a course of action that best serves those utilizing counseling services and establishes expectations of conduct with a primary emphasis on the role of the professional counselor.
5. The *Code* helps to support the mission of ACA.
6. The standards contained in this *Code* serve as the basis for processing inquiries and ethics complaints concerning ACA members.

The *ACA Code of Ethics* contains nine main sections that address the following areas:

- Section A: The Counseling Relationship
- Section B: Confidentiality and Privacy
- Section C: Professional Responsibility
- Section D: Relationships With Other Professionals
- Section E: Evaluation, Assessment, and Interpretation
- Section F: Supervision, Training, and Teaching
- Section G: Research and Publication
- Section H: Distance Counseling, Technology, and Social Media
- Section I: Resolving Ethical Issues

Each section of the *ACA Code of Ethics* begins with an introduction. The introduction to each section describes the ethical behavior and responsibility to which counselors aspire. The introductions help set the tone for each particular section and provide a starting point that invites reflection on the ethical standards contained in each part of the *ACA Code of Ethics*. The standards outline professional responsibilities and provide direction for fulfilling those ethical responsibilities.

When counselors are faced with ethical dilemmas that are difficult to resolve, they are expected to engage in a carefully considered ethical decision-making process, consulting available resources as needed. Counselors acknowledge that resolving ethical issues is a process; ethical reasoning includes consideration of professional values, professional ethical principles, and ethical standards.

Counselors' actions should be consistent with the spirit as well as the letter of these ethical standards. No specific ethical decision-making model is always most effective, so counselors are expected to use a credible model of decision making that can bear public scrutiny of its application. Through a chosen ethical decision-making process and evaluation of the context of the situation, counselors work collaboratively with clients to make decisions that promote clients' growth and development. A breach of the standards and principles provided herein does not necessarily constitute legal liability or violation of the law; such action is established in legal and judicial proceedings.

The glossary at the end of the *Code* provides a concise description of some of the terms used in the *ACA Code of Ethics*.

Section A

The Counseling Relationship



Introduction

Counselors facilitate client growth and development in ways that foster the interest and welfare of clients and promote formation of healthy relationships. Trust is the cornerstone of the counseling relationship, and counselors have the responsibility to respect and safeguard the client's right to privacy and confidentiality. Counselors actively attempt to understand the diverse cultural backgrounds of the clients they serve. Counselors also explore their own cultural identities and how these affect their values and beliefs about the counseling process. Additionally, counselors are encouraged to contribute to society by devoting a portion of their professional activities for little or no financial return (*pro bono publico*).

A.1. Client Welfare

A.1.a. Primary Responsibility

The primary responsibility of counselors is to respect the dignity and promote the welfare of clients.

A.1.b. Records and Documentation

Counselors create, safeguard, and maintain documentation necessary for rendering professional services. Regardless of the medium, counselors include sufficient and timely documentation to facilitate the delivery and continuity of services. Counselors take reasonable steps to ensure that documentation accurately reflects client progress and services provided. If amendments are made to records and documentation, counselors take steps to properly note the amendments according to agency or institutional policies.

A.1.c. Counseling Plans

Counselors and their clients work jointly in devising counseling plans that offer reasonable promise of success and are consistent with the abilities, temperament, developmental level, and circumstances of clients. Counselors and clients regularly review and revise counseling plans to assess their continued viability and effectiveness, respecting clients' freedom of choice.

A.1.d. Support Network Involvement

Counselors recognize that support networks hold various meanings in the lives of clients and consider enlisting the support, understanding, and involvement of others (e.g., religious/spiritual/community leaders, family members, friends) as positive resources, when appropriate, with client consent.

A.2. Informed Consent in the Counseling Relationship

A.2.a. Informed Consent

Clients have the freedom to choose whether to enter into or remain in a counseling relationship and need adequate information about the counseling process and the counselor. Counselors have an obligation to review in writing and verbally with clients the rights and responsibilities of both counselors and clients. Informed consent is an ongoing part of the counseling process, and counselors appropriately document discussions of informed consent throughout the counseling relationship.

A.2.b. Types of Information Needed

Counselors explicitly explain to clients the nature of all services provided. They inform clients about issues such as, but not limited to, the following: the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services; the counselor's qualifications, credentials, relevant experience, and approach to counseling; continuation of services upon the incapacitation or death of the counselor; the role of technology; and other pertinent information. Counselors take steps to ensure that clients understand the implications of diagnosis and the intended use of tests and reports. Additionally, counselors inform clients about fees and billing arrangements, including procedures for nonpayment of fees. Clients have the right to confidentiality and to be provided with an explanation of its limits (including how supervisors and/or treatment or interdisciplinary team professionals are involved), to obtain clear information about their records, to participate in the ongoing counseling plans, and to refuse any services or modality changes and to be advised of the consequences of such refusal.

A.2.c. Developmental and Cultural Sensitivity

Counselors communicate information in ways that are both developmentally and culturally appropriate. Counselors use clear and understandable language when discussing issues related to informed consent. When clients have difficulty understanding the language that counselors use, counselors provide necessary services (e.g., arranging for a qualified interpreter or translator) to ensure comprehension by clients. In collaboration with clients, counselors consider cultural implications of informed consent procedures and, where possible, counselors adjust their practices accordingly.

A.2.d. Inability to Give Consent

When counseling minors, incapacitated adults, or other persons unable to give voluntary consent, counselors seek the assent of clients to services and include them in decision making as appropriate. Counselors recognize the need to balance the ethical rights of clients to make choices, their capacity to give consent or assent to receive services, and parental or familial legal rights and responsibilities to protect these clients and make decisions on their behalf.

A.2.e. Mandated Clients

Counselors discuss the required limitations to confidentiality when working with clients who have been mandated for counseling services. Counselors also explain what type of information and with whom that information is shared prior to the beginning of counseling. The client may choose to refuse services. In this case, counselors will, to the best of their ability, discuss with the client the potential consequences of refusing counseling services.

A.3. Clients Served by Others

When counselors learn that their clients are in a professional relationship with other mental health professionals, they request release from clients to inform the other professionals and strive to establish positive and collaborative professional relationships.

A.4. Avoiding Harm and Imposing Values

A.4.a. Avoiding Harm

Counselors act to avoid harming their clients, trainees, and research participants and to minimize or to remedy unavoidable or unanticipated harm.

A.4.b. Personal Values

Counselors are aware of—and avoid imposing—their own values, attitudes, beliefs, and behaviors. Counselors respect the diversity of clients, trainees, and research participants and seek training in areas in which they are at risk of imposing their values onto clients, especially when the counselor's values are inconsistent with the client's goals or are discriminatory in nature.

A.5. Prohibited Noncounseling Roles and Relationships

A.5.a. Sexual and/or Romantic Relationships Prohibited

Sexual and/or romantic counselor–client interactions or relationships with current clients, their romantic partners, or their family members are prohibited. This prohibition applies to both in-person and electronic interactions or relationships.

A.5.b. Previous Sexual and/or Romantic Relationships

Counselors are prohibited from engaging in counseling relationships with persons with whom they have had a previous sexual and/or romantic relationship.

A.5.c. Sexual and/or Romantic Relationships With Former Clients

Sexual and/or romantic counselor–client interactions or relationships with former clients, their romantic partners, or their family members are prohibited for a period of 5 years following the last professional contact. This prohibition applies to both in-person and electronic interactions or relationships. Counselors, before engaging in sexual and/or romantic interactions or relationships with former clients, their romantic partners, or their family members, demonstrate forethought and document (in written form) whether the interaction or relationship can be viewed as exploitive in any way and/or whether there is still potential to harm the former client; in cases of potential exploitation and/or harm, the counselor avoids entering into such an interaction or relationship.

A.5.d. Friends or Family Members

Counselors are prohibited from engaging in counseling relationships with friends or family members with whom they have an inability to remain objective.

A.5.e. Personal Virtual Relationships With Current Clients

Counselors are prohibited from engaging in a personal virtual relationship with individuals with whom they have a current counseling relationship (e.g., through social and other media).

A.6. Managing and Maintaining Boundaries and Professional Relationships

A.6.a. Previous Relationships

Counselors consider the risks and benefits of accepting as clients those with whom they have had a previous relationship. These potential clients may include individuals with whom the counselor has had a casual, distant, or past relationship. Examples include mutual or past membership in a professional association, organization, or community. When counselors accept these clients, they take appropriate professional precautions such as informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no exploitation occurs.

A.6.b. Extending Counseling Boundaries

Counselors consider the risks and benefits of extending current counseling relationships beyond conventional parameters. Examples include attending a client's formal ceremony (e.g., a wedding/commitment ceremony or graduation), purchasing a service or product provided by a client (excepting unrestricted bartering), and visiting a client's ill family member in the hospital. In extending these boundaries, counselors take appropriate professional precautions such as informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no harm occurs.

A.6.c. Documenting Boundary Extensions

If counselors extend boundaries as described in A.6.a. and A.6.b., they must officially document, prior to the interaction (when feasible), the rationale for such an interaction, the potential benefit, and anticipated consequences for the client or former client and other individuals significantly involved with the client or former client. When unintentional harm occurs to the client or former client, or to an individual

significantly involved with the client or former client, the counselor must show evidence of an attempt to remedy such harm.

A.6.d. Role Changes in the Professional Relationship

When counselors change a role from the original or most recent contracted relationship, they obtain informed consent from the client and explain the client's right to refuse services related to the change. Examples of role changes include, but are not limited to

1. changing from individual to relationship or family counseling, or vice versa;
2. changing from an evaluative role to a therapeutic role, or vice versa; and
3. changing from a counselor to a mediator role, or vice versa.

Clients must be fully informed of any anticipated consequences (e.g., financial, legal, personal, therapeutic) of counselor role changes.

A.6.e. Nonprofessional Interactions or Relationships (Other Than Sexual or Romantic Interactions or Relationships)

Counselors avoid entering into non-professional relationships with former clients, their romantic partners, or their family members when the interaction is potentially harmful to the client. This applies to both in-person and electronic interactions or relationships.

A.7. Roles and Relationships at Individual, Group, Institutional, and Societal Levels

A.7.a. Advocacy

When appropriate, counselors advocate at individual, group, institutional, and societal levels to address potential barriers and obstacles that inhibit access and/or the growth and development of clients.

A.7.b. Confidentiality and Advocacy

Counselors obtain client consent prior to engaging in advocacy efforts on behalf of an identifiable client to improve the provision of services and to work toward removal of systemic barriers or obstacles that inhibit client access, growth, and development.

A.8. Multiple Clients

When a counselor agrees to provide counseling services to two or more persons who have a relationship, the counselor clarifies at the outset which person or persons are clients and the nature of the relationships the counselor will have with each involved person. If it becomes apparent that the counselor may be called upon to perform potentially conflicting roles, the counselor will clarify, adjust, or withdraw from roles appropriately.

A.9. Group Work

A.9.a. Screening

Counselors screen prospective group counseling/therapy participants. To the extent possible, counselors select members whose needs and goals are compatible with the goals of the group, who will not impede the group process, and whose well-being will not be jeopardized by the group experience.

A.9.b. Protecting Clients

In a group setting, counselors take reasonable precautions to protect clients from physical, emotional, or psychological trauma.

A.10. Fees and Business Practices

A.10.a. Self-Referral

Counselors working in an organization (e.g., school, agency, institution) that provides counseling services do not refer clients to their private practice unless the policies of a particular organization make explicit provisions for self-referrals. In such instances, the clients must be informed of other options open to them should they seek private counseling services.

A.10.b. Unacceptable Business Practices

Counselors do not participate in fee splitting, nor do they give or receive commissions, rebates, or any other form of remuneration when referring clients for professional services.

A.10.c. Establishing Fees

In establishing fees for professional counseling services, counselors consider the financial status of clients and locality. If a counselor's usual fees create undue hardship for the client, the counselor may adjust fees, when legally permissible, or assist the client in locating comparable, affordable services.

A.10.d. Nonpayment of Fees

If counselors intend to use collection agencies or take legal measures to col-

lect fees from clients who do not pay for services as agreed upon, they include such information in their informed consent documents and also inform clients in a timely fashion of intended actions and offer clients the opportunity to make payment.

A.10.e. Bartering

Counselors may barter only if the bartering does not result in exploitation or harm, if the client requests it, and if such arrangements are an accepted practice among professionals in the community. Counselors consider the cultural implications of bartering and discuss relevant concerns with clients and document such agreements in a clear written contract.

A.10.f. Receiving Gifts

Counselors understand the challenges of accepting gifts from clients and recognize that in some cultures, small gifts are a token of respect and gratitude. When determining whether to accept a gift from clients, counselors take into account the therapeutic relationship, the monetary value of the gift, the client's motivation for giving the gift, and the counselor's motivation for wanting to accept or decline the gift.

A.11. Termination and Referral

A.11.a. Competence Within Termination and Referral

If counselors lack the competence to be of professional assistance to clients, they avoid entering or continuing counseling relationships. Counselors are knowledgeable about culturally and clinically appropriate referral resources and suggest these alternatives. If clients decline the suggested referrals, counselors discontinue the relationship.

A.11.b. Values Within Termination and Referral

Counselors refrain from referring prospective and current clients based solely on the counselor's personally held values, attitudes, beliefs, and behaviors. Counselors respect the diversity of clients and seek training in areas in which they are at risk of imposing their values onto clients, especially when the counselor's values are inconsistent with the client's goals or are discriminatory in nature.

A.11.c. Appropriate Termination

Counselors terminate a counseling relationship when it becomes reasonably apparent that the client no longer needs assistance, is not likely to benefit, or is

being harmed by continued counseling. Counselors may terminate counseling when in jeopardy of harm by the client or by another person with whom the client has a relationship, or when clients do not pay fees as agreed upon. Counselors provide pretermination counseling and recommend other service providers when necessary.

A.11.d. Appropriate Transfer of Services

When counselors transfer or refer clients to other practitioners, they ensure that appropriate clinical and administrative processes are completed and open communication is maintained with both clients and practitioners.

A.12. Abandonment and Client Neglect

Counselors do not abandon or neglect clients in counseling. Counselors assist in making appropriate arrangements for the continuation of treatment, when necessary, during interruptions such as vacations, illness, and following termination.

Section B

Confidentiality and Privacy

• • •

Introduction

Counselors recognize that trust is a cornerstone of the counseling relationship. Counselors aspire to earn the trust of clients by creating an ongoing partnership, establishing and upholding appropriate boundaries, and maintaining confidentiality. Counselors communicate the parameters of confidentiality in a culturally competent manner.

B.1. Respecting Client Rights

B.1.a. Multicultural/Diversity Considerations

Counselors maintain awareness and sensitivity regarding cultural meanings of confidentiality and privacy. Counselors respect differing views toward disclosure of information. Counselors hold ongoing discussions with clients as to how, when, and with whom information is to be shared.

B.1.b. Respect for Privacy

Counselors respect the privacy of prospective and current clients. Counselors request private information from clients only when it is beneficial to the counseling process.

B.1.c. Respect for Confidentiality

Counselors protect the confidential information of prospective and current clients. Counselors disclose information only with appropriate consent or with sound legal or ethical justification.

B.1.d. Explanation of Limitations

At initiation and throughout the counseling process, counselors inform clients of the limitations of confidentiality and seek to identify situations in which confidentiality must be breached.

B.2. Exceptions

B.2.a. Serious and Foreseeable Harm and Legal Requirements

The general requirement that counselors keep information confidential does not apply when disclosure is required to protect clients or identified others from serious and foreseeable harm or when legal requirements demand that confidential information must be revealed. Counselors consult with other professionals when in doubt as to the validity of an exception. Additional considerations apply when addressing end-of-life issues.

B.2.b. Confidentiality Regarding End-of-Life Decisions

Counselors who provide services to terminally ill individuals who are considering hastening their own deaths have the option to maintain confidentiality, depending on applicable laws and the specific circumstances of the situation and after seeking consultation or supervision from appropriate professional and legal parties.

B.2.c. Contagious, Life-Threatening Diseases

When clients disclose that they have a disease commonly known to be both communicable and life threatening, counselors may be justified in disclosing information to identifiable third parties, if the parties are known to be at serious and foreseeable risk of contracting the disease. Prior to making a disclosure, counselors assess the intent of clients to inform the third parties about their disease or to engage in any behaviors that may be harmful to an identifiable third party. Counselors adhere to relevant state laws concerning disclosure about disease status.

B.2.d. Court-Ordered Disclosure

When ordered by a court to release confidential or privileged information

without a client's permission, counselors seek to obtain written, informed consent from the client or take steps to prohibit the disclosure or have it limited as narrowly as possible because of potential harm to the client or counseling relationship.

B.2.e. Minimal Disclosure

To the extent possible, clients are informed before confidential information is disclosed and are involved in the disclosure decision-making process. When circumstances require the disclosure of confidential information, only essential information is revealed.

B.3. Information Shared With Others

B.3.a. Subordinates

Counselors make every effort to ensure that privacy and confidentiality of clients are maintained by subordinates, including employees, supervisees, students, clerical assistants, and volunteers.

B.3.b. Interdisciplinary Teams

When services provided to the client involve participation by an interdisciplinary or treatment team, the client will be informed of the team's existence and composition, information being shared, and the purposes of sharing such information.

B.3.c. Confidential Settings

Counselors discuss confidential information only in settings in which they can reasonably ensure client privacy.

B.3.d. Third-Party Payers

Counselors disclose information to third-party payers only when clients have authorized such disclosure.

B.3.e. Transmitting Confidential Information

Counselors take precautions to ensure the confidentiality of all information transmitted through the use of any medium.

B.3.f. Deceased Clients

Counselors protect the confidentiality of deceased clients, consistent with legal requirements and the documented preferences of the client.

B.4. Groups and Families

B.4.a. Group Work

In group work, counselors clearly explain the importance and parameters of confidentiality for the specific group.

B.4.b. Couples and Family Counseling

In couples and family counseling, counselors clearly define who is considered "the client" and discuss expectations and limitations of confidentiality. Counselors seek agreement and document in writing such agreement among all involved parties regarding the confidentiality of information. In the absence of an agreement to the contrary, the couple or family is considered to be the client.

B.5. Clients Lacking Capacity to Give Informed Consent

B.5.a. Responsibility to Clients

When counseling minor clients or adult clients who lack the capacity to give voluntary, informed consent, counselors protect the confidentiality of information received—in any medium—in the counseling relationship as specified by federal and state laws, written policies, and applicable ethical standards.

B.5.b. Responsibility to Parents and Legal Guardians

Counselors inform parents and legal guardians about the role of counselors and the confidential nature of the counseling relationship, consistent with current legal and custodial arrangements. Counselors are sensitive to the cultural diversity of families and respect the inherent rights and responsibilities of parents/guardians regarding the welfare of their children/charges according to law. Counselors work to establish, as appropriate, collaborative relationships with parents/guardians to best serve clients.

B.5.c. Release of Confidential Information

When counseling minor clients or adult clients who lack the capacity to give voluntary consent to release confidential information, counselors seek permission from an appropriate third party to disclose information. In such instances, counselors inform clients consistent with their level of understanding and take appropriate measures to safeguard client confidentiality.

B.6. Records and Documentation

B.6.a. Creating and Maintaining Records and Documentation

Counselors create and maintain records and documentation necessary for rendering professional services.

B.6.b. Confidentiality of Records and Documentation

Counselors ensure that records and documentation kept in any medium are secure and that only authorized persons have access to them.

B.6.c. Permission to Record

Counselors obtain permission from clients prior to recording sessions through electronic or other means.

B.6.d. Permission to Observe

Counselors obtain permission from clients prior to allowing any person to observe counseling sessions, review session transcripts, or view recordings of sessions with supervisors, faculty, peers, or others within the training environment.

B.6.e. Client Access

Counselors provide reasonable access to records and copies of records when requested by competent clients. Counselors limit the access of clients to their records, or portions of their records, only when there is compelling evidence that such access would cause harm to the client. Counselors document the request of clients and the rationale for withholding some or all of the records in the files of clients. In situations involving multiple clients, counselors provide individual clients with only those parts of records that relate directly to them and do not include confidential information related to any other client.

B.6.f. Assistance With Records

When clients request access to their records, counselors provide assistance and consultation in interpreting counseling records.

B.6.g. Disclosure or Transfer

Unless exceptions to confidentiality exist, counselors obtain written permission from clients to disclose or transfer records to legitimate third parties. Steps are taken to ensure that receivers of counseling records are sensitive to their confidential nature.

B.6.h. Storage and Disposal After Termination

Counselors store records following termination of services to ensure reasonable future access, maintain records in accordance with federal and state laws and statutes such as licensure laws and policies governing records, and dispose of client records and other sensitive materials in a manner that protects client confidentiality. Counselors apply careful discretion and deliberation before destroying records that may be needed by a court of law, such as notes on child abuse, suicide, sexual harassment, or violence.

B.6.i. Reasonable Precautions

Counselors take reasonable precautions to protect client confidentiality in the event of the counselor's termination of practice, incapacity, or death and appoint a records custodian when identified as appropriate.

B.7. Case Consultation

B.7.a. Respect for Privacy

Information shared in a consulting relationship is discussed for professional purposes only. Written and oral reports present only data germane to the purposes of the consultation, and every effort is made to protect client identity and to avoid undue invasion of privacy.

B.7.b. Disclosure of Confidential Information

When consulting with colleagues, counselors do not disclose confidential information that reasonably could lead to the identification of a client or other person or organization with whom they have a confidential relationship unless they have obtained the prior consent of the person or organization or the disclosure cannot be avoided. They disclose information only to the extent necessary to achieve the purposes of the consultation.

Section C

Professional Responsibility

• • •

Introduction

Counselors aspire to open, honest, and accurate communication in dealing with the public and other professionals. Counselors facilitate access to counseling services, and they practice in a nondiscriminatory manner within the boundaries of professional and personal competence; they also have a responsibility to abide by the *ACA Code of Ethics*. Counselors actively participate in local, state, and national associations that foster the development and improvement of counseling. Counselors are expected to advocate to promote changes at the individual, group, institutional, and societal levels that improve the quality of life for individuals and groups and remove potential barriers to the provision or access of appropriate services being offered. Counselors have a responsibility to the public to engage in counseling practices that are based on rigorous re-

search methodologies. Counselors are encouraged to contribute to society by devoting a portion of their professional activity to services for which there is little or no financial return (*pro bono publico*). In addition, counselors engage in self-care activities to maintain and promote their own emotional, physical, mental, and spiritual well-being to best meet their professional responsibilities.

C.1. Knowledge of and Compliance With Standards

Counselors have a responsibility to read, understand, and follow the *ACA Code of Ethics* and adhere to applicable laws and regulations.

C.2. Professional Competence

C.2.a. Boundaries of Competence

Counselors practice only within the boundaries of their competence, based on their education, training, supervised experience, state and national professional credentials, and appropriate professional experience. Whereas multicultural counseling competency is required across all counseling specialties, counselors gain knowledge, personal awareness, sensitivity, dispositions, and skills pertinent to being a culturally competent counselor in working with a diverse client population.

C.2.b. New Specialty Areas of Practice

Counselors practice in specialty areas new to them only after appropriate education, training, and supervised experience. While developing skills in new specialty areas, counselors take steps to ensure the competence of their work and protect others from possible harm.

C.2.c. Qualified for Employment

Counselors accept employment only for positions for which they are qualified given their education, training, supervised experience, state and national professional credentials, and appropriate professional experience. Counselors hire for professional counseling positions only individuals who are qualified and competent for those positions.

C.2.d. Monitor Effectiveness

Counselors continually monitor their effectiveness as professionals and take steps to improve when necessary. Counselors take reasonable steps to seek peer supervision to evaluate their efficacy as counselors.

C.2.e. Consultations on Ethical Obligations

Counselors take reasonable steps to consult with other counselors, the ACA Ethics and Professional Standards Department, or related professionals when they have questions regarding their ethical obligations or professional practice.

C.2.f. Continuing Education

Counselors recognize the need for continuing education to acquire and maintain a reasonable level of awareness of current scientific and professional information in their fields of activity. Counselors maintain their competence in the skills they use, are open to new procedures, and remain informed regarding best practices for working with diverse populations.

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. They seek assistance for problems that reach the level of professional impairment, and, if necessary, they limit, suspend, or terminate their professional responsibilities until it is determined that they may safely resume their work. Counselors assist colleagues or supervisors in recognizing their own professional impairment and provide consultation and assistance when warranted with colleagues or supervisors showing signs of impairment and intervene as appropriate to prevent imminent harm to clients.

