

Date of Hearing: April 20, 2022

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 2508 (Quirk-Silva) – As Introduced February 17, 2022

SUBJECT: Pupil services: educational counseling

SUMMARY: Urges, the governing board of a school district to provide a comprehensive educational counseling program for all pupils enrolled in the school district; redefines the definition of educational counseling to reflect current practices, including the provision of direct services including individual and group counseling, as well as indirect services including positive school climate strategies, and referrals of pupils to public and private community services; and updates statutory language on the roles and responsibilities of school counselors. Specifically, **this bill:**

- 1) Urges, rather than merely authorizing, the governing board of a school district to provide a comprehensive educational counseling program for all pupils enrolled in the school district.
- 2) Amends the definition of “educational counseling” as specialized services provided by a school counselor possessing a valid credential with a specialization in pupil personnel services (PPS) who directly counsels pupils and implements equitable school programs and services that support pupils in their academic development, social emotional development, and college and career readiness.
- 3) Amends legislative intent language relating to the duties of school counselors:
 - a) Adds the following to the services to be provided for all pupils:
 - i) Direct services, including individual counseling, group counseling, risk assessment, crisis response, and instructional services, including mental health, behavioral, academic, and postsecondary educational services; and,
 - ii) Indirect services, including positive school climate strategies, teacher and parent consultations, and referrals to public and private community services.
 - b) Adds a reference to the need to plan, implement, and evaluate comprehensive school counseling programs;
 - c) Modifies language to include working within tiered systems of support that use multiple data sources to monitor and improve pupil behavior, attendance, engagement, and achievement;
 - d) Emphasizes the need to develop, coordinate, and supervise comprehensive pupil support systems in collaboration with teachers, administrators, other PPS professionals, families, community partners, and community agencies, including county mental health agencies;

- e) Adds to the duties needed to maintain a safe learning environment for all pupils by developing and responding with a variety of intervention strategies to meet individual, group, and school community needs before, during, and after crisis response;
 - f) Expands the scope of the use of research-based strategies to include the promotion of mental wellness, reducing mental health stigma, and identifying characteristics, risk factors, and warning signs of pupils who develop, or are at risk of developing, mental health and behavioral disorders and who experience, or are at risk of experiencing, mistreatment, including mistreatment related to any form of conflict or bullying;
 - g) Expands the scope of efforts to improve school climate and pupil well-being by addressing the mental and behavioral health needs of pupils during their times of transition, separation, heightened stress, and critical changes, and accessing community programs and services to meet those needs; and
 - h) Updates language to reference the need to provide counseling services to unduplicated pupils, including access to the appropriate education systems and public and private services.
- 4) Adds to the existing requirements of educational counseling to include academic counseling and postsecondary services, an emphasis on the need to provide high-quality career programs at all grade levels for pupils, in which pupils are assisted in doing the following:
- i) Developing work self-efficacy for the ever-changing work environment, the changing needs of the workforce, and the effects of work on the quality of life;
 - ii) Understanding the value of participating in career technical education (CTE) pathways, programs, and certifications, as specified;
 - iii) Understanding entrance requirements to the Armed Forces of the United States, including the benefits of the Armed Services Vocational Aptitude Battery (ASVAB) test;
- 5) Adds to the optional duties of educational counseling to include any of the following:
- a) Advising pupils, in consultation with their parents and legal guardians when at all possible, who are at risk of not promoting or graduating with the rest of their class;
 - b) In schools that enroll pupils in grades 6 to 12, developing a list of coursework and experience necessary to assist and counsel each pupil to begin to satisfy the A-G requirements for admission to the University of California (UC) and the California State University (CSU) and encourage participation in college preparation programs, including the Advancement Via Individual Determination (AVID) program, and early college, dual enrollment, advanced placement, and international baccalaureate programs;
 - c) Developing pupil knowledge of financial aid planning for postsecondary education by providing pupils with financial aid information, including, information on the Free Application for Federal Student Aid (FAFSA), the California Dream Act application (CADAA), the Cal Grant Program, local and national scholarship programs, financial aid

programs and resources for foster and homeless youth, fee waiver programs, and other financial aid programs and options, and net college cost;

- d) Providing mental and behavioral health services to which pupils receive prevention, early intervention, and short-term counseling services and receive classroom instruction in mental health to reduce stigma and increase awareness of counseling support services; and,
 - e) Providing training to school staff to recognize mental health warning signs.
- 6) Other technical changes, including replacing outdated terminology.

