

2021 Regular Session

HOUSE BILL NO. 156

BY REPRESENTATIVE FREIBERG

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SCHOOLS/EMPLOYEES: Provides for changing the job title of school guidance counselor to school counselor

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AN ACT

To amend and reenact R.S. 11:701(33)(a)(ii)(aa), R.S. 14:403.1(B)(6), R.S. 15:1134(A), R.S. 17:7(27)(a)(ii)(aa), 7.2(A)(4), 24.1(K), 46(A)(1)(b), 392.1(E), 414.2(A), 416.8(A)(1)(a)(iii), 1170, 1200(A) and (B), 2926(A)(introductory paragraph) and (B)(1), the title of Chapter 19 of Title 17 of the Louisiana Revised Statutes of 1950, 3002(A), (B), (C)(introductory paragraph), and (D)(1) and (3), 3003, 3004, 3005(A), (B), (C)(introductory paragraph), (D), and (E), 3006(A), 3162(C)(8), 3166(Section heading) and 3602(7), R.S. 18:116(A)(2)(a), and R.S. 42:1119(B)(2)(a)(iv), relative to school employees; to provide for technical changes with respect to the terms "guidance counselor" and "school counselor"; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:701(33)(a)(ii)(aa) is hereby amended and reenacted to read as follows:

§701. Definitions

As used in this Chapter, the following words and phrases have the meanings ascribed to them in this Section unless a different meaning is plainly required by the context:

\* \* \*

1 (33)(a) "Teacher", except as provided in Subparagraph (b) of this Paragraph,  
2 shall mean any of the following:

3 \* \* \*

4 (ii)(aa) Any president, vice president, dean, teacher, ~~guidance~~ school  
5 counselor, or unclassified employee at any state college or university or any  
6 vocational-technical school or institution or special school under the control of the  
7 State Board of Elementary and Secondary Education, or any educational institution  
8 supported by and under the control of the state or any city, parish, or other local  
9 school board.

10 \* \* \*

11 Section 2. R.S. 14:403.1(B)(6) is hereby amended and reenacted to read as follows:

12 §403.1. Substance abuse in schools; definitions; confidential reports; immunity;  
13 penalty

14 \* \* \*

15 B. For the purposes of this Section, the following terms shall mean:

16 \* \* \*

17 (6) "Substance Abuse Prevention Team," hereafter sometimes referred to as  
18 "the team," is a panel of not less than six members consisting of at least one (a)  
19 administrator, (b) teacher, (c) ~~guidance~~ school counselor, (d) parent representative,  
20 and (e) school support person. The team shall be trained by personnel from the  
21 Substance Abuse Prevention Education Program of the Louisiana Department of  
22 Education. In the absence of the availability of a team trained by personnel from the  
23 Substance Abuse Prevention Education Program, the principal of a school may  
24 establish a substantially similar panel which shall be considered a substance abuse  
25 prevention team.

26 \* \* \*

1 Section 3. R.S. 15:1134(A) is hereby amended and reenacted to read as follows:

2 §1134. Staff and facilities of community rehabilitation centers

3 A. The Department of Corrections may employ psychiatrists, neurologists,  
4 special educators, ~~guidance~~ school counselors, psychologists, nurses, technicians,  
5 social workers, occupational therapists, physicians and other professional personnel  
6 to staff community rehabilitation centers, or may contract for the services of such  
7 persons with community service organizations, religious groups, universities and  
8 medical schools.

9 \* \* \*

10 Section 4. R.S. 17:7(27)(a)(ii)(aa), 7.2(A)(4), 24.1(K), 46(A)(1)(b), 392.1(E),  
11 414.2(A), 416.8(A)(1)(a)(iii), 1170, 1200(A) and (B), 2926(A)(introductory paragraph) and  
12 (B)(1), the title of Chapter 19 of Title 17 of the Louisiana Revised Statutes of 1950,  
13 3002(A), (B), (C)(introductory paragraph), and (D)(1) and (3), 3003, 3004, 3005(A), (B),  
14 (C)(introductory paragraph), (D), and (E), 3006(A), 3162(C)(8), 3166(Section heading), and  
15 3602(7) are hereby amended and reenacted to read as follows:

16 §7. Duties, functions, and responsibilities of board

17 In addition to the authorities granted by R.S. 17:6 and any powers, duties, and  
18 responsibilities vested by any other applicable laws, the board shall:

19 \* \* \*

20 (27)(a)

21 \* \* \*

22 (ii) The provisions of Item (I) of this Subparagraph shall not apply to the  
23 following:

24 (aa) Interaction between a student and ~~guidance~~ school counselor as defined  
25 in R.S. 17:3002.