C.2.h. Counselor Incapacitation, Death, Retirement, or Termination of Practice

Counselors prepare a plan for the transfer of clients and the dissemination of records to an identified colleague or records custodian in the case of the counselor's incapacitation, death, retirement, or termination of practice.

C.3. Advertising and Soliciting Clients

C.3.a. Accurate Advertising

When advertising or otherwise representing their services to the public, counselors identify their credentials in an accurate manner that is not false, misleading, deceptive, or fraudulent.

C.3.b. Testimonials

Counselors who use testimonials do not solicit them from current clients, former clients, or any other persons who

may be vulnerable to undue influence. Counselors discuss with clients the implications of and obtain permission for the use of any testimonial.

C.3.c. Statements by Others

When feasible, counselors make reasonable efforts to ensure that statements made by others about them or about the counseling profession are accurate.

C.3.d. Recruiting Through Employment

Counselors do not use their places of employment or institutional affiliation to recruit clients, supervisors, or consultees for their private practices.

C.3.e. Products and Training Advertisements

Counselors who develop products related to their profession or conduct workshops or training events ensure that the advertisements concerning these products or events are accurate and disclose adequate information for consumers to make informed choices.

C.3.f. Promoting to Those Served

Counselors do not use counseling, teaching, training, or supervisory relationships to promote their products or training events in a manner that is deceptive or would exert undue influence on individuals who may be vulnerable. However, counselor educators may adopt textbooks they have authored for instructional purposes.

C.4. Professional Qualifications

C.4.a. Accurate Representation

Counselors claim or imply only professional qualifications actually completed and correct any known misrepresentations of their qualifications by others. Counselors truthfully represent the qualifications of their professional colleagues. Counselors clearly distinguish between paid and volunteer work experience and accurately describe their continuing education and specialized training.

C.4.b. Credentials

Counselors claim only licenses or certifications that are current and in good standing.

C.4.c. Educational Degrees

Counselors clearly differentiate between earned and honorary degrees.

C.4.d. Implying Doctoral-Level Competence

Counselors clearly state their highest earned degree in counseling or a closely related field. Counselors do not imply doctoral-level competence when possessing a master's degree in counseling or a related field by referring to them-

selves as "Dr." in a counseling context when their doctorate is not in counseling or a related field. Counselors do not use "ABD" (all but dissertation) or other such terms to imply competency.

C.4.e. Accreditation Status

Counselors accurately represent the accreditation status of their degree program and college/university.

C.4.f. Professional Membership

Counselors clearly differentiate between current, active memberships and former memberships in associations. Members of ACA must clearly differentiate between professional membership, which implies the possession of at least a master's degree in counseling, and regular membership, which is open to individuals whose interests and activities are consistent with those of ACA but are not qualified for professional membership.

C.5. Nondiscrimination

Counselors do not condone or engage in discrimination against prospective or current clients, students, employees, supervisees, or research participants based on age, culture, disability, ethnicity, race, religion/spirituality, gender, gender identity, sexual orientation, marital/partnership status, language preference, socioeconomic status, immigration status, or any basis proscribed by law.

C.6. Public Responsibility

C.6.a. Sexual Harassment

Counselors do not engage in or condone sexual harassment. Sexual harassment can consist of a single intense or severe act, or multiple persistent or pervasive acts.

C.6.b. Reports to Third Parties

Counselors are accurate, honest, and objective in reporting their professional activities and judgments to appropriate third parties, including courts, health insurance companies, those who are the recipients of evaluation reports, and others.

C.6.c. Media Presentations

When counselors provide advice or comment by means of public lectures, demonstrations, radio or television programs, recordings, technology-based applications, printed articles, mailed material, or other media, they take reasonable precautions to ensure that

1. the statements are based on appropriate professional counseling literature and practice,
2. the statements are otherwise consistent with the *ACA Code of Ethics*, and

3. the recipients of the information are not encouraged to infer that a professional counseling relationship has been established.

C.6.d. Exploitation of Others

Counselors do not exploit others in their professional relationships.

C.6.e. Contributing to the Public Good (Pro Bono Publico)

Counselors make a reasonable effort to provide services to the public for which there is little or no financial return (e.g., speaking to groups, sharing professional information, offering reduced fees).

C.7. Treatment Modalities

C.7.a. Scientific Basis for Treatment

When providing services, counselors use techniques/procedures/modalities that are grounded in theory and/or have an empirical or scientific foundation.

C.7.b. Development and Innovation

When counselors use developing or innovative techniques/procedures/modalities, they explain the potential risks, benefits, and ethical considerations of using such techniques/procedures/modalities. Counselors work to minimize any potential risks or harm when using these techniques/procedures/modalities.

C.7.c. Harmful Practices

Counselors do not use techniques/procedures/modalities when substantial evidence suggests harm, even if such services are requested.

C.8. Responsibility to Other Professionals

C.8.a. Personal Public Statements

When making personal statements in a public context, counselors clarify that they are speaking from their personal perspectives and that they are not speaking on behalf of all counselors or the profession.

Section D

Relationships With Other Professionals



Introduction

Professional counselors recognize that the quality of their interactions

with colleagues can influence the quality of services provided to clients. They work to become knowledgeable about colleagues within and outside the field of counseling. Counselors develop positive working relationships and systems of communication with colleagues to enhance services to clients.

D.1. Relationships With Colleagues, Employers, and Employees

D.1.a. Different Approaches

Counselors are respectful of approaches that are grounded in theory and/or have an empirical or scientific foundation but may differ from their own. Counselors acknowledge the expertise of other professional groups and are respectful of their practices.

D.1.b. Forming Relationships

Counselors work to develop and strengthen relationships with colleagues from other disciplines to best serve clients.

D.1.c. Interdisciplinary Teamwork

Counselors who are members of interdisciplinary teams delivering multifaceted services to clients remain focused on how to best serve clients. They participate in and contribute to decisions that affect the well-being of clients by drawing on the perspectives, values, and experiences of the counseling profession and those of colleagues from other disciplines.

D.1.d. Establishing Professional and Ethical Obligations

Counselors who are members of interdisciplinary teams work together with team members to clarify professional and ethical obligations of the team as a whole and of its individual members. When a team decision raises ethical concerns, counselors first attempt to resolve the concern within the team. If they cannot reach resolution among team members, counselors pursue other avenues to address their concerns consistent with client well-being.

D.1.e. Confidentiality

When counselors are required by law, institutional policy, or extraordinary circumstances to serve in more than one role in judicial or administrative proceedings, they clarify role expectations and the parameters of confidentiality with their colleagues.

D.1.f. Personnel Selection and Assignment

When counselors are in a position requiring personnel selection and/or assigning of responsibilities to others, they select competent staff and assign responsibilities compatible with their skills and experiences.

D.1.g. Employer Policies

The acceptance of employment in an agency or institution implies that counselors are in agreement with its general policies and principles. Counselors strive to reach agreement with employers regarding acceptable standards of client care and professional conduct that allow for changes in institutional policy conducive to the growth and development of clients.

D.1.h. Negative Conditions

Counselors alert their employers of inappropriate policies and practices. They attempt to effect changes in such policies or procedures through constructive action within the organization. When such policies are potentially disruptive or damaging to clients or may limit the effectiveness of services provided and change cannot be affected, counselors take appropriate further action. Such action may include referral to appropriate certification, accreditation, or state licensure organizations, or voluntary termination of employment.

D.1.i. Protection From Punitive Action

Counselors do not harass a colleague or employee or dismiss an employee who has acted in a responsible and ethical manner to expose inappropriate employer policies or practices.

D.2. Provision of Consultation Services

D.2.a. Consultant Competency

Counselors take reasonable steps to ensure that they have the appropriate resources and competencies when providing consultation services. Counselors provide appropriate referral resources when requested or needed.

D.2.b. Informed Consent in Formal Consultation

When providing formal consultation services, counselors have an obligation to review, in writing and verbally, the rights and responsibilities of both counselors and consultees. Counselors use clear and understandable language to inform all parties involved about the purpose of the services to be provided, relevant costs, potential risks and benefits, and the limits of confidentiality.

Section E

Evaluation, Assessment, and Interpretation



Introduction

Counselors use assessment as one component of the counseling process, taking into account the clients' personal and cultural context. Counselors promote the well-being of individual clients or groups of clients by developing and using appropriate educational, mental health, psychological, and career assessments.

E.1. General

E.1.a. Assessment

The primary purpose of educational, mental health, psychological, and career assessment is to gather information regarding the client for a variety of purposes, including, but not limited to, client decision making, treatment planning, and forensic proceedings. Assessment may include both qualitative and quantitative methodologies.

E.1.b. Client Welfare

Counselors do not misuse assessment results and interpretations, and they take reasonable steps to prevent others from misusing the information provided. They respect the client's right to know the results, the interpretations made, and the bases for counselors' conclusions and recommendations.

E.2. Competence to Use and Interpret Assessment Instruments

E.2.a. Limits of Competence

Counselors use only those testing and assessment services for which they have been trained and are competent. Counselors using technology-assisted test interpretations are trained in the construct being measured and the specific instrument being used prior to using its technology-based application. Counselors take reasonable measures to ensure the proper use of assessment techniques by persons under their supervision.

E.2.b. Appropriate Use

Counselors are responsible for the appropriate application, scoring, interpretation, and use of assessment instruments relevant to the needs of the client, whether they score and interpret such assessments themselves or use technology or other services.

E.2.c. Decisions Based on Results

Counselors responsible for decisions involving individuals or policies that are based on assessment results have a thorough understanding of psychometrics.

E.3. Informed Consent in Assessment

E.3.a. Explanation to Clients

Prior to assessment, counselors explain the nature and purposes of assessment and the specific use of results by potential recipients. The explanation will be given in terms and language that the client (or other legally authorized person on behalf of the client) can understand.

E.3.b. Recipients of Results

Counselors consider the client's and/or examinee's welfare, explicit understandings, and prior agreements in determining who receives the assessment results. Counselors include accurate and appropriate interpretations with any release of individual or group assessment results.

E.4. Release of Data to Qualified Personnel

Counselors release assessment data in which the client is identified only with the consent of the client or the client's legal representative. Such data are released only to persons recognized by counselors as qualified to interpret the data.

E.5. Diagnosis of Mental Disorders

E.5.a. Proper Diagnosis

Counselors take special care to provide proper diagnosis of mental disorders. Assessment techniques (including personal interviews) used to determine client care (e.g., locus of treatment, type of treatment, recommended follow-up) are carefully selected and appropriately used.

E.5.b. Cultural Sensitivity

Counselors recognize that culture affects the manner in which clients' problems are defined and experienced. Clients' socioeconomic and cultural experiences are considered when diagnosing mental disorders.

E.5.c. Historical and Social Prejudices in the Diagnosis of Pathology

Counselors recognize historical and social prejudices in the misdiagnosis and

pathologizing of certain individuals and groups and strive to become aware of and address such biases in themselves or others.

E.5.d. Refraining From Diagnosis

Counselors may refrain from making and/or reporting a diagnosis if they believe that it would cause harm to the client or others. Counselors carefully consider both the positive and negative implications of a diagnosis.

E.6. Instrument Selection

E.6.a. Appropriateness of Instruments

Counselors carefully consider the validity, reliability, psychometric limitations, and appropriateness of instruments when selecting assessments and, when possible, use multiple forms of assessment, data, and/or instruments in forming conclusions, diagnoses, or recommendations.

E.6.b. Referral Information

If a client is referred to a third party for assessment, the counselor provides specific referral questions and sufficient objective data about the client to ensure that appropriate assessment instruments are utilized.

E.7. Conditions of Assessment Administration

E.7.a. Administration Conditions

Counselors administer assessments under the same conditions that were established in their standardization. When assessments are not administered under standard conditions, as may be necessary to accommodate clients with disabilities, or when unusual behavior or irregularities occur during the administration, those conditions are noted in interpretation, and the results may be designated as invalid or of questionable validity.

E.7.b. Provision of Favorable Conditions

Counselors provide an appropriate environment for the administration of assessments (e.g., privacy, comfort, freedom from distraction).

E.7.c. Technological Administration

Counselors ensure that technologically administered assessments function properly and provide clients with accurate results.

E.7.d. Unsupervised Assessments

Unless the assessment instrument is designed, intended, and validated for self-administration and/or scoring, counselors do not permit unsupervised use.

E.8. Multicultural Issues/ Diversity in Assessment

Counselors select and use with caution assessment techniques normed on populations other than that of the client. Counselors recognize the effects of age, color, culture, disability, ethnic group, gender, race, language preference, religion, spirituality, sexual orientation, and socioeconomic status on test administration and interpretation, and they place test results in proper perspective with other relevant factors.

E.9. Scoring and Interpretation of Assessments

E.9.a. Reporting

When counselors report assessment results, they consider the client's personal and cultural background, the level of the client's understanding of the results, and the impact of the results on the client. In reporting assessment results, counselors indicate reservations that exist regarding validity or reliability due to circumstances of the assessment or inappropriateness of the norms for the person tested.

E.9.b. Instruments With Insufficient Empirical Data

Counselors exercise caution when interpreting the results of instruments not having sufficient empirical data to support respondent results. The specific purposes for the use of such instruments are stated explicitly to the examinee. Counselors qualify any conclusions, diagnoses, or recommendations made that are based on assessments or instruments with questionable validity or reliability.

E.9.c. Assessment Services

Counselors who provide assessment, scoring, and interpretation services to support the assessment process confirm the validity of such interpretations. They accurately describe the purpose, norms, validity, reliability, and applications of the procedures and any special qualifications applicable to their use. At all times, counselors maintain their ethical responsibility to those being assessed.

E.10. Assessment Security

Counselors maintain the integrity and security of tests and assessments consistent with legal and contractual obligations. Counselors do not appropriate, reproduce, or modify published assessments or parts thereof without acknowledgment and permission from the publisher.

E.11. Obsolete Assessment and Outdated Results

Counselors do not use data or results from assessments that are obsolete or outdated for the current purpose (e.g., noncurrent versions of assessments/instruments). Counselors make every effort to prevent the misuse of obsolete measures and assessment data by others.

E.12. Assessment Construction

Counselors use established scientific procedures, relevant standards, and current professional knowledge for assessment design in the development, publication, and utilization of assessment techniques.

E.13. Forensic Evaluation: Evaluation for Legal Proceedings

E.13.a. Primary Obligations

When providing forensic evaluations, the primary obligation of counselors is to produce objective findings that can be substantiated based on information and techniques appropriate to the evaluation, which may include examination of the individual and/or review of records. Counselors form professional opinions based on their professional knowledge and expertise that can be supported by the data gathered in evaluations. Counselors define the limits of their reports or testimony, especially when an examination of the individual has not been conducted.

E.13.b. Consent for Evaluation

Individuals being evaluated are informed in writing that the relationship is for the purposes of an evaluation and is not therapeutic in nature, and entities or individuals who will receive the evaluation report are identified. Counselors who perform forensic evaluations obtain written consent from those being evaluated or from their legal representative unless a court orders evaluations to be conducted without the written consent of the individuals being evaluated. When children or

adults who lack the capacity to give voluntary consent are being evaluated, informed written consent is obtained from a parent or guardian.

E.13.c. Client Evaluation Prohibited

Counselors do not evaluate current or former clients, clients' romantic partners, or clients' family members for forensic purposes. Counselors do not counsel individuals they are evaluating.

E.13.d. Avoid Potentially Harmful Relationships

Counselors who provide forensic evaluations avoid potentially harmful professional or personal relationships with family members, romantic partners, and close friends of individuals they are evaluating or have evaluated in the past.

Section F

Supervision, Training, and Teaching

• • •

Introduction

Counselor supervisors, trainers, and educators aspire to foster meaningful and respectful professional relationships and to maintain appropriate boundaries with supervisees and students in both face-to-face and electronic formats. They have theoretical and pedagogical foundations for their work; have knowledge of supervision models; and aim to be fair, accurate, and honest in their assessments of counselors, students, and supervisees.

F.1. Counselor Supervision and Client Welfare

F.1.a. Client Welfare

A primary obligation of counseling supervisors is to monitor the services provided by supervisees. Counseling supervisors monitor client welfare and supervisee performance and professional development. To fulfill these obligations, supervisors meet regularly with supervisees to review the supervisees' work and help them become prepared to serve a range of diverse clients. Supervisees have a responsibility to understand and follow the ACA Code of Ethics.

F.1.b. Counselor Credentials

Counseling supervisors work to ensure that supervisees communicate their

qualifications to render services to their clients.

F.1.c. Informed Consent and Client Rights

Supervisors make supervisees aware of client rights, including the protection of client privacy and confidentiality in the counseling relationship. Supervisees provide clients with professional disclosure information and inform them of how the supervision process influences the limits of confidentiality. Supervisees make clients aware of who will have access to records of the counseling relationship and how these records will be stored, transmitted, or otherwise reviewed.

F.2. Counselor Supervision Competence

F.2.a. Supervisor Preparation

Prior to offering supervision services, counselors are trained in supervision methods and techniques. Counselors who offer supervision services regularly pursue continuing education activities, including both counseling and supervision topics and skills.

F.2.b. Multicultural Issues/Diversity in Supervision

Counseling supervisors are aware of and address the role of multiculturalism/diversity in the supervisory relationship.

F.2.c. Online Supervision

When using technology in supervision, counselor supervisors are competent in the use of those technologies. Supervisors take the necessary precautions to protect the confidentiality of all information transmitted through any electronic means.

F.3. Supervisory Relationship

F.3.a. Extending Conventional Supervisory Relationships

Counseling supervisors clearly define and maintain ethical professional, personal, and social relationships with their supervisees. Supervisors consider the risks and benefits of extending current supervisory relationships in any form beyond conventional parameters. In extending these boundaries, supervisors take appropriate professional precautions to ensure that judgment is not impaired and that no harm occurs.

F.3.b. Sexual Relationships

Sexual or romantic interactions or relationships with current supervisees are prohibited. This prohibition applies to

both in-person and electronic interactions or relationships.

F.3.c. Sexual Harassment

Counseling supervisors do not condone or subject supervisees to sexual harassment.

F.3.d. Friends or Family Members

Supervisors are prohibited from engaging in supervisory relationships with individuals with whom they have an inability to remain objective.

F.4. Supervisor Responsibilities

F.4.a. Informed Consent for Supervision

Supervisors are responsible for incorporating into their supervision the principles of informed consent and participation. Supervisors inform supervisees of the policies and procedures to which supervisors are to adhere and the mechanisms for due process appeal of individual supervisor actions. The issues unique to the use of distance supervision are to be included in the documentation as necessary.

F.4.b. Emergencies and Absences

Supervisors establish and communicate to supervisees procedures for contacting supervisors or, in their absence, alternative on-call supervisors to assist in handling crises.

F.4.c. Standards for Supervisees

Supervisors make their supervisees aware of professional and ethical standards and legal responsibilities.

F.4.d. Termination of the Supervisory Relationship

Supervisors or supervisees have the right to terminate the supervisory relationship with adequate notice. Reasons for considering termination are discussed, and both parties work to resolve differences. When termination is warranted, supervisors make appropriate referrals to possible alternative supervisors.

F.5. Student and Supervisee Responsibilities

F.5.a. Ethical Responsibilities

Students and supervisees have a responsibility to understand and follow the *ACA Code of Ethics*. Students and supervisees have the same obligation to clients as those required of professional counselors.

F.5.b. Impairment

Students and supervisees monitor themselves for signs of impairment from their own physical, mental, or emotional problems and refrain from offering or providing professional services when such impairment is likely to harm a client or others. They notify their faculty and/or supervisors and seek assistance for problems that reach the level of professional impairment, and, if necessary, they limit, suspend, or terminate their professional responsibilities until it is determined that they may safely resume their work.

F.5.c. Professional Disclosure

Before providing counseling services, students and supervisees disclose their status as supervisees and explain how this status affects the limits of confidentiality. Supervisors ensure that clients are aware of the services rendered and the qualifications of the students and supervisees rendering those services. Students and supervisees obtain client permission before they use any information concerning the counseling relationship in the training process.

F.6. Counseling Supervision Evaluation, Remediation, and Endorsement

F.6.a. Evaluation

Supervisors document and provide supervisees with ongoing feedback regarding their performance and schedule periodic formal evaluative sessions throughout the supervisory relationship.

F.6.b. Gatekeeping and Remediation

Through initial and ongoing evaluation, supervisors are aware of supervisee limitations that might impede performance. Supervisors assist supervisees in securing remedial assistance when needed. They recommend dismissal from training programs, applied counseling settings, and state or voluntary professional credentialing processes when those supervisees are unable to demonstrate that they can provide competent professional services to a range of diverse clients. Supervisors seek consultation and document their decisions to dismiss or refer supervisees for assistance. They ensure that supervisees are aware of options available to them to address such decisions.

F.6.c. Counseling for Supervisees

If supervisees request counseling, the supervisor assists the supervisee in identifying appropriate services. Supervisors do not provide counseling services to supervisees. Supervisors address interpersonal competencies in terms of the impact of these issues on clients, the supervisory relationship, and professional functioning.

F.6.d. Endorsements

Supervisors endorse supervisees for certification, licensure, employment, or completion of an academic or training program only when they believe that supervisees are qualified for the endorsement. Regardless of qualifications, supervisors do not endorse supervisees whom they believe to be impaired in any way that would interfere with the performance of the duties associated with the endorsement.

F.7. Responsibilities of Counselor Educators

F.7.a. Counselor Educators

Counselor educators who are responsible for developing, implementing, and supervising educational programs are skilled as teachers and practitioners. They are knowledgeable regarding the ethical, legal, and regulatory aspects of the profession; are skilled in applying that knowledge; and make students and supervisees aware of their responsibilities. Whether in traditional, hybrid, and/or online formats, counselor educators conduct counselor education and training programs in an ethical manner and serve as role models for professional behavior.

F.7.b. Counselor Educator Competence

Counselors who function as counselor educators or supervisors provide instruction within their areas of knowledge and competence and provide instruction based on current information and knowledge available in the profession. When using technology to deliver instruction, counselor educators develop competence in the use of the technology.

F.7.c. Infusing Multicultural Issues/Diversity

Counselor educators infuse material related to multiculturalism/diversity into all courses and workshops for the development of professional counselors.

F.7.d. Integration of Study and Practice

In traditional, hybrid, and/or online formats, counselor educators establish education and training programs that integrate academic study and supervised practice.

F.7.e. Teaching Ethics

Throughout the program, counselor educators ensure that students are aware of the ethical responsibilities and standards of the profession and the ethical responsibilities of students to the profession. Counselor educators infuse ethical considerations throughout the curriculum.

F.7.f. Use of Case Examples

The use of client, student, or supervisee information for the purposes of case examples in a lecture or classroom setting is permissible only when (a) the client, student, or supervisee has reviewed the material and agreed to its presentation or (b) the information has been sufficiently modified to obscure identity.

F.7.g. Student-to-Student Supervision and Instruction

When students function in the role of counselor educators or supervisors, they understand that they have the same ethical obligations as counselor educators, trainers, and supervisors. Counselor educators make every effort to ensure that the rights of students are not compromised when their peers lead experiential counseling activities in traditional, hybrid, and/or online formats (e.g., counseling groups, skills classes, clinical supervision).

F.7.h. Innovative Theories and Techniques

Counselor educators promote the use of techniques/procedures/modalities that are grounded in theory and/or have an empirical or scientific foundation. When counselor educators discuss developing or innovative techniques/procedures/modalities, they explain the potential risks, benefits, and ethical considerations of using such techniques/procedures/modalities.

F.7.i. Field Placements

Counselor educators develop clear policies and provide direct assistance within their training programs regarding appropriate field placement and other clinical experiences. Counselor educators provide clearly stated roles and responsibilities for the student or supervisee, the site supervisor, and the program supervisor. They confirm that

site supervisors are qualified to provide supervision in the formats in which services are provided and inform site supervisors of their professional and ethical responsibilities in this role.

F.8. Student Welfare

F.8.a. Program Information and Orientation

Counselor educators recognize that program orientation is a developmental process that begins upon students' initial contact with the counselor education program and continues throughout the educational and clinical training of students. Counselor education faculty provide prospective and current students with information about the counselor education program's expectations, including

1. the values and ethical principles of the profession;
2. the type and level of skill and knowledge acquisition required for successful completion of the training;
3. technology requirements;
4. program training goals, objectives, and mission, and subject matter to be covered;
5. bases for evaluation;
6. training components that encourage self-growth or self-disclosure as part of the training process;
7. the type of supervision settings and requirements of the sites for required clinical field experiences;
8. student and supervisor evaluation and dismissal policies and procedures; and
9. up-to-date employment prospects for graduates.