EXISTING LAW:

- 1) Expresses the intent of the Legislature that the governing board of a school district provide a comprehensive educational counseling program for all pupils enrolled in the school district and that a school district that provides educational counseling to its pupils implement a structured and coherent counseling program. (Education Code (EC) 49427)
- 2) Authorizes the governing board of a school district to provide a comprehensive educational program for all pupils enrolled in the school district and states the Legislative intent that a school district providing educational counseling implement a structured and coherent counseling program. (EC 49600)
- 3) Defines “educational counseling” as specialized services provided by a school counselor possessing a valid credential with a specialization in pupil personnel services (PPS) who is assigned specific times to directly counsel pupils. (EC 49600)
- 4) Expresses the intent of the Legislature that school counselors do all of the following:
 - a) Engage with, advocate for, and provide support for, all pupils with respect to learning and achievement;
 - b) Plan, implement, and evaluate programs to promote the academic, career, personal, and social development of all pupils, including pupils from low-income families, foster youth, homeless youth, undocumented youth, and pupils at all levels of academic, social, and emotional abilities;
 - c) Use multiple sources of information to monitor and improve pupil behavior and achievement;
 - d) Collaborate and coordinate with school and community resources;
 - e) Promote and maintain a safe learning environment for all pupils by providing restorative justice practices, positive behavior interventions, and support services;
 - f) Intervene to ameliorate school-related problems, including issues related to chronic absences;

- g) Use research-based strategies to reduce stigma, conflict, and pupil-to-pupil mistreatment and bullying;
 - h) Improve school climate and pupil well-being;
 - i) Enhance pupils' social and emotional competence, character, health, civic engagement, cultural literacy, and commitment to lifelong learning and the pursuit of high-quality educational programs;
 - j) Provide counseling interventions and support services for pupils classified as English learners, eligible for free or reduced-price meals, or foster youth, including enhancing equity and access to the education system and community services; and
 - k) Engage in continued development as a professional school counselor;
- 5) Expresses the intent of the Legislature that the governing board of each school district and each county superintendent of schools maintain fundamental school health services at a level that is adequate to accomplish all of the following: preserve pupils' ability to learn, fulfill existing state requirements and policies regarding pupils' health, and contain health care costs through preventive programs and education. (EC 49427)
- 6) Authorizes school districts to utilize community-based service providers, including volunteers, individuals completing counseling-related internship programs, and state licensed individuals and agencies to assist in providing pupil personnel services, provided that such individuals and agencies are supervised in their school-based activities by an individual holding a pupil personnel services authorization (California Code of Regulations, Title 5, Section 80049.1(c))
- 7) Requires that educational counseling include academic counseling, in which pupils receive counseling in the following areas:
- a) Development and implementation, with parental involvement, of the pupil's immediate and long-range educational plans;
 - b) Optimizing progress towards achievement of proficiency standards;
 - c) Completion of the required curriculum in accordance with the pupil's immediate and long-term plans;
 - d) Academic planning for access and success in higher education programs, including advisement on courses needed for admission to public colleges and universities, standardized admissions tests, and financial aid; and
 - e) Career and vocational counseling, as specified.
- 8) Authorizes educational counseling to also include additional duties to work with students, and their parents or guardians, to understand their academic progress; requirements for various post-secondary education options; career-technical education (CTE) and workplace experience opportunities; standardized testing requirements for college admission; financial

aid options; identification of pupils at risk of not graduating; as well as personal and social counseling pertaining to interpersonal relationships to promote the development of their academic abilities, careers and vocations, and personal and social skills. (EC 49600)

- 9) Requires that any information of a personal nature disclosed by a pupil 12 years of age or older, or their parent or guardian, to a school counselor be confidential and must not be disclosed other than as specified. (EC 49602)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. The author states, “Teaching methods, curriculum modifications, as well as standards of education have changed and evolved over the 30 years I have been teaching in California. Insights gained from the past combined with new knowledge, enables the state to continue to develop and implement comprehensive educational programs for our students. Research points to the effectiveness of school counselors in supporting students in many ways. Without updating the California Education Code, these positive outcomes fall short if school counselors are not utilized in schools or in ways commensurate with their training and areas of expertise.”

