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## MEMORANDUM

DATE: June 16, 2008  
TO: Chairwoman and Members, Legislative Committee on Education  
FROM: Carol M. Stonefield, Supervising Principal Research Analyst  
Research Division  
SUBJECT: **School Counseling Mandates**

Throughout the 2007-2008 interim, the Legislative Committee on Education has received information on school counselors, including several status reports on compliance with certain provision of Assembly Bill 212 (Chapter 439, *Statutes of Nevada* 2007). Assemblywoman Bonnie Parnell, Chairwoman, directed the Committee staff to report on school counseling in Nevada and in other states. This memorandum provides information in response to that request.

### SCHOOL COUNSELING SERVICES IN NEVADA

Neither the *Nevada Revised Statutes* (NRS) nor the *Nevada Administrative Code* (NAC) specifically defines counseling services nor requires a school district to provide a counseling program. However, both statutes and regulations refer to school counselors among other licensed educational personnel. In addition, for the past several years, the Legislature has provided from the Distributive School Account an appropriation of \$50,000 per fiscal year to each of the 17 school districts to support special counseling services for elementary school pupils at risk of failure.<sup>1</sup>

<sup>1</sup> Assembly Bill 627 (Chapter 343, *Statutes of Nevada* 2007); Senate Bill 525 (Chapter 450, *Statutes of Nevada* 2005); Senate Bill 8 (Chapter 5, *Statutes of Nevada* 2003, 20<sup>th</sup> Special Session); Senate Bill 585 (Chapter 565, *Statutes of Nevada* 2001); and Senate Bill 555 (Chapter 559, *Statutes of Nevada* 1999).

### *Nevada Revised Statutes*

Prior to 2007, school counselors were identified in statutes generally as members of crisis response plan committees (NRS 392.616 and 392.628) or included in school personnel evaluation procedures (NRS 391.3125). Other provisions include privileged communications from pupils (NRS 49.290) and the authorization to school districts to allow placement of student counselors for training purposes in public schools (NRS 391.095).

In 2007, the Legislature enacted Assembly Bill 212 (Chapter 439, *Statutes of Nevada*), which provides that school districts will develop academic plans for all ninth graders which must include consultation with the school counselor. The bill also provides that each school district board of trustees will adopt a policy setting forth the duties of school counselors and limiting their role in test administration. In addition, the Legislature included school counselors in the Grant Fund for Incentives for Licensed Educational Personnel, established pursuant to Assembly Bill 1 (Chapter 8, *Statutes of Nevada 2007, 23<sup>rd</sup> Special Session*).

### *Nevada Administrative Code*

Sections 391.180, 391.185, and 391.192 of the NAC provide for the qualifications for the endorsement of school counselor. Sections in NAC 388 and 389 include the school counselor among those eligible to participate on a committee to develop an individualized education plan and in enrollment in career and technical education courses.

### *Standards for a School Counseling Program*

The standards for the school counseling program are provided on the Department of Education website at <http://www.doe.nv.gov/standards/octae.html>. Adopted by the State Board of Education in 2002, the standards are identified to be aligned with the national standards of the American School Counselors Association (ASCA). A counseling program meeting state standards includes the following components:

- System support: includes involvement in professional development, support of a safe learning environment, and outreach to parents and community;
- Guidance curriculum: integrates counseling standards for career development, academic achievement, and personal/social growth into the school curriculum;
- Individual planning: addresses specific individual student needs, including career development, academic achievement, and personal/social growth; and
- Responsive services: meets the referral needs of students whose issues cannot be met in the general school setting.

### *Counselor to Student Ratio*

At the December 13, 2007 meeting of the Committee, Garry Wyatt, Consultant, Office of Career, Technical, and Adult Education, Department of Education, stated that the ratio of counselors to students recommended by ASCA was 1 to 250. Mr. Wyatt provided results of a survey of Nevada school districts regarding their counselor to student ratios: eight of 16 high school districts reported ratios over 300 students per counselor, and five reported ratios in excess of 400 students per counselor. Moreover, Mineral County School District reported no high school counselor and Storey County School District reported no middle school counselor. The counselor in Pershing County School District serves both middle and high school. Although only serving elementary and middle school students, Esmeralda County School District reported no counselor at that time. The ratio of elementary students to counselors ranged from a low of 127 in Eureka County School District, although two counselors serve all schools, to a high of 832 students per counselor in Clark County School District.