F.8.b. Student Career Advising

Counselor educators provide career advisement for their students and make them aware of opportunities in the field.

F.8.c. Self-Growth Experiences

Self-growth is an expected component of counselor education. Counselor educators are mindful of ethical principles when they require students to engage in self-growth experiences. Counselor educators and supervisors inform students that they have a right to decide what information will be shared or withheld in class.

F.8.d. Addressing Personal Concerns

Counselor educators may require students to address any personal concerns that have the potential to affect professional competency.

F.9. Evaluation and Remediation

F.9.a. Evaluation of Students

Counselor educators clearly state to students, prior to and throughout the training program, the levels of competency expected, appraisal methods, and timing of evaluations for both didactic and clinical competencies. Counselor educators provide students with ongoing feedback regarding their performance throughout the training program.

F.9.b. Limitations

Counselor educators, through ongoing evaluation, are aware of and address the inability of some students to achieve counseling competencies. Counselor educators do the following:

1. assist students in securing remedial assistance when needed,
2. seek professional consultation and document their decision to dismiss or refer students for assistance, and
3. ensure that students have recourse in a timely manner to address decisions requiring them to seek assistance or to dismiss them and provide students with due process according to institutional policies and procedures.

F.9.c. Counseling for Students

If students request counseling, or if counseling services are suggested as part of a remediation process, counselor educators assist students in identifying appropriate services.

F.10. Roles and Relationships Between Counselor Educators and Students

F.10.a. Sexual or Romantic Relationships

Counselor educators are prohibited from sexual or romantic interactions or relationships with students currently enrolled in a counseling or related program and over whom they have power and authority. This prohibition applies to both in-person and electronic interactions or relationships.

F.10.b. Sexual Harassment

Counselor educators do not condone or subject students to sexual harassment.

F.10.c. Relationships With Former Students

Counselor educators are aware of the power differential in the relationship between faculty and students. Faculty

members discuss with former students potential risks when they consider engaging in social, sexual, or other intimate relationships.

F.10.d. Nonacademic Relationships

Counselor educators avoid nonacademic relationships with students in which there is a risk of potential harm to the student or which may compromise the training experience or grades assigned. In addition, counselor educators do not accept any form of professional services, fees, commissions, reimbursement, or remuneration from a site for student or supervisor placement.

F.10.e. Counseling Services

Counselor educators do not serve as counselors to students currently enrolled in a counseling or related program and over whom they have power and authority.

F.10.f. Extending Educator–Student Boundaries

Counselor educators are aware of the power differential in the relationship between faculty and students. If they believe that a nonprofessional relationship with a student may be potentially beneficial to the student, they take precautions similar to those taken by counselors when working with clients. Examples of potentially beneficial interactions or relationships include, but are not limited to, attending a formal ceremony; conducting hospital visits; providing support during a stressful event; or maintaining mutual membership in a professional association, organization, or community. Counselor educators discuss with students the rationale for such interactions, the potential benefits and drawbacks, and the anticipated consequences for the student. Educators clarify the specific nature and limitations of the additional role(s) they will have with the student prior to engaging in a nonprofessional relationship. Nonprofessional relationships with students should be time limited and/or context specific and initiated with student consent.

F.11. Multicultural/Diversity Competence in Counselor Education and Training Programs

F.11.a. Faculty Diversity

Counselor educators are committed to recruiting and retaining a diverse faculty.

F.11.b. Student Diversity

Counselor educators actively attempt to recruit and retain a diverse student body. Counselor educators demonstrate commitment to multicultural/diversity competence by recognizing and valuing the diverse cultures and types of abilities that students bring to the training experience. Counselor educators provide appropriate accommodations that enhance and support diverse student well-being and academic performance.

F.11.c. Multicultural/Diversity Competence

Counselor educators actively infuse multicultural/diversity competency in their training and supervision practices. They actively train students to gain awareness, knowledge, and skills in the competencies of multicultural practice.

Section G

Research and Publication



Introduction

Counselors who conduct research are encouraged to contribute to the knowledge base of the profession and promote a clearer understanding of the conditions that lead to a healthy and more just society. Counselors support the efforts of researchers by participating fully and willingly whenever possible. Counselors minimize bias and respect diversity in designing and implementing research.

G.1. Research Responsibilities

G.1.a. Conducting Research

Counselors plan, design, conduct, and report research in a manner that is consistent with pertinent ethical principles, federal and state laws, host institutional regulations, and scientific standards governing research.

G.1.b. Confidentiality in Research

Counselors are responsible for understanding and adhering to state, federal, agency, or institutional policies or applicable guidelines regarding confidentiality in their research practices.

G.1.c. Independent Researchers

When counselors conduct independent research and do not have access to an institutional review board, they are bound to the same ethical principles and

federal and state laws pertaining to the review of their plan, design, conduct, and reporting of research.

G.1.d. Deviation From Standard Practice

Counselors seek consultation and observe stringent safeguards to protect the rights of research participants when research indicates that a deviation from standard or acceptable practices may be necessary.

G.1.e. Precautions to Avoid Injury

Counselors who conduct research are responsible for their participants' welfare throughout the research process and should take reasonable precautions to avoid causing emotional, physical, or social harm to participants.

G.1.f. Principal Researcher Responsibility

The ultimate responsibility for ethical research practice lies with the principal researcher. All others involved in the research activities share ethical obligations and responsibility for their own actions.

G.2. Rights of Research Participants

G.2.a. Informed Consent in Research

Individuals have the right to decline requests to become research participants. In seeking consent, counselors use language that

1. accurately explains the purpose and procedures to be followed;
2. identifies any procedures that are experimental or relatively untried;
3. describes any attendant discomforts, risks, and potential power differentials between researchers and participants;
4. describes any benefits or changes in individuals or organizations that might reasonably be expected;
5. discloses appropriate alternative procedures that would be advantageous for participants;
6. offers to answer any inquiries concerning the procedures;
7. describes any limitations on confidentiality;
8. describes the format and potential target audiences for the dissemination of research findings; and
9. instructs participants that they are free to withdraw their consent and discontinue participation in the project at any time, without penalty.

G.2.b. Student/Supervisee Participation

Researchers who involve students or supervisees in research make clear to them that the decision regarding participation in research activities does not affect their academic standing or supervisory relationship. Students or supervisees who choose not to participate in research are provided with an appropriate alternative to fulfill their academic or clinical requirements.

G.2.c. Client Participation

Counselors conducting research involving clients make clear in the informed consent process that clients are free to choose whether to participate in research activities. Counselors take necessary precautions to protect clients from adverse consequences of declining or withdrawing from participation.

G.2.d. Confidentiality of Information

Information obtained about research participants during the course of research is confidential. Procedures are implemented to protect confidentiality.

G.2.e. Persons Not Capable of Giving Informed Consent

When a research participant is not capable of giving informed consent, counselors provide an appropriate explanation to, obtain agreement for participation from, and obtain the appropriate consent of a legally authorized person.

G.2.f. Commitments to Participants

Counselors take reasonable measures to honor all commitments to research participants.

G.2.g. Explanations After Data Collection

After data are collected, counselors provide participants with full clarification of the nature of the study to remove any misconceptions participants might have regarding the research. Where scientific or human values justify delaying or withholding information, counselors take reasonable measures to avoid causing harm.

G.2.h. Informing Sponsors

Counselors inform sponsors, institutions, and publication channels regarding research procedures and outcomes. Counselors ensure that appropriate bodies and authorities are given pertinent information and acknowledgment.

G.2.i. Research Records Custodian

As appropriate, researchers prepare and disseminate to an identified colleague or records custodian a plan for the transfer of research data in the case of their incapacitation, retirement, or death.

G.3. Managing and Maintaining Boundaries

G.3.a. Extending Researcher-Participant Boundaries

Researchers consider the risks and benefits of extending current research relationships beyond conventional parameters. When a nonresearch interaction between the researcher and the research participant may be potentially beneficial, the researcher must document, prior to the interaction (when feasible), the rationale for such an interaction, the potential benefit, and anticipated consequences for the research participant. Such interactions should be initiated with appropriate consent of the research participant. Where unintentional harm occurs to the research participant, the researcher must show evidence of an attempt to remedy such harm.

G.3.b. Relationships With Research Participants

Sexual or romantic counselor-research participant interactions or relationships with current research participants are prohibited. This prohibition applies to both in-person and electronic interactions or relationships.

G.3.c. Sexual Harassment and Research Participants

Researchers do not condone or subject research participants to sexual harassment.

G.4. Reporting Results

G.4.a. Accurate Results

Counselors plan, conduct, and report research accurately. Counselors do not engage in misleading or fraudulent research, distort data, misrepresent data, or deliberately bias their results. They describe the extent to which results are applicable for diverse populations.

G.4.b. Obligation to Report Unfavorable Results

Counselors report the results of any research of professional value. Results that reflect unfavorably on institutions, programs, services, prevailing opinions, or vested interests are not withheld.

G.4.c. Reporting Errors

If counselors discover significant errors in their published research, they take

reasonable steps to correct such errors in a correction erratum or through other appropriate publication means.

G.4.d. Identity of Participants

Counselors who supply data, aid in the research of another person, report research results, or make original data available take due care to disguise the identity of respective participants in the absence of specific authorization from the participants to do otherwise. In situations where participants self-identify their involvement in research studies, researchers take active steps to ensure that data are adapted/changed to protect the identity and welfare of all parties and that discussion of results does not cause harm to participants.

G.4.e. Replication Studies

Counselors are obligated to make available sufficient original research information to qualified professionals who may wish to replicate or extend the study.

G.5. Publications and Presentations

G.5.a. Use of Case Examples

The use of participants', clients', students', or supervisees' information for the purpose of case examples in a presentation or publication is permissible only when (a) participants, clients, students, or supervisees have reviewed the material and agreed to its presentation or publication or (b) the information has been sufficiently modified to obscure identity.

G.5.b. Plagiarism

Counselors do not plagiarize; that is, they do not present another person's work as their own.

G.5.c. Acknowledging Previous Work

In publications and presentations, counselors acknowledge and give recognition to previous work on the topic by others or self.

G.5.d. Contributors

Counselors give credit through joint authorship, acknowledgment, footnote statements, or other appropriate means to those who have contributed significantly to research or concept development in accordance with such contributions. The principal contributor is listed first, and minor technical or professional contributions are acknowledged in notes or introductory statements.

G.5.e. Agreement of Contributors

Counselors who conduct joint research with colleagues or students/supervisors establish agreements in advance regarding allocation of tasks, publication credit, and types of acknowledgment that will be received.

G.5.f. Student Research

Manuscripts or professional presentations in any medium that are substantially based on a student's course papers, projects, dissertations, or theses are used only with the student's permission and list the student as lead author.

G.5.g. Duplicate Submissions

Counselors submit manuscripts for consideration to only one journal at a time. Manuscripts that are published in whole or in substantial part in one journal or published work are not submitted for publication to another publisher without acknowledgment and permission from the original publisher.

G.5.h. Professional Review

Counselors who review material submitted for publication, research, or other scholarly purposes respect the confidentiality and proprietary rights of those who submitted it. Counselors make publication decisions based on valid and defensible standards. Counselors review article submissions in a timely manner and based on their scope and competency in research methodologies. Counselors who serve as reviewers at the request of editors or publishers make every effort to only review materials that are within their scope of competency and avoid personal biases.

additional concerns related to the use of distance counseling, technology, and social media and make every attempt to protect confidentiality and meet any legal and ethical requirements for the use of such resources.

H.1. Knowledge and Legal Considerations

H.1.a. Knowledge and Competency

Counselors who engage in the use of distance counseling, technology, and/or social media develop knowledge and skills regarding related technical, ethical, and legal considerations (e.g., special certifications, additional course work).

H.1.b. Laws and Statutes

Counselors who engage in the use of distance counseling, technology, and social media within their counseling practice understand that they may be subject to laws and regulations of both the counselor's practicing location and the client's place of residence. Counselors ensure that their clients are aware of pertinent legal rights and limitations governing the practice of counseling across state lines or international boundaries.

H.2. Informed Consent and Security

H.2.a. Informed Consent and Disclosure

Clients have the freedom to choose whether to use distance counseling, social media, and/or technology within the counseling process. In addition to the usual and customary protocol of informed consent between counselor and client for face-to-face counseling, the following issues, unique to the use of distance counseling, technology, and/or social media, are addressed in the informed consent process:

- distance counseling credentials, physical location of practice, and contact information;
- risks and benefits of engaging in the use of distance counseling, technology, and/or social media;
- possibility of technology failure and alternate methods of service delivery;
- anticipated response time;
- emergency procedures to follow when the counselor is not available;
- time zone differences;
- cultural and/or language differences that may affect delivery of services;

Section H

Distance Counseling, Technology, and Social Media



Introduction

Counselors understand that the profession of counseling may no longer be limited to in-person, face-to-face interactions. Counselors actively attempt to understand the evolving nature of the profession with regard to distance counseling, technology, and social media and how such resources may be used to better serve their clients. Counselors strive to become knowledgeable about these resources. Counselors understand the

- possible denial of insurance benefits; and
- social media policy.

H.2.b. Confidentiality Maintained by the Counselor

Counselors acknowledge the limitations of maintaining the confidentiality of electronic records and transmissions. They inform clients that individuals might have authorized or unauthorized access to such records or transmissions (e.g., colleagues, supervisors, employees, information technologists).

H.2.c. Acknowledgment of Limitations

Counselors inform clients about the inherent limits of confidentiality when using technology. Counselors urge clients to be aware of authorized and/or unauthorized access to information disclosed using this medium in the counseling process.

H.2.d. Security

Counselors use current encryption standards within their websites and/or technology-based communications that meet applicable legal requirements. Counselors take reasonable precautions to ensure the confidentiality of information transmitted through any electronic means.

H.3. Client Verification

Counselors who engage in the use of distance counseling, technology, and/or social media to interact with clients take steps to verify the client's identity at the beginning and throughout the therapeutic process. Verification can include, but is not limited to, using code words, numbers, graphics, or other nondescript identifiers.

H.4. Distance Counseling Relationship

H.4.a. Benefits and Limitations

Counselors inform clients of the benefits and limitations of using technology applications in the provision of counseling services. Such technologies include, but are not limited to, computer hardware and/or software, telephones and applications, social media and Internet-based applications and other audio and/or video communication, or data storage devices or media.

H.4.b. Professional Boundaries in Distance Counseling

Counselors understand the necessity of maintaining a professional relationship with their clients. Counselors discuss

and establish professional boundaries with clients regarding the appropriate use and/or application of technology and the limitations of its use within the counseling relationship (e.g., lack of confidentiality, times when not appropriate to use).

H.4.c. Technology-Assisted Services

When providing technology-assisted services, counselors make reasonable efforts to determine that clients are intellectually, emotionally, physically, linguistically, and functionally capable of using the application and that the application is appropriate for the needs of the client. Counselors verify that clients understand the purpose and operation of technology applications and follow up with clients to correct possible misconceptions, discover appropriate use, and assess subsequent steps.

H.4.d. Effectiveness of Services

When distance counseling services are deemed ineffective by the counselor or client, counselors consider delivering services face-to-face. If the counselor is not able to provide face-to-face services (e.g., lives in another state), the counselor assists the client in identifying appropriate services.

H.4.e. Access

Counselors provide information to clients regarding reasonable access to pertinent applications when providing technology-assisted services.

H.4.f. Communication Differences in Electronic Media

Counselors consider the differences between face-to-face and electronic communication (nonverbal and verbal cues) and how these may affect the counseling process. Counselors educate clients on how to prevent and address potential misunderstandings arising from the lack of visual cues and voice intonations when communicating electronically.

H.5. Records and Web Maintenance

H.5.a. Records

Counselors maintain electronic records in accordance with relevant laws and statutes. Counselors inform clients on how records are maintained electronically. This includes, but is not limited to, the type of encryption and security assigned to the records, and if/for how long archival storage of transaction records is maintained.

H.5.b. Client Rights

Counselors who offer distance counseling services and/or maintain a professional website provide electronic links to relevant licensure and professional certification boards to protect consumer and client rights and address ethical concerns.

H.5.c. Electronic Links

Counselors regularly ensure that electronic links are working and are professionally appropriate.

H.5.d. Multicultural and Disability Considerations

Counselors who maintain websites provide accessibility to persons with disabilities. They provide translation capabilities for clients who have a different primary language, when feasible. Counselors acknowledge the imperfect nature of such translations and accessibilities.

H.6. Social Media

H.6.a. Virtual Professional Presence

In cases where counselors wish to maintain a professional and personal presence for social media use, separate professional and personal web pages and profiles are created to clearly distinguish between the two kinds of virtual presence.

H.6.b. Social Media as Part of Informed Consent

Counselors clearly explain to their clients, as part of the informed consent procedure, the benefits, limitations, and boundaries of the use of social media.

H.6.c. Client Virtual Presence

Counselors respect the privacy of their clients' presence on social media unless given consent to view such information.

H.6.d. Use of Public Social Media

Counselors take precautions to avoid disclosing confidential information through public social media.

Section I

Resolving Ethical Issues



Introduction

Professional counselors behave in an ethical and legal manner. They are aware that client welfare and trust in

the profession depend on a high level of professional conduct. They hold other counselors to the same standards and are willing to take appropriate action to ensure that standards are upheld. Counselors strive to resolve ethical dilemmas with direct and open communication among all parties involved and seek consultation with colleagues and supervisors when necessary. Counselors incorporate ethical practice into their daily professional work and engage in ongoing professional development regarding current topics in ethical and legal issues in counseling. Counselors become familiar with the ACA Policy and Procedures for Processing Complaints of Ethical Violations¹ and use it as a reference for assisting in the enforcement of the *ACA Code of Ethics*.

I.1. Standards and the Law

I.1.a. Knowledge

Counselors know and understand the *ACA Code of Ethics* and other applicable ethics codes from professional organizations or certification and licensure bodies of which they are members. Lack of knowledge or misunderstanding of an ethical responsibility is not a defense against a charge of unethical conduct.

I.1.b. Ethical Decision Making

When counselors are faced with an ethical dilemma, they use and document, as appropriate, an ethical decision-making model that may include, but is not limited to, consultation; consideration of relevant ethical standards, principles, and laws; generation of potential courses of action; deliberation of risks and benefits; and selection of an objective decision based on the circumstances and welfare of all involved.

I.1.c. Conflicts Between Ethics and Laws

If ethical responsibilities conflict with the law, regulations, and/or other gov-

erning legal authority, counselors make known their commitment to the *ACA Code of Ethics* and take steps to resolve the conflict. If the conflict cannot be resolved using this approach, counselors, acting in the best interest of the client, may adhere to the requirements of the law, regulations, and/or other governing legal authority.

I.2. Suspected Violations

I.2.a. Informal Resolution

When counselors have reason to believe that another counselor is violating or has violated an ethical standard and substantial harm has not occurred, they attempt to first resolve the issue informally with the other counselor if feasible, provided such action does not violate confidentiality rights that may be involved.

I.2.b. Reporting Ethical Violations

If an apparent violation has substantially harmed or is likely to substantially harm a person or organization and is not appropriate for informal resolution or is not resolved properly, counselors take further action depending on the situation. Such action may include referral to state or national committees on professional ethics, voluntary national certification bodies, state licensing boards, or appropriate institutional authorities. The confidentiality rights of clients should be considered in all actions. This standard does not apply when counselors have been retained to review the work of another counselor whose professional conduct is in question (e.g., consultation, expert testimony).

I.2.c. Consultation

When uncertain about whether a particular situation or course of action may be in violation of the *ACA Code of Ethics*, counselors consult with other counselors who are knowledgeable about ethics and the *ACA Code*

of *Ethics*, with colleagues, or with appropriate authorities, such as the ACA Ethics and Professional Standards Department.

I.2.d. Organizational Conflicts

If the demands of an organization with which counselors are affiliated pose a conflict with the *ACA Code of Ethics*, counselors specify the nature of such conflicts and express to their supervisors or other responsible officials their commitment to the *ACA Code of Ethics* and, when possible, work through the appropriate channels to address the situation.

I.2.e. Unwarranted Complaints

Counselors do not initiate, participate in, or encourage the filing of ethics complaints that are retaliatory in nature or are made with reckless disregard or willful ignorance of facts that would disprove the allegation.

I.2.f. Unfair Discrimination Against Complainants and Respondents

Counselors do not deny individuals employment, advancement, admission to academic or other programs, tenure, or promotion based solely on their having made or their being the subject of an ethics complaint. This does not preclude taking action based on the outcome of such proceedings or considering other appropriate information.

I.3. Cooperation With Ethics Committees

Counselors assist in the process of enforcing the *ACA Code of Ethics*. Counselors cooperate with investigations, proceedings, and requirements of the ACA Ethics Committee or ethics committees of other duly constituted associations or boards having jurisdiction over those charged with a violation.

¹See the American Counseling Association web site at <http://www.counseling.org/knowledge-center/ethics>

Glossary of Terms

Abandonment – the inappropriate ending or arbitrary termination of a counseling relationship that puts the client at risk.

Advocacy – promotion of the well-being of individuals, groups, and the counseling profession within systems and organizations. Advocacy seeks to remove barriers and obstacles that inhibit access, growth, and development.

Assent – to demonstrate agreement when a person is otherwise not capable or competent to give formal consent (e.g., informed consent) to a counseling service or plan.

Assessment – the process of collecting in-depth information about a person in order to develop a comprehensive plan that will guide the collaborative counseling and service provision process.

Bartering – accepting goods or services from clients in exchange for counseling services.

Client – an individual seeking or referred to the professional services of a counselor.

Confidentiality – the ethical duty of counselors to protect a client's identity, identifying characteristics, and private communications.

Consultation – a professional relationship that may include, but is not limited to, seeking advice, information, and/or testimony.

Counseling – a professional relationship that empowers diverse individuals, families, and groups to accomplish mental health, wellness, education, and career goals.

Counselor Educator – a professional counselor engaged primarily in developing, implementing, and supervising the educational preparation of professional counselors.

Counselor Supervisor – a professional counselor who engages in a formal relationship with a practicing counselor or counselor-in-training for the purpose of overseeing that individual's counseling work or clinical skill development.

Culture – membership in a socially constructed way of living, which incorporates collective values, beliefs, norms, boundaries, and lifestyles that are cocreated with others who share similar worldviews comprising biological, psychosocial, historical, psychological, and other factors.

Discrimination – the prejudicial treatment of an individual or group based on their actual or perceived membership in a particular group, class, or category.

Distance Counseling – The provision of counseling services by means other than face-to-face meetings, usually with the aid of technology.

Diversity – the similarities and differences that occur within and across cultures, and the intersection of cultural and social identities.

Documents – any written, digital, audio, visual, or artistic recording of the work within the counseling relationship between counselor and client.

Encryption – process of encoding information in such a way that limits access to authorized users.

Examinee – a recipient of any professional counseling service that includes educational, psychological, and career appraisal, using qualitative or quantitative techniques.

Exploitation – actions and/or behaviors that take advantage of another for one's own benefit or gain.

Fee Splitting – the payment or acceptance of fees for client referrals (e.g., percentage of fee paid for rent, referral fees).

Forensic Evaluation – the process of forming professional opinions for court or other legal proceedings, based on professional knowledge and expertise, and supported by appropriate data.

Gatekeeping – the initial and ongoing academic, skill, and dispositional assessment of students' competency for professional practice, including remediation and termination as appropriate.

Impairment – a significantly diminished capacity to perform professional functions.

Incapacitation – an inability to perform professional functions.

Informed Consent – a process of information sharing associated with possible actions clients may choose to take, aimed at assisting clients in acquiring a full appreciation and understanding of the facts and implications of a given action or actions.

Instrument – a tool, developed using accepted research practices, that measures the presence and strength of a specified construct or constructs.

Interdisciplinary Teams – teams of professionals serving clients that may include individuals who may not share counselors' responsibilities regarding confidentiality.

Minors – generally, persons under the age of 18 years, unless otherwise designated by statute or regulation. In some jurisdictions, minors may have the right to consent to counseling without consent of the parent or guardian.

Multicultural/Diversity Competence – counselors' cultural and diversity awareness and knowledge about self and others, and how this awareness and knowledge are applied effectively in practice with clients and client groups.