California Standards for the School Counseling Profession. In 2009, the California Association of School Counselors (CASC) issued a set of standards for the school counseling profession. These standards were intended to address a number of problems resulting from unclear expectations of school counselors, including counseling time being diverted to administrative tasks, poor quality evaluations due to absence of an evaluation specific to school counseling, and poorly structured and incoherent counseling programs. The report noted that, “without clear standards of practice for school counseling, student support programs and services often become a jumble of disconnected services and random acts of guidance.”

The provisions of this bill are intended to mirror this set of standards, with updates related to reflect the Local Control Funding Formula and Local Control and Accountability Plan, and other recent policy trends, such as restorative justice practices and positive behavior interventions.

Educational counseling duties. According to the California Department of Education (CDE), school counselors are authorized to provide education counseling services in grades kindergarten through fourteen as a part of a team of School-Based Mental Health Professionals (SBMHP). These professionals include counselors, social workers, psychologists, and child welfare and attendance workers. As part of a multidisciplinary team, school counselors collaborate together as a unified and cohesive component of the larger school system to meet the learning and developmental needs of all students. School counselors are required to have a PPS Credential with a specialization in School Counseling. The specialization allows the holder to perform the following:

- Develop, plan, implement, and evaluate a school counseling and guidance program that includes academic, career, personal, and social development;
- Advocate for the high academic achievement and social development of all students;

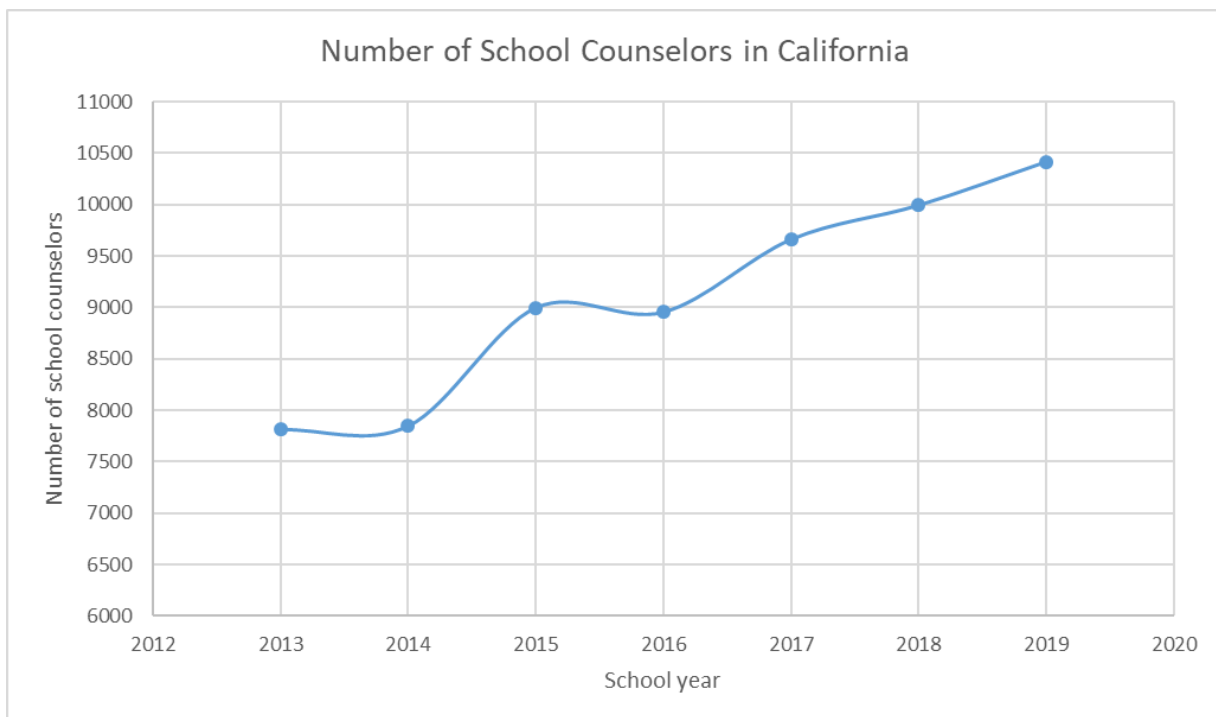
- Provide schoolwide prevention and intervention strategies and counseling services;
- Provide consultation, training, and staff development to teachers and parents regarding students’ needs; and,
- Supervise a district-approved advisory program.

