

BILL: House Bill 1437
TITLE: Education - Individualized Counseling Services - Requirements
DATE: March 10, 2016
POSITION: OPPOSE
COMMITTEE: Ways and Means Committee
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE), representing all of the State's local boards of education, opposes House Bill 1437.

Local boards appreciate the well-intended underpinnings of this legislation to promote enhanced behavioral health services to students in the school setting. However, MABE opposes this legislation based on deep concerns with the prescriptive referral, consent, and health services mandated by this bill.

Under this legislation, a guidance counselor would be required to not only assist any student referred to them for a determination of whether the student needs individualized counseling services, but also to assist the student in obtaining a professional determination regarding their need for individualized counseling services. Following this, if a student is determined to need individualized counseling services, the guidance counselor or school counseling program would be required to either: obtain permission from the parent or guardian to allow school-based personnel to speak with outside health care providers on behalf of the student and arrange individualized counseling services; or assist the parent in finding and arranging individual counseling services with a licensed clinical professional counselor (LCPC).

Furthermore, the bill would require each school to provide space in the building for a student and an LCPC to meet privately during school hours for individualized counseling services and (2) work with the student and LCPC to schedule individualized counseling services during school hours with minimal disruption to the student's academic schedule.

In these ways, House Bill 1437 would impose significant new responsibilities and professional obligations on school personnel; new legal liabilities arising from mandated referral procedures; and new demands on school facilities to accommodate counseling services provided by visiting counselors.

For these reasons, MABE requests an unfavorable report on House Bill 1437.