Multicultural/Diversity Counseling – counseling that recognizes diversity and embraces approaches that support the worth, dignity, potential, and uniqueness of individuals within their historical, cultural, economic, political, and psychosocial contexts.

Personal Virtual Relationship – engaging in a relationship via technology and/or social media that blurs the professional boundary (e.g., friending on social networking sites); using personal accounts as the connection point for the virtual relationship.

Privacy – the right of an individual to keep oneself and one's personal information free from unauthorized disclosure.

Privilege – a legal term denoting the protection of confidential information in a legal proceeding (e.g., subpoena, deposition, testimony).

Pro bono publico – contributing to society by devoting a portion of professional activities for little or no financial return (e.g., speaking to groups, sharing professional information, offering reduced fees).

Professional Virtual Relationship – using technology and/or social media in a professional manner and maintaining appropriate professional boundaries; using business accounts that cannot be linked back to personal accounts as the connection point for the virtual relationship (e.g., a business page versus a personal profile).

Records – all information or documents, in any medium, that the counselor keeps about the client, excluding personal and psychotherapy notes.

Records of an Artistic Nature – products created by the client as part of the counseling process.

Records Custodian – a professional colleague who agrees to serve as the caretaker of client records for another mental health professional.

Self-Growth – a process of self-examination and challenging of a counselor's assumptions to enhance professional effectiveness.

Serious and Foreseeable – when a reasonable counselor can anticipate significant and harmful possible consequences.

Sexual Harassment – sexual solicitation, physical advances, or verbal/nonverbal conduct that is sexual in nature; occurs in connection with professional activities or roles; is unwelcome, offensive, or creates a hostile workplace or learning environment; and/or is sufficiently severe or intense to be perceived as harassment by a reasonable person.

Social Justice – the promotion of equity for all people and groups for the purpose of ending oppression and injustice affecting clients, students, counselors, families, communities, schools, workplaces, governments, and other social and institutional systems.

Social Media – technology-based forms of communication of ideas, beliefs, personal histories, etc. (e.g., social networking sites, blogs).

Student – an individual engaged in formal graduate-level counselor education.

Supervisee – a professional counselor or counselor-in-training whose counseling work or clinical skill development

is being overseen in a formal supervisory relationship by a qualified trained professional.

Supervision – a process in which one individual, usually a senior member of a given profession designated as the supervisor, engages in a collaborative relationship with another individual or group, usually a junior member(s) of a given profession designated as the supervisee(s) in order to (a) promote the growth and development of the supervisee(s), (b) protect the welfare of the clients seen by the supervisee(s), and (c) evaluate the performance of the supervisee(s).

Supervisor – counselors who are trained to oversee the professional clinical work of counselors and counselors-in-training.

Teaching – all activities engaged in as part of a formal educational program that is designed to lead to a graduate degree in counseling.

Training – the instruction and practice of skills related to the counseling profession. Training contributes to the ongoing proficiency of students and professional counselors.

Virtual Relationship – a non-face-to-face relationship (e.g., through social media).

Index

ACA Code of Ethics Preamble.....	3	A.6.a. Previous Relationships	5	Section B: Confidentiality and Privacy	6
ACA Code of Ethics Purpose.....	3	A.6.b. Extending Counseling		Section B: Introduction	6
Section A: The Counseling		Boundaries	5	B.1. Respecting Client Rights.....	6
Relationship	4	A.6.c. Documenting Boundary		B.1.a. Multicultural/Diversity	
Section A: Introduction	4	Extensions	5	Considerations	6
A.1. Client Welfare	4	A.6.d. Role Changes in the		B.1.b. Respect for Privacy	6
A.1.a. Primary Responsibility	4	Professional Relationship	5	B.1.c. Respect for Confidentiality	7
A.1.b. Records and Documentation	4	A.6.e. Nonprofessional Interactions or		B.1.d. Explanation of Limitations	7
A.1.c. Counseling Plans	4	Relationships (Other Than Sexual or		B.2. Exceptions.....	7
A.1.d. Support Network Involvement	4	Romantic Interactions or		B.2.a. Serious and Foreseeable Harm	
A.2. Informed Consent in the		Relationships)	5	and Legal Requirements	7
Counseling Relationship	4	A.7. Roles and Relationships at		B.2.b. Confidentiality Regarding	
A.2.a. Informed Consent	4	Individual, Group, Institutional,		End-of-Life Decisions	7
A.2.b. Types of Information Needed	4	and Societal Levels.....	5	B.2.c. Contagious, Life-Threatening	
A.2.c. Developmental and		A.7.a. Advocacy	5	Diseases	7
Cultural Sensitivity	4	A.7.b. Confidentiality and Advocacy	5	B.2.d. Court-Ordered Disclosure	7
A.2.d. Inability to Give Consent	4	A.8. Multiple Clients	6	B.2.e. Minimal Disclosure	7
A.2.e. Mandated Clients	4	A.9. Group Work	6	B.3. Information Shared With Others.....	7
A.3. Clients Served by Others	4	A.9.a. Screening	6	B.3.a. Subordinates	7
A.4. Avoiding Harm and		A.9.b. Protecting Clients	6	B.3.b. Interdisciplinary Teams	7
Imposing Values	4	A.10. Fees and Business Practices	6	B.3.c. Confidential Settings	7
A.4.a. Avoiding Harm	4	A.10.a. Self-Referral	6	B.3.d. Third-Party Payers	7
A.4.b. Personal Values	5	A.10.b. Unacceptable Business		B.3.e. Transmitting Confidential	
A.5. Prohibited Noncounseling Roles		Practices	6	Information	7
and Relationships	5	A.10.c. Establishing Fees	6	B.3.f. Deceased Clients	7
A.5.a. Sexual and/or Romantic		A.10.d. Nonpayment of Fees	6	B.4. Groups and Families	7
Relationships Prohibited	5	A.10.e. Bartering	6	B.4.a. Group Work	7
A.5.b. Previous Sexual and/or		A.10.f. Receiving Gifts	6	B.4.b. Couples and Family Counseling	7
Romantic Relationships	5	A.11. Termination and Referral.....	6	B.5. Clients Lacking Capacity to	
A.5.c. Sexual and/or Romantic		A.11.a. Competence Within		Give Informed Consent	7
Relationships With Former		Termination and Referral	6	B.5.a. Responsibility to Clients	7
Clients	5	A.11.b. Values Within Termination		B.5.b. Responsibility to Parents and	
A.5.d. Friends or Family Members	5	and Referral	6	Legal Guardians	7
A.5.e. Personal Virtual Relationships		A.11.c. Appropriate Termination	6	B.5.c. Release of Confidential	
With Current Clients	5	A.11.d. Appropriate Transfer of		Information	7
A.6. Managing and Maintaining		Services	6	B.6. Records and Documentation.....	7
Boundaries and Professional		A.12. Abandonment and		B.6.a. Creating and Maintaining Records	
Relationships.....	5	Client Neglect	6	and Documentation	7

• ACA Code of Ethics •

B.6.b. Confidentiality of Records and Documentation	8	D.1.f. Personnel Selection and Assignment	10	F.2.b. Multicultural Issues/Diversity in Supervision	13
B.6.c. Permission to Record	8	D.1.g. Employer Policies	10	F.2.c. Online Supervision	13
B.6.d. Permission to Observe	8	D.1.h. Negative Conditions	10	F.3. Supervisory Relationship	13
B.6.e. Client Access	8	D.1.i. Protection From Punitive Action	10	F.3.a. Extending Conventional Supervisory Relationships	13
B.6.f. Assistance With Records	8	D.2. Provision of Consultation Services	10	F.3.b. Sexual Relationships	13
B.6.g. Disclosure or Transfer	8	D.2.a. Consultant Competency	10	F.3.c. Sexual Harassment	13
B.6.h. Storage and Disposal After Termination	8	D.2.b. Informed Consent in Formal Consultation	10	F.3.d. Friends or Family Members	13
B.6.i. Reasonable Precautions	8	Section E: Evaluation, Assessment, and Interpretation	11	F.4. Supervisor Responsibilities	13
B.7. Case Consultation	8	Section E: Introduction	11	F.4.a. Informed Consent for Supervision	13
B.7.a. Respect for Privacy	8	E.1. General	11	F.4.b. Emergencies and Absences	13
B.7.b. Disclosure of Confidential Information	8	E.1.a. Assessment	11	F.4.c. Standards for Supervisees	13
Section C: Professional Responsibility	8	E.1.b. Client Welfare	11	F.4.d. Termination of the Supervisory Relationship	13
Section C: Introduction	8	E.2. Competence to Use and Interpret Assessment Instruments	11	F.5. Student and Supervisee Responsibilities	13
C.1. Knowledge of and Compliance With Standards	8	E.2.a. Limits of Competence	11	F.5.a. Ethical Responsibilities	13
C.2. Professional Competence	8	E.2.b. Appropriate Use	11	F.5.b. Impairment	13
C.2.a. Boundaries of Competence	8	E.2.c. Decisions Based on Results	11	F.5.c. Professional Disclosure	13
C.2.b. New Specialty Areas of Practice	8	E.3. Informed Consent in Assessment	11	F.6. Counseling Supervision Evaluation, Remediation, and Endorsement	13
C.2.c. Qualified for Employment	8	E.3.a. Explanation to Clients	11	F.6.a. Evaluation	13
C.2.d. Monitor Effectiveness	8	E.3.b. Recipients of Results	11	F.6.b. Gatekeeping and Remediation	13
C.2.e. Consultations on Ethical Obligations	9	E.4. Release of Data to Qualified Personnel	11	F.6.c. Counseling for Supervisees	14
C.2.f. Continuing Education	9	E.5. Diagnosis of Mental Disorders	11	F.6.d. Endorsements	14
C.2.g. Impairment	9	E.5.a. Proper Diagnosis	11	F.7. Responsibilities of Counselor Educators	14
C.2.h. Counselor Incapacitation, Death, Retirement, or Termination of Practice	9	E.5.b. Cultural Sensitivity	11	F.7.a. Counselor Educators	14
C.3. Advertising and Soliciting Clients	9	E.5.c. Historical and Social Prejudices in the Diagnosis of Pathology	11	F.7.b. Counselor Educator Competence ..	14
C.3.a. Accurate Advertising	9	E.5.d. Refraining From Diagnosis	11	F.7.c. Infusing Multicultural Issues/Diversity	14
C.3.b. Testimonials	9	E.6. Instrument Selection	11	F.7.d. Integration of Study and Practice ..	14
C.3.c. Statements by Others	9	E.6.a. Appropriateness of Instruments ..	11	F.7.e. Teaching Ethics	14
C.3.d. Recruiting Through Employment	9	E.6.b. Referral Information	11	F.7.f. Use of Case Examples	14
C.3.e. Products and Training Advertisements	9	E.7. Conditions of Assessment Administration	11	F.7.g. Student-to-Student Supervision and Instruction	14
C.3.f. Promoting to Those Served	9	E.7.a. Administration Conditions	11	F.7.h. Innovative Theories and Techniques	14
C.4. Professional Qualifications	9	E.7.b. Provision of Favorable Conditions	11	F.7.i. Field Placements	14
C.4.a. Accurate Representation	9	E.7.c. Technological Administration	11	F.8. Student Welfare	14
C.4.b. Credentials	9	E.7.d. Unsupervised Assessments	12	F.8.a. Program Information and Orientation	14
C.4.c. Educational Degrees	9	E.8. Multicultural Issues/Diversity in Assessment	12	F.8.b. Student Career Advising	14
C.4.d. Implying Doctoral-Level Competence	9	E.9. Scoring and Interpretation of Assessments	12	F.8.c. Self-Growth Experiences	14
C.4.e. Accreditation Status	9	E.9.a. Reporting	12	F.8.d. Addressing Personal Concerns	14
C.4.f. Professional Membership	9	E.9.b. Instruments With Insufficient Empirical Data	12	F.9. Evaluation and Remediation	15
C.5. Nondiscrimination	9	E.9.c. Assessment Services	12	F.9.a. Evaluation of Students	15
C.6. Public Responsibility	9	E.10. Assessment Security	12	F.9.b. Limitations	15
C.6.a. Sexual Harassment	9	E.11. Obsolete Assessment and Outdated Results	12	F.9.c. Counseling for Students	15
C.6.b. Reports to Third Parties	9	E.12. Assessment Construction	12	F.10. Roles and Relationships Between Counselor Educators and Students	15
C.6.c. Media Presentations	9	E.13. Forensic Evaluation: Evaluation for Legal Proceedings	12	F.10.a. Sexual or Romantic Relationships	15
C.6.d. Exploitation of Others	10	E.13.a. Primary Obligations	12	F.10.b. Sexual Harassment	15
C.6.e. Contributing to the Public Good (<i>Pro Bono Publico</i>)	10	E.13.b. Consent for Evaluation	12	F.10.c. Relationships With Former Students	15
C.7. Treatment Modalities	10	E.13.c. Client Evaluation Prohibited	12	F.10.d. Nonacademic Relationships	15
C.7.a. Scientific Basis for Treatment	10	E.13.d. Avoid Potentially Harmful Relationships	12	F.10.e. Counseling Services	15
C.7.b. Development and Innovation	10	Section F: Supervision, Training, and Teaching	12	F.10.f. Extending Educator-Student Boundaries	15
C.7.c. Harmful Practices	10	Section F: Introduction	12	F.11. Multicultural/Diversity Competence in Counselor Education and Training Programs	15
C.8. Responsibility to Other Professionals	10	F.1. Counselor Supervision and Client Welfare	12	F.11.a. Faculty Diversity	15
C.8.a. Personal Public Statements	10	F.1.a. Client Welfare	12	F.11.b. Student Diversity	15
Section D: Relationships With Other Professionals	10	F.1.b. Counselor Credentials	12	F.11.c. Multicultural/Diversity Competence	15
Section D: Introduction	10	F.1.c. Informed Consent and Client Rights	13	Section G: Research and Publication	15
D.1. Relationships With Colleagues, Employers, and Employees	10	F.2. Counselor Supervision Competence	13	Section G: Introduction	15
D.1.a. Different Approaches	10	F.2.a. Supervisor Preparation	13	G.1. Research Responsibilities	15
D.1.b. Forming Relationships	10				
D.1.c. Interdisciplinary Teamwork	10				
D.1.d. Establishing Professional and Ethical Obligations	10				
D.1.e. Confidentiality	10				

G.1.a. Conducting Research	15	G.4.d. Identity of Participants	17	H.4.e. Access	18
G.1.b. Confidentiality in Research	15	G.4.e. Replication Studies	17	H.4.f. Communication Differences in Electronic Media	18
G.1.c. Independent Researchers	15	G.5. Publications and Presentations	17	H.5. Records and Web Maintenance	18
G.1.d. Deviation From Standard Practice	16	G.5.a. Use of Case Examples	17	H.5.a. Records	18
G.1.e. Precautions to Avoid Injury	16	G.5.b. Plagiarism	17	H.5.b. Client Rights	18
G.1.f. Principal Researcher Responsibility	16	G.5.c. Acknowledging Previous Work	17	H.5.c. Electronic Links	18
G.2. Rights of Research Participants	16	G.5.d. Contributors	17	H.5.d. Multicultural and Disability Considerations	18
G.2.a. Informed Consent in Research	16	G.5.e. Agreement of Contributors	17	H.6. Social Media	18
G.2.b. Student/Supervisee Participation	16	G.5.f. Student Research	17	H.6.a. Virtual Professional Presence	18
G.2.c. Client Participation	16	G.5.g. Duplicate Submissions	17	H.6.b. Social Media as Part of Informed Consent	18
G.2.d. Confidentiality of Information	16	G.5.h. Professional Review	17	H.6.c. Client Virtual Presence	18
G.2.e. Persons Not Capable of Giving Informed Consent	16	Section H: Distance Counseling, Technology, and Social Media	17	H.6.d. Use of Public Social Media	18
G.2.f. Commitments to Participants	16	Section H: Introduction	17	Section I: Resolving Ethical Issues	18
G.2.g. Explanations After Data Collection	16	H.1. Knowledge and Legal Considerations	17	Section I: Introduction	18
G.2.h. Informing Sponsors	16	H.1.a. Knowledge and Competency	17	I.1. Standards and the Law	19
G.2.i. Research Records Custodian	16	H.1.b. Laws and Statutes	17	I.1.a. Knowledge	19
G.3. Managing and Maintaining Boundaries	16	H.2. Informed Consent and Security	17	I.1.b. Ethical Decision Making	19
G.3.a. Extending Researcher- Participant Boundaries	16	H.2.a. Informed Consent and Disclosure	17	I.1.c. Conflicts Between Ethics and Laws	19
G.3.b. Relationships With Research Participants	16	H.2.b. Confidentiality Maintained by the Counselor	18	I.2. Suspected Violations	19
G.3.c. Sexual Harassment and Research Participants	16	H.2.c. Acknowledgment of Limitations	18	I.2.a. Informal Resolution	19
G.4. Reporting Results	16	H.2.d. Security	18	I.2.b. Reporting Ethical Violations	19
G.4.a. Accurate Results	16	H.3. Client Verification	18	I.2.c. Consultation	19
G.4.b. Obligation to Report Unfavorable Results	16	H.4. Distance Counseling Relationship	18	I.2.d. Organizational Conflicts	19
G.4.c. Reporting Errors	16	H.4.a. Benefits and Limitations	18	I.2.e. Unwarranted Complaints Complainants and Respondents	19
		H.4.b. Professional Boundaries in Distance Counseling	18	I.3. Cooperation With Ethics Committees	19
		H.4.c. Technology-Assisted Services	18	Glossary of Terms	20
		H.4.d. Effectiveness of Services	18		

Ethics Related Resources From ACA!

- Free consultation on ethics for ACA Members
- Bestselling publications revised in accordance with the 2014 *Code of Ethics*, including *ACA Ethical Standards Casebook*, *Boundary Issues in Counseling*, *Ethics Desk Reference for Counselors*, and *The Counselor and the Law*
- Podcast and six-part webinar series on the 2014 *Code*
- The latest information on ethics at counseling.org/ethics



AMERICAN COUNSELING
ASSOCIATION

5999 Stevenson Avenue
Alexandria, VA 22304

counseling.org • 800-422-2648 x222

Note: This document may be reproduced in its entirety
without permission for non-commercial purposes only.



ASCA Ethical Standards for School Counselors

(Adopted 1984; revised 1992, 1998, 2004, 2010, 2016, 2022)

Preamble

The American School Counselor Association (ASCA) is a professional organization supporting school counselors, school counseling students/interns, school counseling program directors/supervisors and school counselor educators. These standards are the ethical responsibility of all school counseling professionals.

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. School counselors demonstrate the belief that all students have the ability to learn by advocating for and contributing to an education system that provides optimal learning environments for all students.

All students have the right to:

- Be respected and treated with dignity.
- A physically and emotionally safe, inclusive and healthy school environment, both in-person and through digital platforms, free from abuse, bullying, harassment, discrimination and any other forms of violence.
- Equitable access to a school counseling program that promotes academic, career and social/emotional development and improves student outcomes for all students, including students historically and currently marginalized by the education system.
- Equitable access to school counselors who support students from all backgrounds and circumstances and who advocate for and affirm all students regardless of but not limited to ethnic/racial identity; nationality; age; social class; economic status; abilities/disabilities; language; immigration status; sexual orientation; gender identity; gender expression; family type; religious/spiritual identity; and living situations, including emancipated minor status, wards of the state, homelessness or incarceration.
- Information and support needed to enhance self-development and affirmation within one's group identities.
- Critical, timely information, beginning with pre-K through grade 12, on how college/university, career and technical school, military, workforce and other postsecondary options can have an impact on their educational choices and future opportunities.
- Privacy that is honored to the greatest extent possible, which at times may be limited by school counselors' balance of other competing interests (e.g., best interests of students, the safety of others, parental rights) and adherence to laws,

policies and ethical standards pertaining to confidentiality and disclosure in the school setting.

Purpose

In this document, ASCA specifies the obligation to the principles of ethical behavior necessary to maintain the highest standards of integrity, leadership and professionalism. The ASCA Ethical Standards for School Counselors were developed in collaboration with school counselors, state school counselor associations, school counseling district and state leaders, and school counselor educators across the nation to clarify the profession's norms, values and beliefs.

The purpose of this document is to:

- Serve as a guide for the ethical practices of all individuals serving in a school counseling capacity, including school counselors, school counseling students/interns, supervisors/directors of school counseling programs and school counselor educators regardless of grade level, geographic area, population served or ASCA membership.
- Provide support and direction for self-assessment, peer consultation and performance appraisal regarding school counselors' responsibilities to students, parents/guardians, colleagues and professional associates, school district and employees, communities and the school counseling profession.
- Inform all educational stakeholders, including but not limited to students, parents/guardians, teachers/staff, administrators, community members, legal professionals and courts of justice, regarding the ethical practices, values and expected behaviors of the school counseling professional.

A. RESPONSIBILITY TO STUDENTS

A.1. Supporting Student Development

School counselors:

- a. Have a primary obligation to the students, who are to be treated with dignity and respect as unique individuals.
- b. Foster and affirm all students and their identity and psychosocial development.
- c. Support all students and their development by actively working to eliminate systemic barriers or bias impeding student development.
- d. Provide culturally responsive instruction and appraisal and advisement to students.
- e. Provide culturally responsive counseling to students in a brief context and support students and families/guardians in obtaining outside services if students need long-term clinical/mental health counseling.

- f. Do not diagnose but recognize how a student's diagnosis and environment can potentially affect the student's access, participation and ability to achieve academic, postsecondary and social/emotional success.
- g. Acknowledge the vital role and rights of parents/guardians, families and tribal communities.
- h. Respect students' and families' values, beliefs and cultural background, as well as students' sexual orientation, gender identity and gender expression, and exercise great care to avoid imposing personal biases, beliefs or values rooted in one's religion, culture or ethnicity.
- i. Are knowledgeable of local, state and federal laws, as well as school and district policies and procedures affecting students and families and strive to protect and inform students and families regarding their rights.
- j. Advocate for equitable, anti-oppressive and anti-bias policies and procedures, systems and practices, and provide effective, evidence-based and culturally sustaining interventions to address student needs.
- k. Involve diverse networks of support, including but not limited to educational teams, community and tribal agencies and partners, wraparound services and vocational rehabilitation services as needed to best serve students.
- l. Maintain appropriate boundaries and are aware that any sexual or romantic relationship with students (whether legal or illegal in the state of employment) is a grievous breach of ethics and is prohibited regardless of a student's age or consent. This prohibition applies to both in-person and electronic interactions and relationships.

A.2. Confidentiality

School counselors:

- a. Promote awareness of school counselors' ethical standards and legal mandates regarding confidentiality and the appropriate rationale and procedures for disclosure of student data and information to school staff.
- b. Inform students of the purposes, goals, techniques, rules and procedures under which they may receive counseling. Disclosure includes informed consent and clarification of the limits of confidentiality.
- c. Recognize that informed consent requires competence, voluntariness and knowledge on students' part to understand the limits of confidentiality and, therefore, can be difficult to obtain from students of certain developmental levels and special-needs populations. The school counselor should make attempts to gain assent appropriate to the individual student (e.g., in the student's preferred language) prior to disclosure.
- d. Are aware that even though attempts are made to obtain informed consent, it is not always possible. When needed, school counselors make decisions on students' behalf that promote students' welfare.
- e. Explain the limits of confidentiality in developmentally appropriate terms through multiple methods, such as student handbooks; classroom lessons; verbal notification to individual students; and school counseling department websites, brochures and social media accounts.
- f. Keep information confidential unless legal requirements demand confidential information be revealed or a breach is required to prevent serious and foreseeable harm to the student or others. Serious and foreseeable harm is different for each minor in schools and is determined by a student's developmental and chronological age, the setting, parental/guardian rights and the nature of the harm. School counselors consult with appropriate professionals when in doubt as to the validity of an exception.
- g. Recognize their primary ethical obligation for confidentiality is to the students but balance that obligation with an understanding of parents'/guardians' legal and inherent rights to be the guiding voice in their children's lives. School counselors understand the need to balance students' ethical rights to make choices, their capacity to give consent or assent, and parental or familial legal rights and responsibilities to make decisions on their child's behalf.
- h. Collaborate with and involve students to the extent possible and use the most appropriate and least intrusive method to breach confidentiality if such action is warranted. The child's developmental age and the circumstances requiring the breach are considered and, as appropriate, students are engaged in a discussion about the method and timing of the breach. Consultation with professional peers and/or supervision is recommended.
- i. Request of the court that disclosure not be required when the school counselor's testimony or case notes are subpoenaed if the release of confidential information may potentially harm a student or the counseling relationship.
- j. Protect the confidentiality of students' records and release of personal data in accordance with prescribed federal and state laws and district and school policies.
- k. Recognize the vulnerability of confidentiality in electronic communications and only transmit student information electronically in a way that follows currently accepted security standards and meets federal, state and local laws and school board policy.
- l. Convey a student's highly sensitive information (e.g., a student's suicidal ideation) through personal contact such as a phone call or visit and not less-secure means such as a notation in the educational record or an email. Adhere to federal, state and local laws and school board policy when conveying sensitive information.
- m. Advocate for appropriate safeguards and protocols so highly sensitive student information is not disclosed accidentally to individuals who do not have a need to know such information. Best practice suggests a very limited number of educators would have access to highly sensitive information on a need-to-know basis.
- n. Advocate with appropriate school officials for acceptable encryption standards to be utilized for stored data and currently acceptable algorithms to be utilized for data in transit.
- o. Avoid using software programs without the technological capabilities to protect student information based upon legal specifications and currently acceptable security standards.
- p. Advocate for physical and virtual workspaces that are arranged to protect the confidentiality of students' communications and records.