California’s MTSS. School counselors are responsible, in collaboration with other school staff, for the implementation of the Multi-Tiered System of Supports (MTSS). According to the CDE, California’s MTSS is an integrated, comprehensive framework for local educational agencies (LEAs) that aligns academic, behavioral, and social-emotional learning in a fully integrated system of support for the benefit of all students with the potential to create systematic change to quickly identify and meet the needs of all students.

MTSS affords a full range of academic, behavioral, and social support for all students. California’s MTSS encompasses Response to Instruction and Intervention (RtI2) and Positive Behavioral Interventions and Supports (PBIS) approaches to support the MTSS. RtI2 is an approach that focuses on individual students who are struggling academically and pulls together resources to prevent the student from falling behind. PBIS is an approach that focuses on the emotional and behavioral learning of students. Both approaches help LEAs adopt tiered levels of evidence-based support to assist students academically, socially, and behaviorally.

California schools lack sufficient numbers of school counselors. According to CDE data, there has been an increase in school counselors employed in California schools since the 2012-13 school year (figure 1).

Figure 1. Increasing number of school counselors in California (CDE data).



Despite the growing number of school counselors, psychologists, social workers, and nurses, California still lacks sufficient numbers of trained personnel in schools to meet the mental health needs of over six million pupils (table 1). The American School Counselor Association recommends that schools maintain a ratio of 250 students per school counselor, and California has not met this benchmark.

Table 1. Ratio of school health professionals in the 2018-2019 school year. (CDE)

School health professional	Number of professionals in California schools in 2018/19	2018/19 ratio of students/professional	Recommended ratios by relevant professional associations
School counselors	10,416	576:1	250:1
School psychologists	6,329	948:1	500-700:1
School social workers	865	6,936:1	250:1
School nurses	2,720	2,205:1	750:1

The lack of school counselors impacts the professionals themselves. Supporting school counselors is critical for providing a safe and effective school environment. A 2014 Educational Resources Information Center (ERIC) article, *Understanding the impact of school factors on school counselor burnout: a mixed-methods study*, found that professional school counselors attribute burnout, defined as exhaustion, negative work environment, and deterioration in personal life, experiences but not limited to, emotional exhaustion, caseload, and non-counseling duties. Providing school counselors with knowledge, resources, and strategies to optimize effectiveness early in their careers may better prepare people going into the profession.

Importance of school counselors. School counselors play a critical role in ensuring students receive support and opportunities in and out of school to maximize their success. A body of research shows that school counselors can help boost students' academic performance, decrease absenteeism, and narrow the achievement gap. A 2001 study, *Helping seventh graders be safe and successful: A statewide study of the impact of comprehensive guidance and counseling programs*, found that middle school students with more fully implemented comprehensive counseling programs felt safer attending at school, valued their educational experience as important to their futures, were more satisfied with their quality of education, had fewer problems related to the physical and interpersonal conflicts in their schools, and earned higher grades. The American Counseling Association cites improvements in college and career readiness, higher academic achievement, lowering dropout rates, promoting positive social behavior, and improving mental health outcomes.

Incidence of mental health and behavioral health issues for children and youth. A 2014 UCLA Policy Brief notes that nearly half of all Americans will need mental health treatment some time during their lifetimes, with initial symptoms frequently occurring in childhood or adolescence. According to a report by the American Institutes for Research (AIR), *Mental*

Health Needs of Children and Youth, up to 20% of children in the United States experience a mental, emotional, or behavioral health disorder each year. School counselors play a key role in identifying students with mental health needs and connecting them with needed services and supports.