### **SCHOOL COUNSELING MANDATES IN OTHER STATES**

According to information compiled by the American School Counselor Association (ASCA) in 2006, 33 states, including the District of Columbia, mandate school counseling programs in public high schools, pursuant either to statute or administrative regulation. Of those, 28 states also require counseling programs in the elementary grades.

#### **Level of services required**

While sixteen states specify the ratio of pupils to counselors, others provide formulas based on school enrollment or require minimum staffing levels per school. Seven states do not set ratios, leaving the number of counselors to local decision. Four states require that school districts provide access to counseling services but do not require districts to employ school counselors.

#### **Source of funding provided**

In 22 of the states mandating counseling services, funding for counselors is provided in whole or in part by state appropriations. The ASCA reports that in eight states mandated counseling services are funded in whole by local revenues. In the three states that do not report a funding source, the statute or regulation requires a school district to provide access to a counseling program without specifying how the district shall meet that requirement.

A table summarizing the mandates in these states is attached to this memorandum. In addition, the ASCA compilation of mandates may be accessed on the Association website at <http://www.schoolcounselor.org/content.asp?contentid=535>.

## **RECENT STATUTORY OR REGULATORY ACTIVITY IN OTHER STATES**

In the last few years, states have enacted statutes or adopted regulations to implement comprehensive school guidance programs. The Education Commission of the States tracks state policies and activities relating to counseling and guidance (<http://www.ecs.org/ecs/ecscat.nsf/WebTopicView?OpenView&count=-1&RestrictToCategory=Counseling/Guidance>). Examples of recent state actions include the following:

- Arkansas House Bill 2868 (2005): A student services program is defined as a coordinated effort which shall include guidance and counseling services. Those services are itemized. The statutes provides that school counselors shall spend at least 75 percent of work time each week providing direct counseling related to students and shall devote no more than 25 percent of work time each week to administrative activities, which are required to relate to guidance services.
- Iowa Administrative Code §§ 281-12.2 (256) and 281-12.2 (256) (2007): A school counseling program is defined to mean an articulated sequential kindergarten through grade 12 program that is comprehensive in scope, preventive in design, developmental in nature, driven by data, and integral to the school district's curricula and instructional program. The program is to be implemented by at least one counselor who is appropriately licensed and who works collaboratively with the district's administration and instructional staff. The program components are specified. In addition, a board of directors of a school district is required to establish a comprehensive school counseling program, driven by student data and based on standards in academic, career, personal, and social areas. School counselors and classroom teachers shall cooperate to develop, teach, and evaluate goals.
- Kentucky Administrative Regulations § 704 3:305 (2006): A school district shall implement an advising and guidance process throughout the middle and high schools to provide support for the development and implementation of an individual learning plan for each student. The plan shall include career development and awareness and specifically address career exploration and academic expectations.
- North Carolina Senate Bill 571 (2005): The State Board of Education is required to report on the role of school counselors in providing dropout prevention and intervention services to students in middle and high school and on the State Board's implementation of its policy regarding the job description and performance criteria for school counselors.
- Washington House Bill 1670 (2007): The Legislature declares that school counseling is a profession. The Legislature states that it intends to codify into law the importance and the role of school counselors in public schools. The bill provides that the purpose and role of school counselors is to plan, organize, and deliver a comprehensive school guidance and counseling program that personalizes education and supports, promotes and enhances the

academic, personal, social, and career development of all students, based on national standards for school counseling programs of the ASCA.

- Wyoming House Bill 97 (2007): The bill provides that the Department of Education shall promulgate rules requiring the provision of counseling services to students in grades 8 to 12 and defines those counseling services to include curricular requirements, achievement levels for the statewide proficiency examination, and the importance of curriculum in career options. The bill provides that counseling services shall be provided by counselors or designated employees of the district.

Other school counseling statutes and regulations, including certification requirements, are compiled by ASCA and may be found at <http://www.schoolcounselor.org/content.asp?pl=325&sl=133&contentid=538>.