A.3. Comprehensive School Counseling Program

School counselors:

- a. Provide students with a culturally responsive school counseling program that promotes academic, career and social/emotional development and equitable opportunity and achievement outcomes for all students.
- b. Collaborate with administration, teachers, staff and stakeholders for equitable school improvement goals.
- c. Use data-collection tools adhering to standards of confidentiality as expressed in A.2.
- d. Review and use school and student data to assess and address needs, including but not limited to data on strengths and disparities that may exist related to gender, race, ethnicity, socioeconomic status, disability and/or other relevant classifications.
- e. Deliver research-based interventions to help close achievement, attainment, information, attendance, discipline, resource and opportunity gaps.
- f. Collect and analyze participation, ASCA Mindsets & Behaviors and outcome data to determine the progress and effectiveness of the school counseling program.
- g. Share data outcomes with stakeholders.
- b. Recognize that establishing credibility, rapport and an effective working alliance with some students and stakeholders may be facilitated by developing relationships that extend beyond the school day and building (e.g., attending community events, advocating for community improvement for and with students and stakeholders, joining community enhancement organizations).
- c. Assess potential risks and benefits prior to extending relationships beyond the school building and school hours (e.g., attending students off-site extracurricular activities, celebrations honoring students, hospital visits, funerals).
- d. Document the nature of relationship extensions, including the rationale, potential benefit and possible consequences for the student and school counselor.
- e. Act to eliminate and/or reduce the potential for harm to students and stakeholders in any relationships or interactions by using safeguards, such as informed consent, consultation, supervision and documentation.
- f. Prevent potential harm to students and stakeholders with whom the school counselor's judgment may be compromised (e.g., family members, children of close friends) by helping facilitate the provision of alternative services or resources when available.
- g. Adhere to legal, ethical, district and school policies and guidelines regarding relationships with students and stakeholders.
- h. Refrain from the use of personal social media, text and email accounts to interact with students unless sanctioned by the school district. Adhere to legal, ethical, district and school policies and guidelines when using technology with students and stakeholders.
- i. Avoid inappropriate roles and relationships such as providing direct discipline, teaching courses that involve grading students and accepting administrative duties in the absence of an administrator.
- j. Strive to avoid a conflict of interest through self-promotion that would benefit the school counselor personally and/or financially (e.g., advertising their products and/or services).

A.4. Academic, Career and Social/Emotional Planning

School counselors:

- a. Collaborate with a community of stakeholders to create a culture of postsecondary readiness.
- b. Provide and advocate for all students' pre-K–postsecondary career awareness, exploration, and postsecondary planning and decision-making to support students' right to choose from the wide array of career and postsecondary options, including but not limited to college/university, career and technical school, military or workforce.
- c. Identify and examine gaps in college and career access and address both intentional and unintentional biases in postsecondary and career counseling.
- d. Provide opportunities for all students to develop a positive attitude toward learning, effective learning strategies, self-management and social skills and an understanding that lifelong learning is part of long-term career success.
- e. Address their personal biases related to students' postsecondary choices.
- f. Address any inequitable systemic policies and practices related to students' postsecondary choices.

A.5. Sustaining Healthy Relationships and Managing Boundaries

School counselors:

- a. Engage in professional roles and relationships with students and stakeholders that foster wellness and student success.

A.6. Appropriate Collaboration, Advocacy and Referrals for Counseling

School counselors:

- a. Collaborate with all relevant stakeholders, including students, school faculty/staff and parents/guardians, when students need assistance, including when early warning signs of student distress are identified.
- b. Provide a list of outside agencies and resources in their community, or the closest available, to students and parents/guardians when students need or request additional support. School counselors provide multiple referral options or the district-verified list of referrals options and are careful not to indicate an endorsement or preference for one individual or practice. School counselors encourage parents/guardians to research outside professionals' skills/experience to inform their personal decision regarding the best source of assistance for their student.

- c. Connect students with services provided through the local school district and community agencies and remain aware of state laws and local district policies related to students with special needs, including limits to confidentiality and notification to authorities as appropriate.
- d. Develop a plan for the transitioning of primary counseling services with minimal interruption of services. Students retain the right for the referred services to be conducted in coordination with the school counselor or to discontinue counseling services with the school counselor while maintaining an appropriate relationship that may include participation in other school support services.
- e. Refrain from referring students based solely on the school counselor's personal beliefs or values rooted in one's religion, culture, ethnicity or personal worldview. School counselors maintain the highest respect for student cultural identities and worldviews. School counselors pursue additional training and supervision when their values are discriminatory in nature (e.g., sexual orientation, gender identity, gender expression, reproductive rights, race, religion, ability status). School counselors do not impose their values on students and/or families when making referrals to outside resources for student and/or family support.
- f. Attempt to establish a collaborative relationship with outside service providers to best serve students. Request a release of information signed by the student and/or parents/guardians before attempting to collaborate with the student's external provider.
- g. Provide internal and external service providers with accurate and meaningful data necessary to adequately assess, counsel and assist students.
- h. Ensure there is not a conflict of interest in providing referral resources. School counselors do not refer or accept a referral to counsel students from their school if they also work in a private counseling practice.

A.7. Group Work

School counselors:

- a. Offer culturally sustaining small-group counseling services based on individual student, school and community needs; student data; a referral process; and/or other relevant data.
- b. Provide equitable access to participation in groups, including alleviating physical, language and other obstacles.
- c. Assess student needs to determine if participating in the group is appropriate for the student.
- d. Inform parents/guardians of student participation in and the purpose of the small group.
- e. Facilitate short-term groups to address students' academic achievement, postsecondary and career exploration, and social/emotional well-being.
- f. Use data to inform group topics, establish well-defined expectations and measure the outcomes of group participation.
- g. Reflect on group outcomes and determine adjustments that may improve future group interventions.

- h. Communicate the aspiration of confidentiality as a group norm, while recognizing and working from the protective posture that confidentiality for students in small groups cannot be guaranteed.
- i. Select topics for groups with the clear understanding that some topics are not suitable for groups in schools (e.g., incest survivorship, eating disorders, dating violence) and accordingly take precautions to protect members from harm as a result of interactions with the group.
- j. Facilitate culturally sustaining groups from the framework of evidence-based or research-based practices.
- k. Practice within their competence level and develop professional competence through training and supervision.
- l. Provide necessary follow-up and/or referrals to additional resources for group members.

A.8. Student Peer-Support Program

School counselors:

- a. Share the student peer-support program's goal and purpose with stakeholders.
- b. Safeguard the welfare of students participating in peer-to-peer programs under their direction.
- c. Strive to protect the confidentiality of students receiving peer support services by not sharing or disclosing personal information (e.g., special education services, academic information).
- d. Work to select peer helpers who reflect the diversity of the population to be served.
- e. Facilitate equitable access, representation and cultural sustainability in peer-support programs.
- f. Develop, train and supervise students in school counseling peer-support programs, using culturally relevant frameworks that promote inclusion and belonging.
- g. Inform peer-support students about when students need to report information to a responsible adult at school.

A.9. Serious and Foreseeable Harm to Self and Others

School counselors:

- a. Inform parents/guardians and school administration when a student poses a serious and foreseeable risk of harm to self or others. This notification is to be done after careful deliberation and consultation with appropriate professionals, such as other school counselors, the school nurse, school psychologist, school social worker, school resource officer or child protective services. Even if the danger appears relatively remote, parents/guardians must be notified. The consequence of the risk of not giving parents/guardians a chance to intervene on behalf of their child is too great.
- b. Recognize the level of suicide risk (e.g., low, medium, high) is difficult to accurately quantify. If required to use a risk assessment, it must be completed with the realization that it is an information-gathering tool and only one element in the risk-assessment process. When reporting risk-assessment

results to parents/guardians, school counselors do not negate the risk of students' potential harm to self even if the assessment reveals a low risk, as students may minimize risk to avoid further scrutiny and/or parental/guardian notification. The purpose of reporting any risk-assessment results to parents/guardians is to underscore the need for parents/guardians to act, not to report a judgment of risk.

- c. Collaborate with school administration to ensure a student has proper supervision and support. If parents/guardians will not provide proper support, the school counselor takes necessary steps to underscore to parents/guardians the necessity to seek help and, at times, may include a report to child protective services.
- d. Provide culturally responsive mental health resources to parents/guardians.
- e. Report to administration and/or appropriate authorities (e.g., law enforcement) when a student discloses a perpetrated or a perceived threat to another person's physical or mental well-being. This threat may include but is not limited to verbal abuse, physical abuse, sexual abuse, dating violence, bullying or harassment. The school counselor follows applicable federal and state laws and school and district policy.

A.10. Marginalized Populations

School counselors:

- a. Advocate with and on behalf of students to ensure they remain safe at home, in their communities and at school. A high standard of care includes determining what information is shared with parents/guardians and when information creates an unsafe environment for students.
- b. Actively work to establish a safe, equitable, affirming school environment in which all members of the school community demonstrate respect, inclusion and acceptance.
- c. Identify and advocate for resources needed to optimize and support academic, career and social/emotional development opportunities.
- d. Collaborate with parents/guardians when appropriate and strive to establish consistent, constructive two-way communication in their preferred language to ensure students' needs are met.
- e. Understand and advocate for all students' right to be treated in a manner that honors and respects their identity and expression, including but not limited to race, gender identity, gender expression, sexual orientation, language and ability status, and to be free from any form of discipline, harassment or discrimination based on their identity or expression.
- f. Advocate for the equitable right and access to free, appropriate public education for all youth in which students are not stigmatized or isolated based on race, gender identity, gender expression, sexual orientation, language, immigration status, juvenile justice/court involvement, housing, socioeconomic status, ability, foster care, transportation, special education, mental health and/or any other exceptionality or special need.
- g. Advocate for access to and inclusion in opportunities (e.g., Advanced Placement, International Baccalaureate, gifted and talented, honors, dual enrollment) in which students are

not stigmatized, isolated or excluded based on race, gender identity, gender expression, sexual orientation, language, immigration status, juvenile justice/court involvement, housing, socioeconomic status, ability, foster care, transportation, special education, mental health and/or any other exceptionality or special need.

- h. Actively advocate for systemic and other changes needed for equitable participation and outcomes in educational programs when disproportionality exists regarding enrollment in such programs by race, gender identity, gender expression, sexual orientation, language, immigration status, juvenile justice/court involvement, housing, socioeconomic status, ability, foster care, transportation, special education, mental health and/or any other exceptionality or special need.
- i. Recognize the strengths of students with disabilities as well as their challenges and provide best practices in supporting their academic, career and social/emotional needs.

A.11. Bullying, Harassment, Discrimination, Bias and Hate Incidents

School counselors:

- a. Recognize that bullying, discrimination, bias and hate incidents rooted in race, gender, sexual orientation and ethnicity are violations of federal law and many state and local laws and district policies.
- b. Advocate for schoolwide policies, protocols and training for response to bullying, harassment and bias incidents centered in safety, belonging and justice.
- c. Advocate for accessible, effective tools for students or community to report incidents of bullying, hate or bias.
- d. Report all incidents of bullying, dating violence or harassment to the administration, recognizing these behaviors may fall under Title IX of the Education Amendments of 1972 or other federal and state laws as illegal and require administrator intervention.
- e. Recognize that bias incidents are not only potentially traumatizing for students but can lead to significant damage and disruption of the school environment. Facilitate and monitor schoolwide prevention of bullying, harassment, discrimination, hate and bias through active practices that support a positive school climate, culture and belonging.
- f. In response to a hate or bias incident (e.g. discrimination, explicit bias, hate speech), collaborate with administrative teams to ensure safety, provide support for targeted students, facilitate effective communication, provide education, connect students to resources and promote healing and recovery within the school community.
- g. In developmentally appropriate ways and in the context of the incident, support victims, and encourage growth and provide tools for accountability and change (e.g. restorative practices) in perpetrators, and promote healing in the school community while deferring to administration for all discipline issues or any other violation of federal and state laws or district and school policies.
- h. Actively respond to incidents of bias or hate, demonstrating a commitment to equity and promoting a safe, inclusive school community.

A.12. Child Abuse

School counselors:

- a. Report to the proper authorities, as mandated by the state, all suspected cases of child abuse and neglect, recognizing that certainty is not required, only reasonable suspicion. School counselors are held to a higher standard regarding their absolute duty as a mandated reporter to report suspected child abuse and neglect.
- b. Develop and maintain the expertise to recognize the signs of child abuse and neglect. Advocate for training to enable students and staff to have the knowledge and skills needed to recognize the signs and to whom they should report suspected child abuse and neglect.
- c. Take reasonable precautions to protect the privacy of students for whom abuse or neglect is suspected from those who do not have a legitimate need to know.
- d. Know current state laws and the school system's procedures for reporting child abuse and neglect and methods to advocate for students' physical and emotional safety following abuse/neglect reports.
- e. Connect students who have experienced abuse and neglect with services provided through the local school district and community agencies.

A.13. Student Records

School counselors:

- a. Abide by the Family Educational Rights and Privacy Act (FERPA), which defines who has access to students' educational records and allows parents/guardians the right to review the records and challenge perceived inaccuracies in their child's records.
- b. Advocate for the ethical use of student data and records and inform administration of inappropriate or harmful practices.
- c. Recognize the difficulty in adhering to FERPA's definition of sole-possession records.
- d. Recognize that sole-possession records and case notes can be subpoenaed unless there is a specific state statute for privileged communication expressly protecting student/school counselor communication.
- e. Recognize that electronic communications with school officials regarding individual students, even without using student names, are likely to create student records that must be addressed in accordance with FERPA and state laws.
- f. Establish a reasonable timeline for purging sole-possession records or case notes. Suggested guidelines include shredding paper sole-possession records or deleting electronic sole-possession records when a student transitions to the next level, transfers to another school or graduates. School counselors do not destroy sole-possession records that may be needed by a court of law, such as notes on child abuse, suicide, sexual harassment or violence, without prior review and approval by school district legal counsel. School counselors follow district policies and procedures when contacting legal counsel.

A.14. Evaluation, Assessment and Interpretation

School counselors:

- a. Use only valid and reliable research-based tests and assessments that are culturally sensitive, in the student's preferred language and free of bias.
- b. Adhere to all professional standards and regulations when selecting, administering and interpreting standardized assessment tools, and only use assessment instruments that are within the scope of practice for school counselors and for which they are licensed, certified, competent and trained to use.
- c. Follow confidentiality guidelines when using paper or electronic assessment instruments and programs.
- d. Consider the student's developmental age, language skills, home language and competence level when determining an assessment's appropriateness.
- e. Use multiple data points, both quantitative and qualitative whenever possible, to provide students and families with complete and accurate information to promote students' well-being.
- f. Provide interpretation, in the student's preferred language, of the nature, purpose, results and potential impact of assessment/evaluation measures in terms students and parents/guardians can understand.
- g. Monitor the use of assessment results and interpretation, and take reasonable steps to prevent others from misusing the information.
- h. Use caution when selecting or using assessment techniques, making evaluations and interpreting the performance of populations not represented in the norm group on which an instrument is standardized.
- i. Conduct and disseminate the results of school counseling program assessments to determine the effectiveness of activities supporting students' academic, college/career and social/emotional development through accountability measures, especially examining efforts to close opportunity gaps.

A.15. Technical and Digital Citizenship

School counselors:

- a. Advocate for equitable access to technology for all students.
- b. Demonstrate appropriate selection and equitable use of culturally sustaining technology and software applications to enhance students' academic, career and social/emotional development. Attention is given to the legal and ethical considerations of technological applications, including confidentiality concerns, security issues, potential limitations and benefits, and communication practices in electronic media.
- c. Take appropriate and reasonable measures to maintain the confidentiality of student information and educational records stored or transmitted through the use of computers, social media, facsimile machines, telephones, voicemail, answering machines and other electronic technology.
- d. Promote the safe and responsible use of technology in collaboration with educators and families.

- e. Promote the benefits and clarify the limitations of various appropriate technological applications.
- f. Use established and approved means of communication with students, maintaining appropriate boundaries, and help educate students about appropriate communication and boundaries.
- g. Understand challenges with confidentiality when using email and establish protocols and boundaries for responding to emails.
- h. Advocate for the use of virtual learning tools that include safeguards and protocols protecting highly sensitive student information.
- i. Advocate against alert tools or apps requiring constant monitoring by school personnel. These tools are not aligned with the nature and function of school counseling.

A.16. Virtual/Distance School Counseling

School counselors:

- a. Adhere to the same legal and ethical standards in a virtual/distance/hybrid setting as in face-to-face settings.
- b. Recognize, acknowledge and problem-solve the unique challenges and limitations of virtual/distance/hybrid school counseling.
- c. Establish procedures, in collaboration with school administrators and other support staff, for students to follow in both emergency and nonemergency situations when the school counselor is not available.
- d. Recognize and address the limitation of virtual/distance/hybrid school counseling confidentiality, which may include unintended viewers or recipients.
- e. Inform both students and parents/guardians of the benefits and limitations of virtual/distance/hybrid school counseling.
- f. Educate students on how to participate in the electronic school counseling relationship to minimize and prevent potential misunderstandings that could occur due to lack of verbal cues and inability to read body language or other visual cues that provide contextual meaning to the school counseling process and relationship.
- g. Recognize the challenges in virtual/distance/hybrid settings of assisting students considering suicide, including but not limited to identifying their physical location, keeping them engaged on the call or device, contacting their parents/guardians and getting help to their location.

B. RESPONSIBILITIES TO PARENTS/GUARDIANS, SCHOOL AND SELF

B.1. Responsibilities to Parents/Guardians

School counselors:

- a. Recognize, honor and respect the importance of parents/guardians when providing services to students in a school setting and collaborate with students' parents/guardians as appropriate.

- b. Respect the rights and responsibilities of custodial and noncustodial parents/guardians and, as appropriate, establish a collaborative relationship to facilitate and advocate for students' maximum growth in the areas of academic, career and social/emotional development.
- c. Promote equity and inclusion through culturally affirming and sustaining practices honoring the diversity of families. Recognize that all parents/guardians, custodial and noncustodial, are vested with certain rights and responsibilities for their children's welfare by virtue of their role and according to law.
- d. Inform parents of the school counseling program's mission and standards in academic, career and social/emotional domains that promote and enhance the learning process and outcomes for all students.
- e. Adhere to the Protection of Pupil Rights Amendment when using universal screeners, surveys or needs assessments by informing parents/guardians prior to their use in accordance with school district policies and local, state and federal law.
- f. Engage a diverse sample of parents/guardians and caregivers to provide opportunities for meaningful contributions to the school counseling program.
- g. Adhere to federal, state and local laws; district policy; and ethical practice when assisting parents/guardians experiencing family difficulties interfering with their student's welfare.
- h. Inform parents/guardians of the confidential nature of the school counseling relationship between the school counselor and student, while recognizing parents/guardians have inherent legal rights to student information.
- i. Respect the privacy of parents/guardians in accordance with the student's best interests.
- j. Provide parents/guardians with accurate, comprehensive and relevant information in a caring manner as appropriate and consistent with legal and ethical responsibilities to the students and parents/guardians. Exercise due diligence in a timely, efficient manner to communicate concerns that affect the students' safety and welfare.
- k. Follow the directions and stipulations of the legal documentation in divorce, separation or custody cases, maintaining focus on the student. Adhere to clear boundaries and a position of neutrality when working with parents/guardians.

B.2. Responsibilities to the School

School counselors:

- a. Develop and maintain professional relationships and systems of communication with faculty, staff and administrators to support students.
- b. Design and deliver comprehensive school counseling programs that are integral to the school's academic mission, informed by analysis of student data, based on the ASCA National Model.
- c. Advocate for a school counseling program free of non-school-counseling assignments identified by "The ASCA National Model: A Framework for School Counseling Programs."

- d. Exercise leadership to create systemic change to create a safe and supportive environment and equitable outcomes for all students.
- e. Collaborate with appropriate officials to remove barriers that may impede the effectiveness of the school and/or the school counseling program in promoting equitable student outcomes.
- f. Provide support, consultation and mentoring to professionals in need of assistance when appropriate to enhance school climate and student outcomes.
- g. Inform appropriate officials, in accordance with federal and state law and school and district policy, of conditions that may be potentially disruptive or damaging to the school's mission, personnel and property, while honoring the confidentiality between students and school counselors to the extent possible.
- h. Advocate for administrators to place licensed/certified school counselors who are competent, qualified and hold a master's degree or higher in school counseling from an accredited institution.
- i. Advocate for equitable school counseling program policies and practices for all students and stakeholders.
- j. Advocate for the use of vetted, bilingual/multilingual translators to represent languages used by families in the school community and support broader cultural communication and engagement.
- k. Affirm the abilities of all students and advocate for their learning needs, supporting the provision of appropriate accommodations and accessibility.
- l. Provide culturally responsive information to families to increase understanding, improve communication, promote engagement and improve student outcomes.
- m. Promote culturally sustaining practices to help create a safe and inclusive school environment with equitable outcomes for all students.
- n. Adhere to educational/psychological research practices, confidentiality safeguards, security practices and school district policies when conducting research.
- o. Use school and community resources to promote equity and access for all students.
- p. Use inclusive language in all forms of communication and ensure students and stakeholders have access to materials in their preferred languages when possible.
- q. Collaborate as needed to provide optimum services with other school and community professionals with legitimate educational interests (e.g., school nurse, school psychologist, school social worker, speech-language pathologist), following all local, state and federal laws.
- r. Strive to address and remedy the work environment and conditions that do not reflect the school counseling profession's ethics, using advocacy and problem-solving skills.

B.3. Responsibilities to Self

School counselors:

- a. Have earned a master's degree or higher in school counseling or the substantial equivalent from an accredited institution.
- b. Maintain membership in school counselor professional organizations to stay up to date on current research and to maintain professional competence in current school counseling issues and topics.
- c. Accept employment only for positions for which they are qualified by education, training, supervised experience and state/national professional credentials.
- d. Adhere to the profession's ethical standards and other official policy statements such as ASCA position statements and role statements, school board policies and relevant laws. When laws and ethical codes are in conflict, school counselors work to adhere to both as much as possible.
- e. Engage in routine, content-applicable professional development to stay up to date on trends and needs of students and other stakeholders, and regularly attend training on current legal and ethical responsibilities.
- f. Explore and examine implicit biases and the impact on practice and interaction with students; apply learning to program practice and development.
- g. Develop knowledge and understanding of historic and systemic oppression, social justice and cultural models (e.g., multicultural counseling, anti-racism, culturally sustaining practices) to further develop skills for systemic change and equitable outcomes for all students.
- h. Recognize the potential for stress and secondary trauma. Practice wellness and self-care through monitoring mental, emotional and physical health, while seeking consultation from an experienced school counseling practitioner and/or others when needed.
- i. Monitor personal behaviors and recognize the high standard of care a professional in this critical position of trust must maintain on and off the job. School counselors are cognizant of and refrain from activity that may diminish their effectiveness within the school community.
- j. Apply an ethical decision-making model and seek consultation and supervision from colleagues and other professionals who are knowledgeable of the profession's practices when ethical questions arise.
- k. Honor the diversity and identities of students and seek training/supervision when prejudice or biases interfere with providing comprehensive school counseling services to all pre-K–12 students. School counselors will not refuse services to students based solely on personally held beliefs/values rooted in one's religion, culture or ethnicity. School counselors work toward a school climate that embraces diverse identities and promotes equitable outcomes in academic, career and social/emotional development for all students.
- l. Have an awareness of and make clear distinctions between actions and statements (verbal or written) made as a private individual versus those made as a representative of the school counseling profession and of the school district/school entity.
- m. Respect the intellectual property of others and adhere to copyright laws and correctly cite others' work when using it.