Youth mental health crisis intensifying as a result of the COVID-19 pandemic. The American Academy of Pediatrics noted in recent guidance that “emotional and behavioral health challenges were of growing concern before the COVID-19 pandemic, and the public health emergency has only exacerbated these challenges.” Prior to the pandemic, the incidence of youth mental health crises was increasing at an alarming rate. Suicide rates among youth ages 10-24 increased over 57% between 2007 and 2018, and as of 2018 suicide was the second leading cause of death for youth ages 15-19, according to the Centers for Disease Control and Prevention (CDC). Youth visits to pediatric emergency departments for suicide and suicidal ideation also doubled during this time period (Burstein, 2019).

The pandemic has dealt a particularly hard blow to students’ mental health and well-being - increasing social isolation, disrupting routines, and eliminating social traditions and rites of passage, while also reducing students’ access to schools, which serve as the de facto mental health system for children and adolescents. For students from families also facing economic and other challenges, the crisis is deeper still.

Staff recommends that the bill be amended to clarify that an educational counseling program should be provided within the LEA’s MTSS framework.

Arguments in support. The California Federation of Teachers states, “California’s current definition of education counseling does not reflect the role that counselors play in supporting students’ mental health needs or exploration of career pathways. This legislation updates the law to reflect the duties counselors currently provide students, including their evolving mental health needs and opportunities in career pathways. School counselors are often the first responders on school campuses, creating positive school climates and addressing mental health issues within a multi-tiered system of support. This includes early identification, treatment, and integration of clinical mental health services on school campuses or within the community. Educational counseling includes individual and group counseling services, along with consultation and support to caregivers and teachers, including providing professional development in topics such as suicide prevention, warning signs for substance abuse, and restorative practices. Additionally, the education code does not reflect the state’s more recent investment in career pathways.”

Related legislation. AB 552 (Quirk-Silva) of the 2021-22 Session would authorize LEAs and county behavioral health agencies to enter into partnerships to provide school-based behavioral health and substance abuse disorder services on school sites, and authorizes the billing of private insurance providers for these services under specified conditions.

AB 1080 (Cunningham) of the 2021-20 Session would have authorized the governing board of a school district, as part of an organized advisory program, to partner with local or community mental health providers or clinics to administer any part of its comprehensive educational counseling program. This bill was held in the Assembly Education Committee.

SB 428 (Pan) of the 2019-20 Session would have required the CDE to identify an evidence-based training program for LEAs to use to train classified and certificated school employees

having direct contact with pupils in youth mental and behavioral health. SB 428 was vetoed by the Governor, who stated:

Providing support for students facing mental health is of critical importance. Multiple public agencies beyond CDE hold a responsibility for addressing the mental health crisis impacting young people today. That is why I worked with the Legislature to appropriate \$50 million in this year's budget to create the Mental Health Student Services Act. Mental health partnerships among county mental health or behavioral health departments, school districts, charter schools and county offices of education are best positioned to address the diverse mental health needs of young people.

AB 2366 (Chu) of the 2019-20 Session would have, subject to funding for this purpose, established the Trauma, Grief, and Loss Pilot Program and would have authorized school districts, COEs, and charter schools to apply to participate in a multi-year program by designating at least one trauma, grief, and loss counselor to be generally accessible to pupils in grades 9 to 12 at each participating school site. This bill was held in the Assembly Education Committee.

AB 8 (Chu) of the 2017-18 Session would have required schools to have one mental health professional for every 400 pupils accessible on campus during school hours, and for schools of less than 400 pupils, to employ at least one mental health professional for one or more schools or enter into an agreement with a county agency or community-based organization to provide mental health services to pupils. This bill was held in the Senate Health Committee.

SB 451 (Lara), Chapter 539, Statutes of 2015 stated the Legislature's intent that school counselors also perform specified other functions and services to support pupil learning and achievement and specify that educational counseling may also include counseling in specified other areas, including, but not limited to, individualized review of a pupil's career goals. Requires professional development related to career and vocational counseling to include strategies for counseling pupils in specified areas. The bill makes a conforming change by deleting a provision relating to school counselors providing services prior to January 1, 1987.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of School Counselors (Sponsor)
California Federation of Teachers
Los Angeles County Office of Education
Orange County Department of Education

Opposition

None on file

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