

Department of Legislative Services  
Maryland General Assembly  
2015 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 947

(Delegate Pena-Melnyk, *et al.*)

Ways and Means

Education, Health, and Environmental Affairs

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Professional Standards and Teacher Education Board - School Counselors -  
Certification Renewal Requirement (Lauryn's Law)

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This bill requires the Professional Standards and Teacher Education Board (PSTEB) to require, by July 1, 2016, a school counselor applying for renewal of a certificate to have obtained, by a method determined by PSTEB, skills required to understand and respond to the social, emotional, and personal development of students, including knowledge and skills relating to (1) the recognition of indicators of mental illness and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse and (2) the identification of professional resources to help students in crisis. PSTEB must adopt regulations to implement the bill.

The bill takes effect July 1, 2015.

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Fiscal Summary

**State Effect:** None. PSTEB can develop the required standards using existing resources.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law:** The State Board of Education and PSTEB develop for consideration rules and regulations for (1) the certification of teachers and other professional personnel, except for social workers, employed by a local school system and (2) requirements for preparation of teachers and other education personnel. Rules and regulations developed by the State

Board of Education must be reviewed by PSTEB; likewise, rules and regulations developed by PSTEB must be reviewed by the State Board of Education. Rules and regulations initiated by either the State Board of Education or PSTEB and submitted for review to each other must be acted upon within 60 days of their receipt by the other party.

Recommendations on rules and regulations that are initiated by PSTEB must be implemented unless disapproved by three-fourths of the members of the State Board of Education. Recommendations on rules and regulations that are initiated by the State Board of Education must be implemented unless disapproved by PSTEB. If the rules and regulations are disapproved, the rules and regulations must be implemented if they are approved by three-fourths of the members of the State board.

The right of a school psychologist, who is certified by PSTEB to practice school psychology consistent with provisions of that certification, may not be limited by the Health Occupations Article with respect to the practice of school psychology in an education institution.

According to the Code of Maryland Regulations, there are five options to become a certified school counselor. In general, an applicant must have a master's degree in school counseling or school guidance from an eligible program and two years of satisfactory performance as a teacher or school counselor; however, there are exceptions to these requirements under the various options. Colleges and universities in Maryland are approved under standards set forth by the Council for Accreditation of Counseling and Related Educational Programs which include standards for addiction counseling and school counseling. Every five years, school counselors must renew their certification by presenting six credits from an institution of higher education.

A "school psychologist" is defined as an individual who is certified to provide psychological services to children in a public or State-approved nonpublic school setting. The school psychologist supervises interns and psychometrists. To become a school psychologist an individual must meet one of the following conditions: (1) have an advanced degree in psychology from an approved program and qualifying scores on the State-approved test for school psychologists; (2) have an advanced degree in either psychology, education, or human development and complete 60 semester hours of specified graduate course work; or (3) have a valid Nationally Certified School Certified School Psychologist certificate. In addition, applicants must meet experience conditions.

To obtain certification as a school social worker, the applicant must be licensed by the Maryland Board of Social Work Examiners as a graduate social worker, certified social worker, or a certified social worker-clinical.

Regulations require a planned, systematic program of counseling, consulting, appraisal, information, and placement services for students in prekindergarten through grade 12.

## **Background:**

### *Children's Mental Health*

According to the U.S. Centers for Disease Control and Prevention, up to one in five children experience a diagnosable mental health disorder in a given year. Behavioral and emotional issues can act as a barrier to academic success and high school graduation, as well as create disciplinary and attendance problems in school. In addition, research indicates that school mental health programs can improve educational outcomes by decreasing absences, decreasing discipline referrals, and improving test scores.

### *School Guidance Counselors*

School guidance counselors are the school staff responsible for counseling students with regard to their academic, self-management, education/career decision making, interpersonal, or related needs that impact directly on educational and career choices. As of October 2014, there were approximately 2,367 public school guidance counselors making an average of \$72,300 annually. Statewide there are approximately 1.5 guidance counselors per school.

### *Psychological Personnel*

Psychological personnel are the school staff who evaluate a student's cognitive and emotional development, diagnose educational and personal disabilities, and provide appropriate follow-up in the form of consultation or direct intervention. As of October 2014, there were approximately 740 public school psychological personnel making an average of \$86,500 annually. Statewide there are approximately 0.5 school psychological personnel per school.

### *Behavioral Health Administration and Core Service Agencies*

The Behavioral Health Administration, within the Department of Health and Mental Hygiene (DHMH), is the State's lead agency for providing publicly funded mental health services and ensuring that residents receive appropriate treatment. The administration provides services in the community through core service agencies (CSAs) designated by each county government. Additionally, the administration provides services through five psychiatric hospitals and two residential treatment centers for youth.

CSAs are the local mental health authorities responsible for planning, managing, and monitoring public mental health services at the local level. CSAs operate under DHMH as agents of county government.

**Additional Comments:** School counselors seeking to renew their certificate must demonstrate they meet the standards required to be developed by PSTEB under this bill.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 251 (Senator Pugh, *et al.*) - Education, Health, and Environmental Affairs.

**Information Source(s):** U.S. Centers for Disease Control and Prevention, Maryland State Department of Education, Department of Legislative Services

**Fiscal Note History:** First Reader - March 10, 2015  
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