C. SCHOOL COUNSELOR DIRECTORS/ ADMINISTRATORS/SUPERVISORS

School counselor directors/administrators/supervisors support school counselors in their charge by:

- a. Advocating both within and outside of their schools or districts for adequate resources to implement a school counseling program and meet students' needs and the school community's needs.
- b. Advocating for fair and open distribution of resources among programs supervised, using an allocation procedure that is nondiscriminatory, equitable, informed by comprehensive data and consistently applied.
- c. Taking reasonable steps to ensure school and other resources are available to provide staff supervision and training.
- d. Providing opportunities for professional development in current research related to school counseling practices, competencies and ethics.
- e. Taking steps to eliminate conditions or practices in their schools or organizations that may violate, discourage or interfere with compliance with the laws and ethics related to the school counseling profession or equitable outcomes for students.
- f. Monitoring school and organizational policies, regulations and procedures to ensure practices are consistent with the ASCA Ethical Standards for School Counselors.
- g. Using and/or advocating for a performance appraisal instrument aligned with the ASCA School Counselor Professional Standards & Competencies that assesses school counselors' knowledge, skills and attitudes.
- h. Understanding the ASCA Ethical Standards for School Counselors, the ASCA National Model and the ASCA School Counselor Professional Standards & Competencies.
- i. Providing staff with opportunities and support to develop knowledge and understanding of historic and systemic oppression, social justice and cultural models (e.g., multicultural counseling, anti-racism, culturally sustaining practices) to further develop skills for systemic change and equitable outcomes for all students.
- j. Collaborating and consulting with school counseling graduate programs to support appropriate site placement for supervisees and ensure high-quality training that is essential for school counselor preparation.
- c. Use a model of supervision that is developmental, ongoing and includes but is not limited to promoting professional growth, supporting best practices and ethical practice, assessing supervisee performance and developing plans for improvement, consulting on specific cases and assisting in the development of a course of action.
- d. Engage in culturally affirming supervision, maintain cultural competence and consider cultural and historic factors and power dynamics that may have an impact on the supervisory relationship.
- e. Avoid supervisory relationships with individuals with whom they have the inability to remain objective (e.g., family members or close friends).
- f. Are competent with technology used to perform supervisory responsibilities and online supervision, if applicable. Supervisors protect all electronically transmitted confidential information.
- g. Understand there are differences in face-to face and virtual communication (e.g., absence of verbal and nonverbal cues) that may have an impact on virtual supervision. Supervisors educate supervisees on how to communicate electronically to prevent and avoid potential problems and negative outcomes.
- h. Provide information about how and when virtual supervisory services will be utilized, and provide school counselors with reasonable access to pertinent applications.
- i. Ensure performance evaluations are completed in a timely, fair and considerate manner; base evaluations on clearly stated criteria; and use data when available.
- j. Ensure supervisees are aware of policies and procedures related to supervision and evaluation and provide due-process procedures if supervisees appeal their evaluations.
- k. Understand supervisee limitations and communicate concerns to the university/college supervisor in a timely manner.
- l. Help supervisees select appropriate professional development based on identified needs.
- m. Contact university/college supervisors and consult with school administrators to recommend assistance or dismissal when supervisees are unable to demonstrate competence as a school counselor as defined by the ASCA School Counselor Professional Standards & Competencies. Document recommendations and ensure supervisees are aware of such decisions and the resources available to them.
- n. Recognize and acknowledge the specific roles of school counselor educators, site supervisors and the practicum/internship student. Supervisors ensure that supervisees are able to participate in a variety of academic, college/career and social/emotional activities through individual, group and classroom interventions.

D. SCHOOL COUNSELING PRACTICUM/ INTERNSHIP SITE SUPERVISORS

Practicum/internship site supervisors:

- a. Are licensed or certified school counselors with an understanding of school counseling programs and school counselors' ethical practices.
- b. Have the education and training to provide school counseling supervision and regularly pursue continuing education activities on both counseling and supervision topics and skills.

E. MAINTENANCE OF STANDARDS

When the absence of a settled opinion or conviction exists as to the ethical behavior of a colleague(s), the following procedures may serve as a guide:

- a. School counselors confidentially consult with professional colleagues to discuss the potentially unethical behavior and determine if the situation is an ethical violation.

- b. School counselors discuss and seek resolution directly with the colleague whose behavior is in question unless the behavior is unlawful, abusive, egregious or dangerous, in which case proper school or community authorities are contacted.
- c. School counselors understand mandatory reporting responsibilities in their respective districts and states.
- d. School counselors take appropriate action in the following sequence if the matter remains unresolved at the school, school district, state department of education and/or professional practice/standards commission level:
 1. Contact the state school counselor association's ethics committee if applicable.
 - i. If no such committee exists, contact the state school counselor association leadership.
 - ii. If the issue remains unresolved, proceed to step 2.
 2. Contact the American School Counselor Association. Formal documentation of the steps taken and the response of the complainant and respondent should be submitted in hard copy to the ASCA Ethics Committee, c/o the Executive Director, American School Counselor Association, 277 S. Washington St., Suite 390, Alexandria, VA 22314

F. ETHICAL DECISION-MAKING

When faced with an ethical dilemma, school counselors and school counseling program directors/supervisors use an ethical decision-making model.

- a. Define the ethical dilemma.
- b. Identify potential cultural, religious and worldview factors and power dynamics that are present within a potential ethical dilemma.
- c. Apply the ASCA Ethical Standards for School Counselors and the relevant district policies and procedures.
- d. Consult with appropriate professionals (e.g., supervisors, other student service professionals, school counseling peers, cultural experts).
- e. Consider the student's chronological age and developmental level.
- f. Consider parental/guardian and student rights
- g. Apply the ethical principles of:
 - Beneficence: working for the good of the individual and society by promoting mental health and well-being
 - Autonomy: fostering the right to control the direction of one's life
 - Nonmaleficence: avoiding actions that cause harm
 - Justice: treating individuals equitably and fostering fairness and equality
 - Fidelity: honoring commitments and keeping promises, including fulfilling one's responsibilities of trust in professional relationships

- Veracity: dealing truthfully with individuals with whom school counselors come into professional contact
- h. Determine potential courses of action and their consequences.
 - i. Evaluate the selected action.
 - j. Implement the course of action and analyze the outcome.
 - k. Identify any inconsistencies in school/district policy for potential revision.
 - l. See other ethical decision-making models:
 - Intercultural Model of Ethical Decision Making, Luke et al., (2013)
 - Solutions to Ethical Problems in Schools (STEPS), Stone (2003)
 - Ethical Justification Model, Kitchener (1984)

GLOSSARY OF TERMS

Advocate

a person who speaks, writes or acts to promote the well-being of students, parents/guardians, school and community stakeholders, and the school counseling profession. School counselors advocate to create and maintain equitable systems, policies and practices.

Anti-Racist

one who expresses the idea that race is a social construct and does not biologically exist while supporting policy that eliminates racial inequity and fighting against racism.

Assent

to demonstrate agreement when a student is not competent to give informed consent to counseling or other services the school counselor is providing.

Assessment

collecting in-depth information about a person to develop a comprehensive plan that will guide the collaborative counseling and service provision process.

Bias Incident

use of hateful imagery, language or acts that are often noncriminal in nature motivated by bigotry, prejudice or hate toward individuals because of the targets' perceived disability, ethnicity, gender, gender identity, nationality, race, sex or sexual orientation.

Boundaries

something that indicates or affixes an extent or limits.

Breach

disclosure of information given in private or confidential communication such as information given during counseling.

Bullying

intentional, repeated harmful acts, words or other behavior such as name calling, threatening and/or shunning committed by one or more children against another. These negative acts are not intentionally provoked by the victims, and for such acts to be defined as bullying, an imbalance in real or perceived power must exist between the bully and the victim. Bullying may be physical, verbal, emotional or sexual in nature.

Competence

the quality of being competent; adequacy; possession of required skill, knowledge, qualification or capacity.

Confidentiality

the ethical duty of school counselors to responsibly protect a student's private communications shared in counseling.

Conflict of Interest

a situation in which a school counselor stands to personally profit from a decision involving a student.

Consent

permission, approval or agreement; compliance.

Consultation

a professional relationship in which individuals meet to seek advice, information and/or deliberation to address a student's need.

Conventional Parameters

general agreement or accepted standards regarding limits, boundaries or guidelines.

Cultural Sensitivity

a set of skills enabling you to know, understand and value the similarities and differences in people; modify your behavior to be most effective and respectful of students and families; and deliver programs that fit diverse learners' needs.

Culturally Sustaining School Counseling

policies and practices that affirm and embrace cultural pluralism, promote cultural dexterity and actively advocate for equitable systems and outcomes.

Custodial and Noncustodial

physical custody: a phrase used to determine which parent a minor student lives with as a result of a court order. A custodial parent has physical custody of the minor child while a noncustodial parent does not have physical custody of the minor child, as the result of a court order.

Legal custody: both custodial and noncustodial parents have educational rights to their child's records unless noted by court documentation.

Data Dialogues

inquiry with others around student information to uncover inequities, promote informed investigations and assist in understanding the meaning of data and the next steps to have an impact on data.

Data Informed

accessing data, applying meaning to it and using data to have an impact on student success.

Developmental Level/Age

the age of an individual determined by degree of emotional, mental and physiological maturity as compared with typical behaviors and characteristics of that chronological age.

Disclosure

the act or an instance of exposure or revelation.

Diversity

the inclusion of individuals representing more than one national origin, gender identity, gender expression, ethnicity, religion, socioeconomic stratum, sexual orientation and the intersection of cultural and social identities.

Dual Relationship

a relationship in which a school counselor is concurrently participating in two or more roles with a student.

Empathy

the action of understanding, being aware of, being sensitive to and vicariously experiencing the feelings, thoughts and experience of another without having the feelings, thoughts and experience fully communicated in an objectively explicit manner.

Emancipated Minors

minors who are legally freed from control by their parents/guardians, and the parents/guardians are freed from any and all responsibility toward the children.

Encryption

process of putting information into a coded form to control and limit access to authorized users.

Equity

treated fairly; educational equity occurs when educators provide all students with the high-quality instruction and support they need to reach and exceed a common standard.

Ethics

the norms and principles of conduct and philosophy governing the profession.

Ethical Behavior

actions defined by standards of conduct for the profession.

Ethical Obligation

a standard or set of standards defining the course of action for the profession.

Ethical Rights

the fundamental normative rules about what is allowed of people or owed to people, according to some legal system, social convention or ethical theory.

Feasible

capable of being done, affected or accomplished easily or conveniently.

Gender Expression

the ways in which students manifest masculinity or femininity in terms of clothing, communication patterns and interests, which may or may not reflect the student's gender identity.

Gender Identity

one's personal experience of one's own gender. When one's gender identity and biological sex are not congruent, the student may identify as transgender.

Guardian Ad Litem

a guardian appointed by a court to watch after someone during a case.

Harassment

the act of systematic and/or continued unwanted disturbing or troubling persecution.

Informed Consent

assisting students in acquiring an understanding of the limits of confidentiality, the benefits, facts and risks of entering into a counseling relationship.

Intervention

to provide modifications, materials, advice, aids, services or other forms of support to have a positive impact on the outcome or course of a condition.

Legal Mandates

a judicial command or precept issued by a court or magistrate, directing proper behavior to enforce a judgment, sentence or decree.

Legal Rights

those rights bestowed onto a person by a given legal system.

Mandatory Reporting

the legal requirement to report to authorities.

Minors

persons under the age of 18 years unless otherwise designated by statute or regulation.

Oppression

unjust or cruel exercise of authority or power.

Perception

a mental image or awareness of environment through a physical sensation; a capacity for understanding or a result of an observation.

Peer Helper

peer-to-peer interaction in which individuals who are of approximately the same age take on a helping role assisting students who may share related values, experiences and lifestyles.

Peer Support

programs enhancing the effectiveness of the school counseling program while increasing outreach and raising student awareness of services.

Privacy

the right of an individual to keep oneself and one's personal information free from unauthorized disclosure.

Privileged Communication

conversation that takes place within the context of a protected relationship, such as that between an attorney and client, spouses, a priest and penitent, a doctor and patient and, in some states, a school counselor and student.

Professional Development

the process of improving and increasing capabilities through access to education and training opportunities.

Racial Bias

a personal and unreasoned judgment made solely on an individual's race.

Racism

when individuals, systems or institutions show more favorable evaluation or treatment of an individual or group based on race or ethnicity.

Relationship

a connection, association or involvement.

Risk Assessment

a systematic process of evaluating potential risks.

School Counseling Supervisor

a qualified professional who provides guidance, teaching and support for the professional development of school counselors and school counseling candidates.

Serious and Foreseeable Harm

when a reasonable person can anticipate significant and harmful possible consequences.

Sole-Possession Records

records used only as a personal memory aid that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a temporary substitute for the maker of the record and provide only professional opinion or personal observations. Sole-possession records are exempted from the definition of educational records and FERPA protection.

Stakeholder

a person or group sharing an investment or interest in the students and/or school community (e.g., parents/guardians, school staff, administrators, business and community interest groups, school board members, etc.).

Systemic Change

change affecting the entire system; transformational; change affecting more than an individual or series of individuals; focused upon the dynamic of the environment, not the individual.

Supervision

a collaborative relationship in which one person promotes and/or evaluates the development of another.

Title IX of the Education Amendments of 1972

a law that demands that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any education program or activity receiving federal financial assistance.

Universal Screener

gathers information regarding behavioral and mental health issues by either reviewing existing data/input from educators or by asking questions directly of students. Schools receiving federal funding that use a universal screener asking even one question from one of the eight protected areas under the Protection of Pupil Rights Amendment (PPRA) must obtain active consent from parents/guardians if a student is required to complete the screening and passive consent if the screening is voluntary (U.S. Department of Education, PPRA, 2022).

Virtual/Distance Counseling

counseling by electronic means.



February 8, 2025

Re: HB 1490

Dear legislators of North Dakota:

I am a school counselor in western North Dakota. I am asking you to please vote no on House Bill 1490, which mandates that school counselors may only provide services to students if another faculty member is present or they have been evaluated by a licensed psychologist and “cleared.” This bill is untenable, unworkable, unfair, and unreasonable.

First, this will put additional financial burden on school districts and taxpayers. Districts who are already paying licensed school counselors to provide services to students must now pay either for additional staff to sit in with the counselor, or for a psychological evaluation provided by a third party every two years. As you likely know if you’ve been in the legislature for the last session or two, we have a shortage of mental health professionals in our state. This will only exacerbate the problem and limit services to students.

Second, this mandate is unnecessary. Certainly, there are individual school counselors who are “bad apples,” but this is rare. Most counselors are caring, ethical, and interested in student welfare. In addition, we have master’s degrees which include entire courses in ethical behavior and professionalism. School counselors who ignore these guidelines should not be allowed to continue in this profession – but don’t punish the rest of us. Similar attempts have been made for other professions, such as the “Defund the Police” movement of a few years ago. Most of us would agree that law enforcement is important to any safe and functioning society, just as school counselors are essential to the well-being of public schools students.

House Bill 1490 is wasteful and unnecessary, and pointed at one or two bad individuals who have violated our standards and principles. Most of us want to continue caring for students as we always do. Please vote no on this bill to keep our schools healthy.

Thank you,

Rachel Meuchel
High School Counselor

Opposition of HB 1490

My name is Megan Leingang and I am currently the 6-12 School Counselor at Washburn Public School. I am writing today in opposition to HB 1490 and the ridiculous implications it has for the school counseling profession. If this bill is passed, I feel that it will send the message to our communities that we are professionals that cannot be trusted. It undermines our training and de-values us as trained professionals.

School Counselors, in general, have more education than almost anyone else in our school buildings because our Master's programs require more classroom hours than others in education. This bill basically requires schools to hire us a babysitter to be with us in our offices all day. This does not make me feel valued as a professional. Also, we are trained to work with sensitive information with students and we have a code of ethics to remain confidential about what students share with us. How can we ensure that this other person has that same training and code of conduct? Also, they would not be trained in the same way as a School Counselor, so what happens if a student goes to the other person for an issue and they try to "do our jobs?" They are not trained in this profession and could have damning results when working with a student. Overall, I feel that this undermines my training and is insulting as a professional.

The other stipulation in the bill would allow School Counselors to meet with students alone only after getting a full psychological evaluation done. This brings up a ton of questions about the sustainability of the plan. Who will pay for these evaluations? Who will be responsible for doing the evaluations? The mental health system is currently already overloaded with cases and now we would be talking valuable time slots away from those in need to do this task. It seems silly to take away valuable resources from those that need it to satisfy this request. Also, the wait time currently to get in for evaluations is long and it takes time to process results. This seems to be overworking an already overloaded system! Lastly, why are only School Counselors being targeted with this bill? We are not the only profession in the school that works closely one on one with students. If this is about protecting our kids, should be not require everyone in the building to have his same requirement. In our last legislative session, School Counselors advocated to get a list of appropriate duties put into Century code so that we were no longer being required to do "non-counseling" tasks. We were told that no other education position had that in Century code, so we would not be allowed to have that. I feel that the same argument could be made here... no other educator is required to have this psychological evaluation (and numerous positions work individually with students), so I do not see how it would be allowable for School Counselors to have to meet that standard.

In summation, HB 1490 is an insulting proposal to those in the School Counseling community. We are trained professionals and strive to be the front-line workers that help our vulnerable students in crisis. We just want to be valued as professionals and in my opinion this proposal does the opposite of that. Please show School Counselors that you value their position in the schools and all the good work they do by opposing the passage of HB 1490.

Thank you,

Megan Leingang

6-12 School Counselor, WPS

Testimony in Opposition to HB1490

Submitted by Sandy Hansen, resident of Barnes County, ND

I would like to encourage the committee to give this bill a “Do Not Pass” recommendation.

I don’t understand why this would have to be put into Century Code. Our school districts already have procedures in place for staff – leave the control to local elected school boards who meet on a regular basis.

Why is this targeting only school counselors who have master’s degrees in their field of study and years of professional development to support self-care, and prescribed ethical practices? As far as the proposed psychological evaluations go – who is doing those evaluations, what is their background in these studies, and who is paying for it? And every two years? What purpose is this serving?

PLEASE VOTE NO ON HB1490 – it is bad for school counselors and bad for local control. Thank you.

Brandy Klusmann
K-12 School Counselor
7745 Highway 56
Kulm, North Dakota

February 9, 2025

House Education Committee
Pat D. Heinert

Subject: Testimony Regarding House Bill 1490

Dear Mr. Pat Heinert and Members of the House Education Committee,

I am writing to express my opposition to House Bill 1490 that would enact a new section to chapter 15.1-13 of the North Dakota Century Code, relating to required psychological evaluations for school counselors. As a licensed school counselor for 6 years, I oppose this bill because it implies that the expertise, training, and ethical standards that school counselors bring to their work are somehow insufficient.

At the heart of this issue is the safety and well-being of our students. As a school counselor, I am deeply committed to ensuring that students feel safe, supported, and valued in their school environment. Our role is essential in addressing not only academic needs but also the emotional and psychological challenges that students face.

First, I want to address the fact that school counselors are already highly trained professionals. Becoming a school counselor requires completing a master's degree in counseling with a minimum of 60 credit hours, including both practicum and internship hours. We are also required to pass national certification exams and adhere to strict ethical standards set by both state licensing boards and national organizations like the American School Counselor Association (ASCA). The rigor of this education and training ensures that we have the skills necessary to serve students.

Second, the proposed psychological evaluation under House Bill 1490 would imply that counselors, despite already having extensive training and being held to high ethical standards, are somehow unqualified or unable to meet the demands of the profession. It singles out school counselors without imposing similar requirements on other individuals who work individually with students, such as coaches, paraprofessionals, teachers, school psychologists, and administrators. The bill unfairly targets school counselors, potentially creating an environment of distrust in the expertise of a whole profession.

Third, I am concerned that this bill could have a negative impact on the recruitment and retention of school counselors in North Dakota. Our state, like much of the country, is already facing a shortage of school counselors. This shortage is due in part to the immense demands placed on counselors and insufficient funding for school counseling programs. Requiring psychological evaluations would further burden an already overworked profession and deter potential candidates from entering the field.

Finally, the psychological evaluation requirement could create a stigma around counseling professionals. It implies that school counselors are at risk of being mentally unfit for their roles simply by virtue of the work they do. This misperception could harm both the reputation of the profession and the support system we strive to build for students. Instead of increasing barriers, we should focus on creating a supportive and understanding environment for counselors to ensure they can continue to do their important work.

I urge you to oppose this bill. Rather than placing additional burdens on school counselors, we should focus on strengthening the support systems already in place for student safety, mental health, and well-being across all educational professionals. School counselors are committed to the success and safety of our students, and the additional requirement of a psychological evaluation is unnecessary and damaging to the profession. Thank you for your time and consideration. Please feel free to contact me if you have any questions.

Sincerely,
Brandy Klusmann
Email: brandy.klusmann@k12.nd.us

Danielle Luebke

Licensed Professional Counselor (LPC)/Licensed School Counselor
Hankinson Public School
PO Box 220
Hankinson, ND 58041

2/9/25

House Education Committee
Pat D. Heinert

Subject: Opposition to House Bill 1490

Dear Mr. Pat Heinert and Members of the House Education Committee,

I am writing to express my strong opposition to House Bill 1490, which seeks to enact a new section to chapter 15.1-13 of the North Dakota Century Code, relating to **mandatory psychological evaluations for school counselors**. As a **dually licensed professional counselor and school counselor** in North Dakota, I am deeply concerned about the **discriminatory** nature of this bill, its **lack of justification**, and the harmful precedent it would set for both **our profession and the students we serve**.

School counselors are among the **most highly trained** professionals in the school system. Unlike other school personnel, we are required to **hold a master's degree** in counseling or a closely related field. This **rigorous graduate-level education** includes advanced coursework in **mental health, ethics, child development, crisis intervention, and trauma-informed practices**. Additionally, we must **complete supervised clinical experience**, pass licensure exams, and adhere to **ongoing professional development and continuing education requirements** to maintain our credentials.

Furthermore, many school counselors, including myself, hold **dual licensure**, meaning we have met the **stringent clinical requirements** to work in both **educational and mental health settings**. This level of training goes **far beyond the qualifications required for other school personnel, including teachers and administrators**, yet **House Bill 1490 unfairly targets only school counselors for psychological evaluations**.

House Bill 1490 **directly conflicts** with the ethical guidelines established by the **American Counseling Association (ACA) and the American School Counselor Association (ASCA)**:

- The **ASCA Ethical Standards for School Counselors (2022, A.2)** emphasize the importance of **confidentiality**, stating that school counselors must "protect the

confidentiality of students and adhere to all legal and ethical obligations to safeguard students' privacy."

- The **ACA Code of Ethics (2014, B.1.c)** explicitly states that "counselors protect the confidential information of prospective and current clients," reinforcing that **trust is the foundation of effective counseling**.

If enacted, this bill would **undermine that trust**, deterring students from seeking support and creating unnecessary barriers between school counselors and the students who rely on them for guidance.

One of the most alarming aspects of House Bill 1490 is that it **singles out school counselors while ignoring all other school personnel**. **If psychological evaluations are necessary for ensuring a safe and effective school environment, then why are they not required for teachers, administrators, or school board members?**

This bill **implies an unfounded mistrust of school counselors**, despite our **advanced training, professional ethics, and licensure requirements**. If anything, the higher educational standards and ongoing licensure requirements of school counselors should make it clear that **we are already rigorously vetted professionals**.

To selectively impose psychological evaluations **only on school counselors** is **not only discriminatory but also a direct attack on our profession**. If this bill were genuinely aimed at ensuring the well-being of all school professionals, then it should apply **equally to everyone in the education system**, not just school counselors.