26 \* \* \*

27 §7.2. Approved teacher education programs

28 A. In carrying out its responsibility to prescribe the qualifications and  
29 provide for the certification of teachers under authority of R.S. 17:7(6), the State

1 Board of Elementary and Secondary Education, subject to the constitutional power  
 2 and authority of the Board of Regents, the Board of Supervisors for the University  
 3 of Louisiana System, the Board of Supervisors of Louisiana State University and  
 4 Agricultural and Mechanical College, and the Board of Supervisors of Southern  
 5 University and Agricultural and Mechanical College, shall establish qualifications  
 6 and requirements for the approval of teacher education programs from which  
 7 graduates may be certified. The qualifications and requirements established by the  
 8 State Board of Elementary and Secondary Education for an approved teacher  
 9 education program shall include but not be limited to the following:

10 \* \* \*

11 (4) That the institution offering the program provide procedures for student  
 12 evaluation and counseling such that upon initial entry into the institution each  
 13 student shall be evaluated with respect to his aptitude and suitability for his intended  
 14 major academic field by a ~~guidance~~ school counselor assigned to the student in  
 15 accordance with procedures determined by the institution. The evaluation shall be  
 16 based upon the student's grade point average in high school, college entrance  
 17 examination, placement tests where applicable, and any other additional tests or  
 18 evaluative instruments deemed appropriate by the ~~guidance~~ school counselor. The  
 19 counselor shall advise the student concerning his aptitude and suitability for  
 20 particular fields of study, based on his findings from all such tests and instruments.  
 21 No student shall be required to expend any funds for the administration or taking of  
 22 any test or evaluative instrument or to take any test or be evaluated by any  
 23 instrument either of which the student deems invasive of his privacy. Evaluation and  
 24 counseling shall place particular emphasis on aptitude and suitability for teaching in  
 25 the case of any student indicating his intention to follow a teacher education  
 26 curriculum.

27 \* \* \*

28 §24.1. State Department of Education; in-service training programs

29 \* \* \*

1           K. The state superintendent, through the Regional Service Centers, shall  
2           make available to teachers and ~~guidance~~ school counselors, in-service training in  
3           current techniques of classroom management and discipline and in the current  
4           techniques of counseling and advisement practices.

5   \*       \*       \*

6           §46. Sabbatical leave program

7                           A.(1)

8   \*       \*       \*

9                   (b) As used in this Subpart, the words "teacher" or "teaching staff" shall  
10           include any social worker, ~~guidance~~ school counselor, school nurse, audiologist,  
11           educational diagnostician, speech-language pathologist, or school psychologist  
12           employed by a special school who holds the appropriate valid professional ancillary  
13           certificate issued by the state Department of Education and who has served in the  
14           Special School District for the number of years required for probationary teachers  
15           to attain tenure. For a school nurse, a professional ancillary certificate means a Type  
16           A, Type B, or Type C certificate.

17   \*       \*       \*

18           §392.1. Screening and intervention; purpose; applicability; city and parish school  
19           system, duties

20   \*       \*       \*

21                   E. The screenings required by this Section shall be done directly by  
22           elementary ~~guidance~~ school counselors, pupil appraisal personnel, teachers, or any  
23           other professional employees of the school system who have been appropriately  
24           trained, all of whom shall operate as advocates for the children identified as needing  
25           services or assistance pursuant to this Part. No screenings shall be done by persons  
26           who have not been trained to do such screenings, consistent with the requirements  
27           established for such training by the State Board of Elementary and Secondary  
28           Education.

29   \*       \*       \*

1 §414.2. Influence by superintendent, principals, and others on student grades;  
2 board's duty; limitations on grade changes

3 A. No school board member, school superintendent, assistant superintendent,  
4 principal, ~~guidance school~~ counselor, other ~~teachers~~, teacher or other administrative  
5 staff ~~members~~ member of the school or the central staff of a parish or city school  
6 board shall attempt, directly or indirectly, to influence, alter, or otherwise affect the  
7 grade received by a student from his teacher except as otherwise specifically  
8 permitted by this Section.

9 \* \* \*

10 §416.8. Discipline policy review committees; school option

11 A.(1)(a) Each city and parish school board shall establish a discipline policy  
12 review committee composed of sixteen members as follows:

13 \* \* \*

14 (iii) Two ~~guidance school~~ counselors to be elected by their peers.

15 \* \* \*

16 §1170. Definitions

17 As used in this Subpart, the words "teacher" or "teaching staff" shall include  
18 any person employed by a city, parish, or other local public school board in the state  
19 of Louisiana who holds a valid teaching certificate issued by the state Department  
20 of Education and any social worker, ~~guidance school~~ counselor, school nurse,  
21 audiologist, educational diagnostician, speech-language pathologist, or school  
22 psychologist employed by a city, parish, or other local public school board in the  
23 state who holds the appropriate valid professional ancillary certificate issued by the  
24 state Department of Education. For a school nurse, a professional ancillary  
25 certificate means a Type A, Type B, or Type C certificate.