### **POLICY OPTIONS**

Policy options for consideration by the Committee include the following, which could be developed independent of or in conjunction with the others:

1. Amend the NRS to define a school counseling and guidance program. As an alternative to placing a definition in statute, this proposal might be drafted to require the State Board of Education to define a counseling and guidance program through the NAC.
2. Amend the NRS to require school districts to provide counseling services. The Committee may wish to specify certain services to be provided by licensed school counselors, while other services might be provided by paraprofessionals.
3. Amend the NRS to provide a ratio of students per counselor. In conjunction, amend the NRS to define and limit counselor activities.
4. Provide an appropriation to the Department to distribute to the school districts and charter schools that implement a counseling program. An alternative would be to provide an appropriation for distribution to the school districts and charter schools that meet the required ratio.
5. Send letters from the Committee to the school district boards of trustees and charter school governing boards, urging them to adopt comprehensive guidance programs as official programs. Encourage them to support the full implementation of guidance programs in their schools, following the ASCA's recommendations for appropriate and inappropriate activities for school counselors as set forth in its national model.

### **CONCLUDING REMARKS**

If the Committee members wish to consider concepts such as these policy options or others at the Committee's work session in August, the staff will be happy to develop proposals. Please let me know if you wish any additional information. I can be reached at (775) 684-6825.

CMS/me: W81007

Enc.

## School Counseling Mandates

State	Grades		Mandated Ratio	Source of Funding
	K-8	9-12		
Alabama	yes	yes	1:500 – 749 with provisions for portions of FTE depending on enrollment	State
Arkansas	yes	yes	1:450	Local districts
California	no at K-6, yes for 7-8	yes	none	State Budget Act
District of Columbia	yes	yes	Every school must have 1 counselor. Each middle and high school must have a career counselor as well.	District
Georgia	yes	yes	K-8 at 1:675; grades 9-13 at 1:400 (recommended but necessary to receive state funding)	State with supplement from local districts
Hawaii	yes	yes	Flexible, on a weighted student formula within structure of site-based management	State
Idaho	yes	yes	none	State
Indiana	yes	yes	Grades 1-6 at 1:600; grades 7-12 at 1:300	State
Iowa	yes	yes	Goal of 1:350 at all levels	Local districts
Louisiana	no	yes	Grades 9-12 at 1:450	State
Maine	yes	yes	K-8 at 1:350; grades 9-12 at 1:250	State
Maryland	yes	yes	none	State
Mississippi	no	yes	NOTE: elementary students must have access to support services (counselor, social worker, nurse, other); a ½ time position is required at each secondary school	State
Missouri	yes	yes	1:500 (required); 1:301-375 (recommended)	State 75% Local 25%



State	Grades		Mandated Ratio	Source of Funding
	K-8	9-12		
Montana	yes	yes	1:400	State and local districts
Nebraska	yes	yes	K-5 schools over 300 have guidance programs but ratio is local determination. Grades 6-12 schools at 450 must have counselor, additional ½ position for each 225 students.	Local districts
New Hampshire	yes	yes	K-5 at 1:500; Grades 6-12 at 1:300	Local districts
New Jersey	yes	yes	NOTE: counseling programs are mandated but employment of school counselors is not mandated.	Local districts
New Mexico	yes	yes	none	Non-funded
North Carolina	yes	yes	1:400 (recommended, not mandated)	Primarily State funds
North Dakota	yes	yes	No ratio required, but credentialed counselors are required in districts with 250 or more students	State
Oklahoma	yes	yes	K-5, none; grades 6-12 at 1:450	State
Oregon	yes	yes	NOTE: counseling programs are required but employment of counselors is not required.	Non-funded
Rhode Island	yes	yes	NOTE: counseling programs are required but employment of counselors is not required.	State and local districts
South Carolina	yes	yes	K-5 at 1:800; grades 6-12 at 1:300	State
Tennessee	yes	yes	K-6 at 1:500; grades 7-12 at 1:350 (both ratios are recommended for state funding)	State 70% Local 30%
Utah	no	yes	none	State



State	Grades		Mandated Ratio	Source of Funding
	K-8	9-12		
Vermont	yes	yes	Elementary at 1:400; secondary at 1:300	Local districts
Virginia	yes	yes	Formula based on level of school and student enrollment (e.g., elementary at 1 FTE per 500; middle at 1 FTE per 400; high at 1 FTE per 350; plus portions of FTEs increase as enrollment increases)	State
Washington	no	yes	At least 1 in every secondary school	State
West Virginia	yes	yes	none	State and local districts
Wisconsin	yes	yes	none	Local districts
Wyoming	yes	yes	NOTE: counseling programs are required but employment of counselors is not required.	Non-funded

Source: *School Counseling Mandates for Each State*, American School Counselor Association, [www.schoolcounselor.org](http://www.schoolcounselor.org), accessed on May 2, 2008.