Negative Impact on Students and Schools

Beyond its unfair targeting of school counselors, House Bill 1490 will have a **harmful impact on students**:

- **Reduced Access to Support:** Creating unnecessary bureaucratic hurdles discourages students from seeking the help they need, particularly **those struggling with mental health challenges, family crises, or academic stress**.
- **Chilling Effect on the Profession:** By unfairly singling out school counselors, this bill may **deter qualified professionals from entering or remaining in the field**, exacerbating the current shortage of mental health professionals in schools.
- **Violation of Best Practices in School Counseling:** The **ASCA National Model** underscores the importance of school counselors as trusted advocates for students. This bill **undermines that trust and creates unnecessary obstacles** for counselors to effectively serve students.

Conclusion: House Bill 1490 is Unnecessary and Harmful

School counselors are **already among the most highly trained and regulated professionals** in education. **Our master's degrees, licensure requirements, ethical codes, and ongoing professional development ensure that we are fit to support students.**

Requiring **only school counselors** to undergo mandatory psychological evaluations, while ignoring all other school staff, is **discriminatory, unjustified, and harmful to the students who rely on our support.** If this bill is truly about ensuring the well-being of school personnel, then it **must apply equally to all educators and administrators—not just school counselors.**

For these reasons, I strongly urge you to **oppose House Bill 1490.** The integrity of the counseling profession—and the well-being of North Dakota's students—depends on **maintaining trust, fairness, and accessibility in school counseling services.**

I appreciate your time and consideration and welcome any further discussion on this matter.

Sincerely,

Danielle Luebke

Dear Members of the House Education Committee:

I am writing to you as a pediatric neurologist that cares for children across the state of North Dakota. I am writing to you as a father of young children. I am also writing as an individual who has required mental health support

School counselors have more than a full-time job supporting our children as they learn, grow, and become young adults and contributing members of our communities. The stakes are high, and they weigh on anyone that cares for children in any capacity. This can have a major impact on a person, and the people in this career field are incredible individuals that have a lot of strengths, gifts, and talents; but they are also human beings that have personal needs and struggles, some of those including mental health.

Therefore, it is imperative that we support those that educate and care for our children, for no matter how cliché it is, they are truly our future and that is what we should be investing our resources in.

Sincerely,

James Miles, MD

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 1490, which mandates psychological evaluations for school counselors as a prerequisite for working one-on-one with students. This bill is not only unnecessary but also unfairly targets school counselors in a manner that does not align with practices for other educational professionals.

First and foremost, no other school-based professional—including administrators, teachers, or athletic coaches—is subjected to such psychological evaluations, despite many well-documented cases of misconduct across these roles, and statistically few for those in school counseling roles. Singling out school counselors for such a requirement implies an unfounded suspicion toward our profession, even though we adhere to rigorous training, ethical guidelines, and professional standards established by the American School Counselor Association (ASCA). If the goal is to ensure student safety, a more comprehensive and equitable approach should be considered rather than targeting one group of professionals without cause.

Additionally, this bill fails to address critical logistical and ethical concerns. Who will be responsible for the financial burden of these evaluations? Will school districts be required to pay, or will the cost fall on the counselors themselves? This could create an undue financial hardship on professionals who are already underpaid and overburdened. Furthermore, allowing school boards to select the evaluating psychologist raises serious concerns about objectivity. In smaller districts, where personal and political agendas can influence decisions, this process could be weaponized against counselors unfairly, creating an environment of distrust and bias.

Beyond these concerns, House Bill 1490 directly contradicts the pressing need for more school counselors in North Dakota. Our state already faces a shortage of school counselors, and imposing unnecessary barriers will only discourage qualified professionals from entering or remaining in the field. At a time when student mental health needs are at an all-time high,

especially in rural North Dakota, restricting access to trained professionals is counterproductive and harmful to the very students this bill aims to protect.

Furthermore, this bill interferes with the fundamental ethical responsibilities of school counselors. Confidentiality is a cornerstone of the counseling profession, and mandating psychological evaluations as a condition of practice undermines the trust between counselors, students, and families. The ASCA Code of Ethics upholds the necessity of a safe and confidential space for students to seek support, and this bill introduces an element of unnecessary oversight that may ultimately deter students from seeking the help they need. Further increasing the already staggering rates of suicide and suicidality existing within our borders.

For these reasons, I strongly urge you to vote against House Bill 1490. If student safety is the true concern, the focus should be on comprehensive policies that apply to all educational professionals, not singling out school counselors with an unjustified and impractical mandate. I appreciate your time and consideration on this critical issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chaleigh Pedrini-Clark', with a stylized, flowing script.

Chaleigh Pedrini-Clark, PhD, NCC
Professional School Counselor
Nationally Certified Mental Health Counselor
Central Regional Education Association (CREA)
208-819-0248

Opposition to HB 1490.

School Counselors are held to the highest standards when it comes to ethics and law. We take 48-60 credits of schooling (depending on the program and when a person graduating graduate school). We are trained and complete continuing education to benefit the students we work with and to protect them from harmful things in the world. We are urged to seek our own counseling as it is needed and are taught to recognize the signs of burnout and struggles through our schooling. School districts have set up EAP programs that make it easy for us to reach out for help when it is needed. School districts also have policies in place and are superiors are trained to look for signs that personnel and staff need help OR there is something inappropriate happening.

I will outline my concerns in the points below:

- I urge you to do more research on what a psychological evaluation is used for and the cost of those evaluations. The cost alone is a hardship, that would fall back on either the school counselor's personal money or the school districts funds.
- Aside from cost, psychological evaluations are typically hard to schedule because the schedule for one is backlogged. So, adding unnecessary evaluations to already full loads are not going to benefit anyone.
- If a person does not complete a psychological evaluation, this means another staff member must sit in the room when a student is present? This means that confidentiality with that student is completely broken. No other staff member in a school is held to the same standard of confidentiality that school counselors are held. This is a disservice to our students who are confiding in us to help them navigate difficult situations and is a disservice to the school counselor profession. It's a complete violation of our ethical code. Students would never trust us.
- I also think it is a personal violation that school boards would have access to my very personal medical records and that this medical record is put into my personnel file. Could this be used to wrongly fire me? What's the limit and what determines if a person is unsafe to work with students? Where is the guidance from this going to come from? If this is something that would become mandatory, I don't know that school would have school counselors anymore. Who would want to work in a school if this is what they are subject to?

My understanding is this bill is being proposed in reaction to a very specific incident involving a school counselor in North Dakota. While this incident is tragic and alarming this is not the norm. Just like in any profession, teachers, doctors, clergy, etc. there are people that do illegal and gross acts towards others, sometimes even minors. I don't know what the answer is to prevent these awful situations, but I do know that a psychological evaluation is not going to prevent these acts from happening. I urge you to vote in opposition to this bill, for the sake of the school counseling profession and for the sake of our students having access to a school counselor in their buildings.

February 10, 2025

RE: Opposition to HB 1490

Dear Legislators:

I am writing as a 7-12 principal in rural southwest North Dakota to express my opposition to HB 1490, regarding mandatory psychological evaluations for licensed school counselors. While I understand the intention of ensuring student safety, this bill introduces significant challenges and potential unintended consequences that could negatively impact schools, students, and the counseling profession.

1. The bill undermines trust in licensed professionals. Licensed school counselors in North Dakota already meet rigorous certification requirements, including background checks, educational qualifications, and adherence to ethical standards. Requiring additional psychological evaluations presumes that school counselors, as a group, are predisposed to conditions that compromise student safety, an implication that is not supported by evidence. This undermines the trust in these professionals and diminishes the respect their credentials warrant.

2. The bill creates logistical and financial burdens. Requiring every school counselor to undergo a psychological evaluation every two years will create a significant financial and logistical burden on school districts, particularly in rural areas. In a state like North Dakota, where access to licensed psychologists is limited, securing timely evaluations could delay hiring or even deter qualified individuals from entering the profession. For districts already struggling to recruit and retain counselors, this bill could exacerbate shortages, leaving students without essential support services.

3. The bill impacts student access to critical services. School counselors are integral to the academic, emotional, and social success of students. By adding unnecessary hurdles to their employment, this bill risks reducing the availability of counseling services. In rural areas like ours, where mental health resources are already scarce, this could have devastating consequences for students who rely on counselors for support with personal challenges, college and career planning, and crisis intervention.

4. The bill lacks precedent and evidence. To my knowledge, no other state imposes such a requirement on school counselors. The absence of widespread implementation suggests that this approach is neither standard nor evidence-based. If the goal is to ensure student safety, resources would be better spent on initiatives that enhance the overall mental health infrastructure within schools, such as providing additional training for all staff or increasing access to mental health resources for students.

In conclusion, while student safety must always be a top priority, this bill is not the appropriate mechanism to achieve that goal. I urge the legislature to reconsider this proposal and explore alternative measures that support and enhance the role of school counselors without imposing unnecessary burdens. Let us work together to ensure that North Dakota's students have access to the high-quality support services they deserve.

Thank you for considering my perspective.

Sincerely,
Shannon Meier

I am writing in opposition to ND Bill 1490. I am a school counselor in rural ND and the qualifications for me to achieve this goal has been a grueling process. Becoming a school counselor is not an easy task. The self-reflection and constant supervision someone is under during the schooling process should rule anyone out of the profession that would not respect the position or privileges that come with it. If this is something we truly are considering in our schools, we should look at all staff members in each building and what the implementation of this would actually look like to begin with. There are individuals in the building with less mentors, training, etc., they may fall through the cracks more easily. However, each school has their own screening and hiring process that should help rule out these unsafe individuals for our children.



Protection & Advocacy Project

400 E. Broadway, Suite 409

Bismarck, ND 58501

701-328-2950

1-800-472-2670

TTY: 711

www.ndpanda.org



Education Committee

House Bill 1490 - February 10, 2025

Testimony of Brenda Ruehl, P&A Director Program Services

Greetings Chairman Heinert and members of the Education Committee. My name is Brenda Ruehl and I'm a Director of Program Services at the North Dakota Protection and Advocacy Project (P&A). P&A is an independent state agency established in 1977 to assert and advance the human, civil, and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work and play.

P&A opposes the passage of this bill. We oppose this bill because school counselors are not the only school personnel who provide services to students and are alone with students. Why would only school counselors be required to have a psychological evaluation when teachers, coaches, administrators and school nurses, to name a few, develop trust with students and can be alone with them.

If you do pass this bill, P&A request that an amendment be made. School counselors should be required to be members of the American School Counselor Association (ASCA) or similar professional organization, with fees paid by school district. ASCA is a professional organization supporting school counselors, school counseling students/interns, school counseling program directors/supervisors and school counselor educators. ASCA standards are the ethical responsibility of all school counseling professionals. From student safety and confidentiality to interactions with parents/guardians and administrators, school counselors encounter a range of legal and ethical issues every day. Members of the ASCA have tools, resources, support and ethical requirements which protect students and counselors.

Thank you for your time and consideration.

Brenda Ruehl
Director Program Services
bruehl@nd.gov

To Whom it May Concern,

I am writing in opposition to ND Bill 1490, pertaining to psychological assessments of school counselors. I am an elementary school counselor in Jamestown, ND, and have been employed in this role for 8 years. This bill implies that school counselors are at greater risk of victimizing children than other professionals who are also alone with children. As written, it is unclear what this psychological assessment would entail. A bill such as this could increase the rate of mental health stigma and prevent school counselors from receiving necessary treatment out of fear of not being employable.

North Dakota school counselors complete a 60 credit master's program including an intensive internship that includes evaluations by both faculty and site supervisors who closely monitor concerns of confidentiality, ethics, and safety concerns. Being admitted into this master's level program is competitive and typically entails an extensive interview process. Compared to the vast majority of educators and support staff that work in a public school, school counselors have many professionals ensuring they are safe to enter the field before they begin their work. In the state of ND, paraprofessionals need only to complete a background check and an interview with a school in order to be hired to work with kids one-on-one directly, including completing bathroom freshening at times. Administrators and teachers are often one-on-one with students behind closed doors.

Safety of our children is the top priority. If there were a psychological assessment that educators could complete that ensures they will not be predatory or unsafe around our children, I would absolutely support this, but no such assessment exists. Psychological assessments can be an extensive battery of examinations, or as simple as a 45-minute interview with a client. As written, it is unclear what this psychological assessment will entail. I am also concerned about who has access to this information and what criteria would be used to deem a school counselor psychologically unfit for employment. Many school counselors, and for that matter, educators of all kids, seek out personal therapy and psychological medications to treat anxiety or depression. I am concerned that this will increase the stigma for seeking out treatment for these professionals and increase the rates of mental health disorders throughout education.

I appreciate you considering this testimony. Please reach out if you have any questions or concerns. I'd be happy to discuss this topic further.

Chelsie Heichel

(701)-212-0968

chelsie.heichel@k12.nd.us

1807 4th St. NE

Jamestown, ND 58401

Linda Dockter
K-12 School Counselor License # 000036521
Montpelier School District 14
214 7th Ave. Montpelier ND 58472

February 10, 2025

House Education Committee
Pat D. Heinert

Subject: Testimony Regarding House Bill 1490

Dear Mr. Pat Heinert and Members of the House Education Committee,

I am writing to express my opposition for House Bill 1490 that would enact a new section to chapter 15.1-13 of the North Dakota Century Code, relating to required psychological evaluations for school counselors. I oppose this bill because there is no solid evidence that a psychological evaluation would end with a result that you may have desires to harm students.

I urge you to oppose this bill. Thank you for your time and consideration. Please feel free to contact me at Linda.Dockter@k12.nd.us if you have any questions.

Sincerely,
Linda Dockter

Testimony Against House Bill 1490

Dear legislators of North Dakota,

My name is Alicia Broten, and I am the Jr/Sr High School Counselor employed by Barnes County North. I am writing to *strongly* and *firmly* oppose House Bill 1490, mandating that all high school counselors have psychological evaluations or will not be authorized to provide services to a student without another faculty member present.

To be honest, this is absolutely absurd and insulting to me as a professional school counselor, holding a master's degree, pouring my energy, compassion, and empathy into each and every student I have. During my day, I am already required to meet the standard set by the NDSCA, the state of North Dakota, and my school district. I have gone to school for years achieving my bachelor's in psychology and graduating with a 4.0 with a master's in school counseling. I assure you that myself, as well as my fellow school counselors, are more than qualified to professionally and successfully do our jobs without an evaluation. Be mindful that all employers require a background check, we are required to take continuing education, to attend professional development, and attend conferences that continuously assess and educate our minds. The mistrust this bill is applying is offensive and degrading.

My personal and psychological history is personal, private, and there is no reason it should be open to anyone to assess or gauge my ability to perform my duties. I will not stand or support any bill that implies a bias towards an individual's mental health. Every day, I continuously educate, support, and reinforce my students that it is ok to struggle, to seek help, and to accept that help. Everyone struggles. Everyone has a past. They are no less than inferior, and should not be treated in any way but as an equal. Now we, as counselors, are threatened and face feeling subordinate, labeled, or simply inadequate.

I am truly saddened by our state introducing such a scrutinizing bill. This is not what counselors stand for. I would have expected counselors to be supported and applauded; here we sit in 2025, fighting for our rights to privacy and trust. I guarantee if any evidence or question would be directed towards my capability to perform my duties, my administrators are honest and trusted individuals who are willing and competent to manage the situation.

I would like my voice heard, my opinions acknowledged, and my professional performance trusted. Please refrain from granting this bill. North Dakota currently suffers from a shortage in school counselors. I not only believe, but I also guarantee, the shortage will increase significantly.

My name is Alicia Broten, a wife, a mother of four, a business owner, and a school counselor. I can promise that I would not have pursued this career if I could not only achieve success in my position but hold a strong passion for it. My time, my thoughts, and my fears should not ever be

directed towards scrutiny in my professionalism. My hope is that you not only hear our voices but listen to our words as we do every day to the children in our district and perhaps your own children as well.

For these reasons, I strongly urge you to vote against House Bill 1490. Thank you for your time and consideration.

Sincerely,

Alicia Broten
Jr/Sr High School Counselor
Barnes County North

Testimony of Chanda Arneson in support of HB 1490**February 7th 2025**

Representatives Vigesaa, Brandenburg, Headland, Pyle, Senators Paulson, Lemm, Wanzek and members of the Committee.

My name is Chanda Arneson. I am a former school board member, a city auditor for a rural community and a mother of three young children. I am writing in support of HB1490. My 9 years of experience on a rural school board has prompted my interest in supporting this bill.

School counselors are an important and pivotal asset to our school districts. Their passion and expertise are necessary, especially in this day of age where we are, more than ever, aware of the importance of mental health. No matter how many degrees a person holds or what sort of education they pursued, we are still all humans. This bill would ensure added support for the psychological load these individuals have to carry and give tools in situations that may occur when even a highly trained and educated person deeply immersed might not recognize in themselves. The goal is to offer added support, not penalize people for following their passion and calling.

In reading through the opposition of this bill it is evident that it struck a chord with counselors across our state. Yes, this bill was sparked off the back of a very volatile situation in one of our public school districts. In this specific situation the counselor had very well-known mental health issues and was still granted access to the most vulnerable children over an almost 20-year period of time. Had the professionals he was seeing at the time expressed the gravity of his mental state, the trajectory of the lives of all of these victims would be completely different today. If this man had been supported and guided in a better way, these perverted incidents would not have occurred, at least not to the extent they were allowed to happen. As a board member in this district it took two years of my complaints before this incident was taken seriously. After the situation was finally addressed, we realized just how long his perversions took place and how absolutely devastating the time he spent in our district really was. Because of his intense training, he was able to manipulate everyone around him, parents, co-workers and worst of all vulnerable students who needed someone to talk to. He had documented mental health issues with suicidal tendencies and was still granted access to our most precious assets. Something needs to change. If this has happened once, it can and probably is happening still today. This bill is a great start in making the fact known that a person with severe mental instability can and does have access to the minds of our children in their most formative years. This bill is not intended to cause hardship but to offer additional support to one of the most important positions in our school systems.

In closing, I urge you to support this bill in favor of biannual evaluations of school counselors. Our children deserve any measure of protection we can offer, and our school staff deserve to be supported in the best ways possible.

Thank you for your time and consideration,

Chanda Arneson

701-210-2819

chandaarneson@gmail.com

Testimony in Opposition to House Bill 1490

Megan Jorgenson

February 10, 2025

Members of the House Education Committee,

Thank you for giving me the chance to speak today. I'm here because I deeply care about our school counselors and the students they support, and I have serious concerns about House Bill 1490. While I understand the need to ensure student safety and well-being, this bill has unintended consequences that could hurt the very people it aims to help and those it aims to protect.

1. Mental Health Stigma Hurts Everyone

One of the most concerning parts of this bill is requiring school counselors to go through psychological evaluations. This sends the hurtful message that having a mental health condition makes someone unfit to be a counselor. In reality, many counselors have their own experiences with mental health challenges, and that often makes them better at their jobs—not worse. They bring understanding, empathy, and lived experience to their work, and that connection is often what helps students the most.

By singling out counselors for mandatory psychological evaluations, this bill places unnecessary scrutiny on them and reinforces outdated notions that mental health struggles should disqualify someone from professional roles. Mental health conditions are common, manageable, and do not always impact a counselor's ability to do their job well. We would never ask this of other educators, administrators, or professionals in similar fields, so why are we targeting school counselors? This requirement may even discourage individuals from entering the field in the first place, further emphasizing the shortage of qualified counselors. Instead of disqualifying them, we should be supporting them.

2. Unnecessary Barriers for Counselors

Let's talk about reality. Finding a licensed psychologist for an evaluation isn't always easy, especially in rural areas. Wait times can stretch for months, and the cost of these evaluations? That's another major barrier. Who's paying for this? If it's the counselors themselves, that's an unfair financial burden. Many school counselors are already working with limited resources, often without enough mental health support for themselves. Adding another expensive and time-consuming requirement doesn't help them do their jobs, it just makes it harder.

Beyond the financial and logistical burden, this bill could create unintended roadblocks for both current and aspiring counselors. Some individuals may feel forced to disclose private mental health histories, which could create unnecessary fear and anxiety about whether their personal struggles will be used against them. This could discourage talented professionals from staying in or joining the field, further reducing the already limited number of counselors available to students.

Counselors work tirelessly to support students, often in underfunded schools with growing caseloads. They do this work because they care deeply about the well-being of young people.

Instead of putting unnecessary obstacles in their way, we should be doing everything in our power to ease their path and ensure they have the tools and resources they need to succeed.

3. Taking Counselors Away from Students

Counselors already have too much on their plates. They're juggling massive caseloads, dealing with crises, and supporting students through academic and personal struggles. This bill would force them to take time away from students just to complete more paperwork and evaluations every two years. Instead of adding red tape, let's focus on real solutions—like lowering student-to-counselor ratios and increasing funding for school mental health services.

Think about the direct impact of this requirement: Every moment a counselor spends undergoing evaluations, scheduling appointments, and filing paperwork is a moment they are not with students who need them. The students who are struggling with anxiety, depression, academic pressure, or personal crises will have fewer opportunities to get the support they need because their counselors are being pulled away for unnecessary reasons. These students need advocates, not roadblocks.

If we truly want to improve student mental health, we need to start by investing in counselors, not burdening them. More training, better funding, and policies that support—not scrutinize—they will go much further in improving student outcomes than excessive administrative requirements.

4. Breaking Trust with Students

Perhaps the most alarming part of this bill is requiring another faculty member to be present during counseling sessions unless a counselor has been evaluated. That's a direct violation of the trust students have in their counselors. Confidentiality is crucial—without it, students won't open up. They'll stay silent about their struggles, their crises, their pain. And when that happens, we all lose. We shouldn't be making it harder for students to seek help—we should be making it easier.

Students rely on their counselors to be a safe, confidential resource in their lives. Many young people struggle with deeply personal issues—abuse, trauma, mental health crises—that they may not feel comfortable discussing in front of another faculty member. If we strip away their sense of security and privacy, we risk pushing them away from seeking the help they desperately need.

This provision, while possibly well-intended, creates a chilling effect on the counseling relationship. Imagine a student who needs help but is too afraid to speak because they know another adult is in the room. How many cases of self-harm, abuse, or suicidal thoughts will go unreported because students no longer feel safe confiding in their counselor? This is not the direction we should be moving in if we truly care about student well-being.

Final Thoughts

I know this bill comes from a place of wanting to protect students, but the reality is, it would do more harm than good. Instead of creating unnecessary obstacles for school counselors, let's invest in real solutions that help them do their jobs better. Let's support them, not scrutinize them. Let's trust them to be the incredible professionals they already are.

Rather than making their jobs harder, let's focus on meaningful reforms that will strengthen the counseling profession and ensure students receive the care they need. School counselors are an essential part of a healthy, functioning education system, and they deserve our trust and respect.

For these reasons, I urge you to vote against House Bill 1490. Thank you for your time and for listening.

Rhonda Weigelt
School Counselor
SRCTC: North Sargent School
16 1st St. SW
Gwinner, ND 58040

February 10, 2025

House Education Committee
Pat D. Heinert

Subject: Testimony Regarding House Bill 1490

Dear Mr. Pat Heinert and Members of the House Education Committee,

I am writing to express my opposition to House Bill 1490, which would enact a new section to chapter 15.1-13 of the North Dakota Century Code, relating to required psychological evaluations for school counselors. I oppose this bill because it unfairly singles out school counselors and raises ethical concerns regarding student confidentiality.

Requiring psychological evaluations exclusively for school counselors creates an inequitable standard that does not apply to other educators or school personnel. Additionally, this bill poses ethical concerns by potentially compromising the confidentiality and trust that students place in their counselors. The counseling relationship relies on a foundation of trust, and any legislation that threatens confidentiality could deter students from seeking the support they need.

I urge you to oppose this bill. Thank you for your time and consideration. Please feel free to contact me at rjweigelt@gmail.com if you have any questions.

Sincerely,
Rhonda Weigelt

Chelsea Kilian
School Counselor
McKenzie County Public School District #1
Badlands Elementary School
100 Third St SE
Watford City, ND 58854

February 10, 2025

House Education Committee
Representative Pat D. Heinert

Subject: Testimony Regarding House Bill 1490

Dear Representative Heinert and Members of the House Education Committee,

I am writing to articulate my concerns regarding House Bill 1490. Should this bill be enacted, it would have detrimental effects on school counselors by highlighting their roles while raising serious ethical questions about student confidentiality, potential violations of FERPA, and the guidelines established by the ASCA. Mandating psychological evaluations specifically for counselors is not only also inequitable but undermines the very principle that our educational system should exist free of discrimination.