26 \* \* \*

27 §1200. Definitions

28 A. As used in this Subpart, except in R.S. 17:1201, the words "teacher" or  
29 "teaching staff" shall include any member of the teaching staff of a public school in

1 the state of Louisiana and any social worker, ~~guidance~~ school counselor, or school  
2 psychologist employed by a city, parish, or other local public school board in the  
3 state who holds, as applicable, a valid professional ancillary certificate in school  
4 social work, ~~guidance~~ school counseling, or school psychology issued by the state  
5 Department of Education.

6 B. As used in R.S. 17:1201, the words "teacher" or "teaching staff" shall  
7 include any person employed by a city, parish, or other local public school board in  
8 the state of Louisiana who holds a valid teaching certificate issued by the state  
9 Department of Education and any social worker, ~~guidance~~ school counselor, or  
10 school psychologist employed by a city, parish, or other local public school board  
11 in the state who holds, as applicable, a valid professional ancillary certificate in  
12 school social work, ~~guidance~~ school counseling, or school psychology issued by the  
13 state Department of Education.

14 \* \* \*

15 §2926. Student ~~guidance~~ and counseling; training and professional development

16 A. The State Board of Elementary and Secondary Education shall develop  
17 ~~a guidance and~~ an advisement policy for the middle and high school grades that local  
18 school districts can use to equip school ~~guidance personnel~~ counselors with the skills  
19 and information needed to:

20 \* \* \*

21 B.(1) The state Department of Education shall provide professional  
22 development and in-service training opportunities to school ~~guidance personnel~~  
23 counselors regarding development of individual graduation plans.

24 \* \* \*

25 CHAPTER 19. ~~GUIDANCE~~ SCHOOL COUNSELORS AND DIRECTORS

26 \* \* \*

1 §3002. Definition of terms

2 A. The terms "~~guidance~~ school counselor," "~~guidance~~ counseling director,"  
3 and "practice of school ~~guidance~~ counseling" for the purposes of this Chapter shall  
4 have the meaning respectively ascribed to them in this Section.

5 B. "~~Guidance~~ School counselor" is a member of the school faculty who by  
6 training and background, is qualified to engage in educational and vocational  
7 counseling and advisement. The purpose of a ~~guidance~~ school counselor is to help  
8 students to arrive at their full potential through a process involving direct contact  
9 between the counselor and a student, parents, teachers, school administrators and/or  
10 others.

11 C. "~~Guidance~~ Counseling director" is a member of the school faculty who  
12 functions as a ~~guidance~~ school counselor but has the following additional  
13 responsibilities in the school system:

14 \* \* \*

15 D.(1) The "practice of school ~~guidance~~ counseling" means the rendering,  
16 offering to render, or supervising those who render to individuals or groups of pupils  
17 within the elementary, secondary, and postsecondary schools, services involving the  
18 application of counseling procedures for learning how to solve problems and make  
19 decisions.

20 \* \* \*

21 (3) A ~~guidance~~ school counselor shall devote not less than two-thirds of each  
22 academic school year to the practice of school ~~guidance~~ counseling.

23 §3003. Authorization for employment

24 The Louisiana State Board of Elementary and Secondary Education is  
25 authorized and directed to use these funds for the purpose of providing employment  
26 for ~~guidance~~ school counselors and counseling directors in each ~~parish and city~~ city,  
27 parish, or other local public school system.

1 §3004. Selection and responsibility

2 The ~~guidance school~~ counselors and counseling directors shall be selected by  
3 and be responsible to the local school officials in each ~~parish and city~~ city, parish,  
4 or other local public school system.

5 §3005. Elementary school ~~guidance~~ counselors; availability; guidelines;  
6 requirements; ~~guidance~~ counseling services; work time; exceptions;  
7 reporting; funding

8 A. Each ~~parish and city~~ city, parish, or other local public school board shall  
9 provide elementary school ~~guidance~~ counselors for all students in kindergarten  
10 through grade six in the public elementary schools in the state in accordance with  
11 guidelines as established by the State Board of Elementary and Secondary Education.  
12 Such guidelines shall require that there shall be one ~~guidance school~~ counselor for  
13 every four hundred students.

14 B. Any elementary school ~~guidance~~ counselor employed by a ~~parish or city~~  
15 school board pursuant to the provisions of this Section shall be certified as required  
16 by the state of Louisiana.

17 C. Such ~~guidance school~~ counselors shall provide preventive and  
18 developmental ~~guidance~~ counseling services to all public elementary school students  
19 in kindergarten through grade six in order to prepare them for middle, junior, and  
20 senior high school responsibilities and their social and physical development. In  
21 providing such ~~guidance~~ counseling services, the counselors may:

22 \* \* \*

23 D. ~~Guidance School~~ counselors shall spend the majority of their time on  
24 providing direct counseling related to students.

