

**BILL:** House Bill 786  
**TITLE:** Education - Individualized Counseling Services - Requirements  
**POSITION:** OPPOSE  
**DATE:** March 10, 2017  
**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 786.

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 and consent provisions 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 professional counseling services. Following the determination that a student needs 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 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 786 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.

Lastly, MABE would have similar concerns with a mandate for state guidelines for the type of services proposed in this bill; especially if the guidelines are interpreted as applying to a mandated expansion of school health services to include behavioral health assessments and behavioral health services.

For these reasons, MABE requests an unfavorable report on House Bill 786.