I firmly believe that the passage of this bill would adversely affect public education and the larger community. Below, I outline three primary reasons for my opposition:

1. **Unintended Consequences for Education:** House Bill 1490 does not adequately address the long-term ramifications related to its provisions. It may lead to harmful effects such as funding cuts to local schools, ultimately impacting students, families, and stakeholders.
2. **Inadequate Oversight and Accountability:** The bill lacks adequate oversight mechanisms, which raises concerns about potential issues such as wasteful spending, the misuse of resources, and insufficient regulation. This deficiency is troubling, as it could pave the way for misallocation of resources that would negatively affect our community.
3. **Negative Impact on School Counselors:** Requiring psychological evaluations for counselors could create a harmful stigma surrounding their professional roles. It sends a message that counselors may not be trustworthy or capable, thereby undermining their authority and effectiveness. This requirement could discourage qualified professionals from entering the field, further decreasing the resources available to students when they need support the most.

In conclusion, I urge you to reconsider any support for House Bill 1490. As it currently stands, this bill is likely to do more harm than good to our educational community and those who depend on the affected programs and services. I trust that, as our representative, you will consider these concerns and strive for policies that foster positive outcomes for everyone.

Sincerely,

Chelsea Kilian
chelsea.kilian@k12.nd.us

Andrew Rohrich LAC/LPCC
Government Affairs Chair
North Dakota Counseling Association
Bismarck, ND

Feb 10, 2025

House Education Committee
Pat D. Heinert

Subject: Testimony Regarding House Bill 1490

Dear Mr. Pat Heinert and Members of the House Education Committee,

I am writing to express my [support/opposition] for House Bill 1490 that would enact a new section to chapter 15.1-13 of the North Dakota Century Code, relating to required psychological evaluations for school counselors. I oppose this bill because it would not have the desired result.

Protecting our children is something we all should be in support of, so the reason for this bill sounds good, but it really isn't. This legislation would have multiple negative outcomes. First, it would increase a wait time for psychological testing, so our kids who need to get testing for diagnostic clarity will have longer waits, as it currently can take months to get a referral for a psychological evaluation. These longer waits would lead to more disruption in the classroom, more time spent in crisis intervention and less time with learning, which affects all students and teachers, not just the student who is waiting for their testing. Next it could deter good counselors from seeking employment in our state, and it would deter teachers from becoming counselors, (many counselors started off as teachers). The past two sessions there has been legislation to try and make it easier for schools to fill these counselor roles, (including the bill that the education committee is hearing just before this one) The licensing boards and NDDPI already have extensive background checks, as well as disciplinary procedures. If this new legislation could somehow accomplish increasing safety for students, then it should include any professional who works with children, including teachers.

I urge you to oppose this bill. Thank you for your time and consideration. Please feel free to contact me at Andrew.rohrich@gmail.com if you have any questions.

Sincerely,
Andrew Rohrich

Angel Lindseth

School Counselor

President of North Dakota School Counselor Association

02/11/2025

House Education Committee

Pat D. Heinert

Subject: Testimony Regarding House Bill 1490

Dear Mr. Pat Heinert and Members of the House Education Committee,

I am writing to express our opposition for House Bill 1490 that would enact a new section to chapter 15.1-13 of the North Dakota Century Code, relating to required psychological evaluations for school counselors. NDSCA opposes this bill because **House Bill 1490** imposes unnecessary and unjustified requirements on licensed school counselors in North Dakota. The bill mandates that school counselors undergo a **psychological evaluation every two years** and obtain clearance from a licensed psychologist before they can meet privately with students.

This requirement **unfairly targets school counselors**, implying without evidence that they pose a risk to students. **No other licensed educators or school professionals are subjected to similar evaluations**, making this bill both discriminatory and unwarranted.

At a time when **student mental health needs are at an all-time high**, adding bureaucratic obstacles to school counseling services **creates unnecessary delays and undermines the trust** between students and counselors. School counselors are already licensed, trained professionals who adhere to strict ethical and legal standards to ensure student safety.

The **North Dakota School Counselor Association** believes in **protecting student access to professional, confidential counseling** while maintaining the highest professional standards. This bill **does not enhance student safety**—it creates unnecessary barriers that will negatively impact students seeking support.

We strongly urge a DO NOT PASS recommendation on HB 1490.

Thank you for your time and consideration.

Angel Lindseth

NDSCA President

School Counselor

House Bill 1490 imposes unnecessary and unjustified requirements on licensed school counselors in North Dakota. The bill mandates that school counselors undergo a **psychological evaluation every two years** and obtain clearance from a licensed psychologist before they can meet privately with students.

This requirement **unfairly targets school counselors**, implying without evidence that they pose a risk to students. **No other licensed educators or school professionals are subjected to similar evaluations**, making this bill both discriminatory and unwarranted.

At a time when **student mental health needs are at an all-time high**, adding bureaucratic obstacles to school counseling services **creates unnecessary delays and undermines the trust** between students and counselors. School counselors are already licensed, trained professionals who adhere to strict ethical and legal standards to ensure student safety.

The **North Dakota School Counselor Association** believes in **protecting student access to professional, confidential counseling** while maintaining the highest professional standards. This bill **does not enhance student safety**—it creates unnecessary barriers that will negatively impact students seeking support.

We strongly urge a DO NOT PASS recommendation on HB 1490.

Danielle Luebke
President, North Dakota Counseling Association
Wahpeton, ND 58081

February 10, 2025

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 if you have any questions.

Sincerely,
Danielle Luebke
President, North Dakota Counseling Association

Cami Jo Krueger
1031 W. Owens Ave.
Bismarck, ND 58501

February 10, 2025

Dear Chairperson Pat Heinert and Members of the House Education Committee,

My name is Cami Jo Krueger, and I am coming to you as a concerned parent of a school-aged child in North Dakota. I am writing to express my opposition to HB 1490, which, in its current form, places an undue burden on schools that are already financially and operationally stretched. They are faced with difficult choices every day just to provide basic education and mental health services.

One of my primary concerns is how this bill fails to align with practical and sustainable standards already present in other professions. For example, in the realm of public safety, psychological evaluations for public safety professions are typically required only once at pre-employment, unless a specific need arises for a reevaluation. However, HB 1490 appears to create ongoing mandates for school counselors instead of providing valuable resources that could better the school environment for students and staff.

As a parent, I know how important the roles of administrators, teachers, and school counselors are for the well-being and academic success of our children. Adding new mandates without addressing these staffing shortages will stretch already overworked professionals even thinner and undermine the support our children desperately need. I would recommend asking the schools where funds could be utilized such as needed resources to assist in the overall health and wellness of the students. Put that funding towards a positive purpose such as addressing the challenges of hiring and retaining staff and ensure equity across all school districts.

I strongly urge you to vote against HB 1490 and instead prioritize legislation that invests in our schools and supports our children and educators in meaningful ways. Our kids deserve policies that help, not hinder, their opportunities for success. Our school counselors deserve the respect for their services in which they provide to the students, schools, and communittee.

Thank you for your time and consideration.

Sincerely,
Cami Jo Krueger
Cjow04@gmail.com

Ashley Michael
School Counselor
Southeast Region Career and Technology Center
2101 9th St N
Wahpeton, ND 58075

2/10/2025

House Education Committee
Attn: Pat D. Heinert

Subject: Opposition to House Bill 1490

Dear Mr. Heinert and Members of the House Education Committee,

I am writing to express my strong opposition to House Bill 1490, which would enact a new section to chapter 15.1-13 of the North Dakota Century Code, requiring psychological evaluations for school counselors. While I appreciate efforts to ensure the well-being of professionals in our schools, this bill is unnecessary, burdensome, and could negatively impact the field of school counseling.

First, school counselors are already subject to rigorous licensure requirements that include background checks, graduate-level education, and ongoing professional development. Adding an additional psychological evaluation requirement places an undue burden on counselors without clear evidence that it would improve student outcomes or counselor effectiveness.

Second, this bill could deter qualified individuals from entering or remaining in the school counseling profession at a time when mental health support for students is more critical than ever. Instead of imposing additional barriers, we should focus on expanding access to mental health resources and supporting the professionals who dedicate their careers to helping students succeed.

Finally, the bill raises concerns about privacy and potential discrimination. Mandating psychological evaluations for a specific profession without justification sets a concerning precedent and could lead to unnecessary stigma surrounding mental health in the workplace.

I urge you to vote against House Bill 1490 to ensure that school counselors can continue to serve students without unnecessary and intrusive regulations. Thank you for your time and consideration. Please feel free to contact me at ashley.michael@k12.nd.us if you have any questions.

Sincerely,
Ashley Michael

To Whom it may concern,

I am writing in opposition to House Bill 1490 which proposes that school counselors undergo a psychological evaluation every 2 years or have a faculty member be present during student interactions. To become a school counselor, we must meet rigorous requirements which include completing a master's degree in school counseling and obtaining not only a counseling license or credential, but also a teaching license. Many, including myself, opt for the dual degree that includes clinical mental health counseling and school counseling which increases the number of internship hours we must complete. In addition, we are required to pass a background check in order to be employed by a school district. There is then the continuing education that we all must participate in each year to maintain our licensure. All of this should be enough to consider school counselors thoroughly vetted professionals. The fields of clinical mental health and school counseling are both experiencing shortages with the demand for mental health professionals far exceeding the supply.

This is my 3rd year working as a school counselor on a provisional license while completing my master's dual degree and I am scheduled to complete my program in February 2026. As part of the counseling program, we are required to self-reflect often and observe the thoughts and behaviors we are experiencing as a means of monitoring our ability to effectively provide services to clients/students. Additionally, the program requires the development of self-care plans in almost every course throughout the master's program. This underscores the importance of self-reflection and seeking help when needed.

All that has been mentioned is done prior to a school counselor obtaining employment and does not consider the rigorous rules and code of ethics that we are required to maintain. The American School Counseling Association (ASCA) and American Counseling Association (ACA) both provide a code of ethics that school counselors must abide by or risk losing their licensure. HB 1490 puts school counselors in direct violation of the confidentiality clause of both codes and hinders our ability to build rapport with our students.

HB 1490 discourages individuals from the field of school counseling and strains an already overloaded program that serves all students. This creates additional stigma around the field of counseling and adds additional burden to both school counselors and the school district. All of this discourages students and their families from seeking help when they are most in need. For these reasons, I ask you to vote NO on HB 1490.

Thank you for your time and consideration,

Sarah Scott-Singer

K-12 School Counselor

Richardton-Taylor Public School

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

Kristin Nelson

2/10/25

5409 20th Street South

Fargo, ND

District 46

DO NOT PASS HB 1490

Chairman Heinert and members of the House Education Committee:

I am writing you today to encourage a **DO NOT PASS** vote on **HB 1490**. This bill begs a couple of very important questions:

1. **Who pays for the testing?** I see there is no appropriation to school or DPI to conduct such tests.
2. **What is done with the data?** Who owns it after the tests are conducted?
 - a. There are valid concerns for privacy of the individual and the privacy laws that could be broken if data is mishandled.

These questions alone should be enough to kill this bill. School counselors **are highly educated professionals** who have trained for years to do this very important and sensitive job. **Our schools would suffer without them.**

Again, I encourage you to **DO NOT PASS** on this bill. Show school counselors that you value them as professionals and vote no.

House Education Committee

Pat D. Heinert

Subject: Testimony Regarding House Bill 1490

Dear Mr. Pat Heinert and Members of the House Education Committee,

I am writing to express my strong opposition to HB 1490, which would place unnecessary and potentially harmful restrictions on school counselors' ability to provide vital services to students. While I understand that the bill aims to ensure safety and effectiveness, I do not believe this will improve student outcomes.

This bill mandates that licensed school counselors must undergo a psychological evaluation by a licensed psychologist before being allowed to provide services to students without another faculty member present. While the intent may be to ensure that counselors are mentally fit to perform their duties, this requirement is both excessive and impractical. It could lead to delays in providing services, ultimately harming students who rely on timely access to mental health support. School counselors are already highly trained professionals who hold advanced degrees and certifications to work with students. We are trained to follow a code of ethics that guides all of our decision making and work with our students.

Counselors are often the first line of defense for students facing emotional, social, and psychological challenges. By suggesting that they must undergo regular evaluations to confirm their fitness to work with students, the bill could inadvertently undermine their professional credibility and potentially discourage qualified individuals from entering or staying in the counseling profession.

Most importantly, this bill fails to consider the impact on students. If school counselors are required to have another faculty member (who is not necessarily a trained mental health professional) present during counseling sessions unless they can provide the necessary documentation of psychological fitness, it could disrupt the trusting and confidential relationship that students need with their counselors.

In conclusion, while the safety and well-being of students should always be a top priority, HB 1490 is not the right solution. The bill introduces unnecessary hurdles for school counselors, creates potential delays in providing services to students, and could harm the very trust and support that is essential in the counselor-student relationship. I urge the committee to reconsider this bill.

Thank you for your time and consideration.

Sincerely,

Courtney Quist, M.Ed

High School Counselor

Chair Heinert & Members of the House Education Committee,

I am writing in opposition of House Bill 1490, which would require school counselors to undergo psychological evaluations every 2 years in order to work individually with students. This bill insinuates that school counselors are more likely than other school professionals (teachers, principals, coaches, etc.) to abuse the students that we serve. This is a very misguided and inequitable assumption that would have negative ramifications for our education system and our North Dakota students.

As a school counselor of 15 years, I am bound by the ethical standards of the American School Counselor Association (ASCA), which include strict guidelines on professional competency, confidentiality, and ethical decision-making. These standards ensure that I, along with all my school counselor colleagues, act in the best interests of students while maintaining the highest level of professional conduct. School counselors enter this profession because they want to make a positive impact on the lives of students; it is a rare few who utilize their professional position as a school counselor to abuse or mistreat the students that are entrusted to them. Requiring psychological evaluations because of these rare cases unfairly questions the ability of all school counselors to adhere to the ethical obligations by which they are bound and creates a dangerous precedent of mistrust.

The main purpose of the school counseling role and comprehensive counseling programs is to identify and remove barriers for students that can negatively impact their academic, personal and future success. The confidential relationship between a student and their school counselor is a cornerstone of effective counseling. This bill could create unnecessary barriers, deterring students from seeking support at times that they may need it most. At a time when mental health needs in schools are rising, we should be strengthening the student-counselor relationship, not undermining it; we should be removing barriers, not creating them.

Finally, the financial burden of these evaluations—whether placed on the counselor or the district—raises serious concerns. Many school districts, especially those in rural areas, are already struggling with limited resources. Forcing districts, or individual counselors, to cover the cost of psychological assessments could discourage qualified professionals from entering or remaining in the profession. I can assure you that the school counselor shortage we are currently working to address will only grow if this bill passes. Many school counselors already feel a lack of understanding, respect and appreciation for the work that they do and a bill like this one certainly does not help, in fact, it only serves to validate such feelings. If our goal is to recruit and retain school counselors, it is imperative that we stop bringing forward legislation that seems to portray them as incompetent and replaceable and begin recognizing the important and unique work they do in our schools.

For these reasons, I urge a DO NOT PASS on House Bill 1490. Instead of imposing unnecessary and discriminatory barriers, we should be working to support and retain the dedicated school counselors who provide critical services to our students.

Thank you for your time and consideration.

Respectfully,
April Foth
K-12 School Counselor

February 9, 2025

House Education Committee

Pat D. Heinert

Subject: Testimony Regarding House Bill 1490

Dear Mr. Pat Heinert and Members of the House Education Committee,

I am writing to express my opposition to House Bill 1490 that would enact a new section to chapter 15.1-13 of the North Dakota Century Code, relating to required psychological evaluations for school counselors. I am writing to you as a professional school counselor that has been licensed and working since 2013. Although I understand why Rep. Vigesaa felt the need to hear out his constituents and to hopefully help keep children out of harms way, this bill is not the right course of action for this. Many of my colleagues have written wonderful letters explaining the professional standards that we are trained in and must adhere to as school counselors.

There are several reasons why I am opposed to this bill. One mostly being the confidentiality piece and how that would affect counselors' relationship with their students. School counselors are bound by an ethical code of conduct and integral to that code of conduct and any type of counseling relationship is confidentiality. By mandating that another adult is always in the room in lieu of a psychological evaluation you completely undermine the counseling relationship between the counselor and client(student) in this case. Unfortunately, due to the critical shortage of mental health professionals in our state, wait times for these evaluations will be incredibly long, which inevitably will result in counselors not being able to obtain them as well as clogging up the already bogged down system for those who desperately need to access mental health services.

A second reason is that psychological evaluations cannot predict future behavior. According to the APA psychological evaluations cannot be passed or failed. The information gathered during these evaluations is used to diagnose and form treatment plans for a specific condition. Which then raises the question of who would have access to these documents? These tests are protected under a patient's HIPPA rights, so what information would then be used to okay someone to be a school counselor?

Thirdly, where is the money for this going to come from? Psychological evaluations are not cheap and many of us would not be able to afford to pay for an expensive psychological

evaluation. What financial burden would this place on school districts, which ultimately are funded by taxpayers? Is this being fiscally responsible?

I think we can all agree that we want our children to be safe, school counselors are at the top of this list. There are many other ways to help the children of our state be safe and loved, this legislation is not one of them. If you want more ideas on what we can do to ensure safety and success for our students, I am confident many of my colleagues would be willing to share some of those ideas with you.

Sincerely,

Danielle Giesler

Email: danielleschoeler@gmail.com

Written Testimony in Support of HB1490

Chairman Heinert and House Education Committee:

For the record, my name is Katherine Terras, and I am testifying today as a parent. I am in support of HB1490. I have read the testimony opposing this bill, and I genuinely and respectfully understand the concerns from the professionals who submitted this testimony. My initial concern was about discrimination against school counselors, and I am so grateful for their training and their dedication to students. As I reflected on this further, my thoughts began to shift away from what is best for school counselors to what is best for children. In my research, I learned that parental notice nor consent needs to be obtained before a student is separated from their peers to receive one-on-one counseling. I believe parents need to give their informed, written consent before their child is separated to receive this service, which is typically conducted behind closed doors. Yet, when students receive individualized specialized instruction and related services (speech, OT, PT), the school must obtain informed, written parental consent. When students are administered an individualized assessment by a school psychologist, informed written parental consent must be obtained, too. If students are in the care of a school nurse, there is a high likelihood that the student has an individualized health plan per the release of medical information that parents gave consent for the school to access. Essentially, if a parent has the right to give their informed written consent before their child participates in therapeutic counseling sessions outside of the school building, parents certainly should retain this right when their child enters the school building. Further, if a student needs mental health services, it is the parent's right to select a provider who aligns with their cultural, philosophical, and religious/spiritual worldview.

As I parent, I am left to ask, what are the safeguards and protections for children when it comes to school counseling services? Where are the parental rights? In my professional role, I follow legal and ethical standards, like most educators and counselors, and as a parent I am thankful. However, one needs to do about 60-minutes of research to read the minutes of the ND Education Standards and Practices Board to understand the alleged the violations to the ethics code and NDCC made by educators and administrators, which is why a lawyer from the ND Office of Attorney General is present at these meetings. To this point, if there can be protective safeguards put into place for children, then yes, I support this bill.



NDSBA
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

1224 West Owens Avenue
Bismarck ND 58501
1-800-932-8791 • (701)255-4127
www.ndsba.org

HB 1490
Testimony of Amy De Kok
House Education Committee
February 11, 2025

Chairman Heinert and members of the House Education Committee, thank you for the opportunity to provide testimony today. My name is Amy De Kok, and I serve as the executive director for the North Dakota School Boards Association. NDSBA represents all 168 public school districts and their governing boards. Thank you for the opportunity to testify today. I am submitting this testimony in strong opposition to HB 1490, which would require school counselors to undergo a psychological evaluation as a condition of providing services to students without another faculty member present.

This bill presents several significant concerns. First, there is no evidence suggesting that school counselors, as a profession, require psychological evaluations to ensure student safety. School counselors are already subject to rigorous licensure requirements, ethical standards, and professional oversight that safeguard their ability to provide services. This bill appears to be a solution in search of a problem, imposing an undue burden on these essential professionals without a clear rationale.

In addition, schools across North Dakota, like much of the nation, face difficulties in recruiting and retaining qualified counselors. Adding a new psychological evaluation requirement would further delay the hiring process and discourage potential candidates from entering the profession. At a time when students need greater access to mental health support, this bill creates an unnecessary barrier to providing those critical services. Moreover, the bill does not specify who bears the cost of the required psychological evaluation. If this cost falls on the counselor, it represents an unfair financial burden that could deter qualified professionals from pursuing or continuing their careers. If it falls on schools, it introduces an unfunded mandate at a time when school budgets are already stretched thin.

Finally, no other category of school personnel—teachers, administrators, or other support staff—is subject to such a requirement. Singling out school counselors for mandatory psychological evaluation, absent any individualized concerns, is not only unnecessary but also stigmatizing. If concerns arise about a specific counselor's ability to perform their duties, existing professional review and disciplinary processes are already in place to address them.

For these reasons, I urge the committee to reject HB 1490. Rather than imposing unnecessary requirements that make it harder for schools to fill these critical positions, we should be focusing on policies that support and expand access to counseling services for students.

Thank you for your time and consideration.

Ivan Berg

McVile ND

Husband, Father of 3, multiple business owner including a daycare, and formerly president of a critical access hospital, clinic and care center. I am no stranger to counseling and its importance.

In my area, a fully credentialed school counselor, teacher, coach and union steward was active for nearly 15 years in my community, grooming, assaulting and controlling victims even after they had left school. He was one of my football coaches and man that I had trusted originally. Few years after my graduation my eventual wife became one of his victims. Her like many of the other victims were pulled out of class and were made to go see him in his office, and were repeatedly asked about their relationships with their boyfriends until he would become aroused. After eventually being assaulted in his office from behind, his threats of suicide and talk of cutting himself were used against her to control her and to keep her from telling. Besides my wife several other incidents with students ended up being reported up the chain of command, some all the way to the school boards at our school and a neighboring school he taught drivers ed at. It was not until the state BCI, local law enforcement and now the dept of justice got involved did things actually begin to change, and he is now out of our area.

I am of the opinion that public school counselors are absolutely vital to help kids in their most formative years. They are the first source of help on issues large and small. This bill aims to raise the standard of the quality of school counseling, while regaining public trust, and hopefully in the future lead to more compensation for these important people within our schools. It will also help transfer some liability to the insurers of the attending psychologist, and away from the schools and the NDIRF.

As for cost of the evals, how does one measure the cost of these traumas to the victims and their loved ones, the damage to the school district, and the counseling profession at our public schools? Counselors are to be held to a higher standard than teachers, they are more critical to the students that need them. Cost can be figured out.

You will see in some of the opposition, they are unwilling to even admit there is a problem. They don't have to agree with this for it to continue to be worked on. This bill is for parents, students and anyone whose made to feel like an outsider to their local education system. I hope with work it can become something that a bulk of the school counselors in our state can tolerate, and if they don't cooperate hopefully lawmakers can see that for what it is.

Cognitive dissonance, legal paralysis, and union tactics allowed this man to continue to act long after problems at my school were made apparent. This bill would have prevented or stopped this man.

Cost concerns and making school counselors feel separated from the rest of the faculty is not a good enough reason for this bill not to continue.

2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1490
2/17/2025

Relating to required psychological evaluations for school counselors.

9:09 a.m. Chairman Heinert called the meeting to order.

Members Present: Chairman Heinert, Vice Chairman Schreiber- Beck, Representatives, Conmy, Hager, Hatlestad, Hauck, Jonas, Longmuir, Maki, Marchall, Morton, Novak, Osowski

Absent: Representative Heilman

Discussion Topics:

- Committee action

9:10 a.m. Representative Schreiber-Beck moved Do Not Pass.

9:10 a.m. Representative Hatlestad seconded the motion.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	A
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	Y
Representative Matthew Heilman	A
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	Y
Representative Andrew Marschall	A
Representative Desiree Morton	Y
Representative Anna S. Novak	A
Representative Doug Osowski	Y

Motion Carried: 10-0-4

Bill Carrier: Representative Maki

9:13 a.m. Chairman Heinert closed the meeting.

Addison Randazzo for Leah Kuball, Committee Clerk

REPORT OF STANDING COMMITTEE
HB 1490 ([25.0985.01000](#))

Education Committee (Rep. Heinert, Chairman) recommends **DO NOT PASS** (10 YEAS, 0 NAYS, 4 ABSENT OR EXCUSED AND NOT VOTING). HB 1490 was placed on the Eleventh order on the calendar.