25 E. Nothing in Subsection A of this Section shall prohibit any ~~parish or city~~  
26 school board from employing more elementary school ~~guidance~~ counselors than  
27 provided in Subsection A.

28 \* \* \*

1 §3006. School ~~guidance~~ counselors; academic profiles; public high schools;  
2 required

3 A. Each school ~~guidance~~ counselor, or the counselor's qualified designee,  
4 employed in a public high school shall complete an academic profile for each student  
5 in the ninth grade using an appropriate web-based student ~~guidance~~ counseling  
6 system.

7 \* \* \*

8 §3162. Statewide Articulation and Transfer Council; creation; purpose;  
9 membership; duties and responsibilities

10 \* \* \*

11 C. The council shall, with appropriate faculty consultation:

12 \* \* \*

13 (8) Develop policies to align articulation and transfer policies established by  
14 educational institutions including, but not limited to, admissions criteria, student  
15 ~~guidance and~~ counseling, and grade forgiveness.

16 \* \* \*

17 §3166. Student ~~guidance and~~ counseling

18 \* \* \*

19 §3602. Definitions

20 As used in this Chapter, unless otherwise clearly indicated, these terms have  
21 the following meanings:

22 \* \* \*

23 (7) "Teacher" means any public school classroom teacher, librarian,  
24 ~~guidance~~ school counselor, secondary vocational instructor, principal, assistant  
25 principal, or other personnel for whom a valid Louisiana teaching certificate is  
26 required for employment; any teacher in an institution which offers thirteenth and  
27 fourteenth grade instruction; any speech therapist who possesses a valid Louisiana  
28 ancillary certificate issued by the State Board of Elementary and Secondary  
29 Education; and any instructor seeking to continue in the program who has been

1 transferred from the Department of Public Safety and Corrections to vocational-  
2 technical schools under the State Board of Elementary and Secondary Education.

3 \* \* \*

4 Section 5. R.S. 18:116(A)(2)(a) is hereby amended and reenacted to read as follows:

5 §116. Voter registration agencies

6 A.

7 \* \* \*

8 (2) In addition to the offices listed in Paragraph (1) of this Subsection, the  
9 secretary of state shall designate by rule in accordance with the Administrative  
10 Procedure Act other offices within the state as designated voter registration agencies.

11 Such offices may include but not be limited to:

12 (a) State or local governmental offices such as public libraries, public  
13 schools, including the office of a secondary school ~~guidance~~ counselor, offices of  
14 municipal clerks, and government revenue offices.

15 \* \* \*

16 Section 6. R.S. 42:1119(B)(2)(a)(iv) is hereby amended and reenacted to read as  
17 follows:

18 §1119. Nepotism

19 \* \* \*

20 B.

21 \* \* \*

22 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection:

23 (a)

24 \* \* \*

25 (iv) Any local school board in a parish with a population of twenty-five  
26 thousand five hundred persons or less according to the most recent federal decennial  
27 census may employ any member of the immediate family of any board member or  
28 of the superintendent as a school ~~guidance~~ counselor provided that such family  
29 member is certified as a ~~guidance~~ school counselor and that such family member is

1 the only applicant who meets the qualifications for the position set by the school  
 2 board who has applied for the position after it has been advertised for at least thirty  
 3 days in the official journal of the parish and in all newspapers of general circulation  
 4 in the parish. Any school board member or superintendent whose immediate family  
 5 member is employed by the school board shall recuse himself from any decision  
 6 involving the promotion or assignment of such employee.

7 \* \* \*

8 Section 7. The provisions of this Act shall not deem a certified "guidance counselor"  
 9 unfit to serve as a "school counselor". Certification in "guidance counseling" shall remain  
 10 valid for the purposes of fulfilling the duties of the position of a school counselor.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 156 Original

2021 Regular Session

Freiberg

Proposed law provides for technical changes with respect to the terms "guidance counselor" and "school counselor".

(Amends R.S. 11:701(33)(a)(ii)(aa), R.S. 14:403.1(B)(6), R.S. 15:1134(A), R.S. 17:7(27)(a)(ii)(aa), 7.2(A)(4), 24.1(K), 46(A)(1)(b), 392.1(E), 414.2(A), 416.8(A)(1)(a)(iii), 1170, 1200(A) and (B), 2926(A)(intro. para.) and (B)(1), the title of Ch. 19 of Title 17 of the La. R.S., 3002(A), (B), (C)(intro. para.), and (D)(1) and (3), 3003, 3004, 3005(A), (B), (C)(intro. para.), (D), and (E), 3006(A), 3162(C)(8), 3166(Section heading), and 3602(7), R.S. 18:116(A)(2)(a), and R.S. 42:1119(B)(2)(a)(iv))