



Senate Education Committee
December 12, 2023
Ohio School Counselor Association
House Bill 8 – Opponent Testimony

Chair Brenner, Vice Chair O'Brien, Ranking Member Ingram and esteemed members of the Senate Education Committee: thank you for allowing me the opportunity to offer testimony on HB 8 on behalf of the Ohio School Counselor Association. My name is Heather Fairs, I am a high school counselor in central Ohio, and I serve on OSCA's Board. Unfortunately, our members have serious concerns with provisions of HB 8 regarding notification of monitoring services to parents and the mandated disclosure of information students share with us.

OSCA is aware of the growing interest in bringing parents further into school decision-making in a more intentional way. However, we would like to reassure this committee and all members of the Ohio Legislature that collaboration with parents is already a key tenet of what school counselors do. Our national ethical standards require us to "acknowledge the vital role of parents/guardians and families" because we know that parental support and positive parental relationships are key to a student's wellbeing. One of the first questions we ask when a student comes into our office to report a social/emotional issue is whether their parents are aware of the matter. If the answer is no, it is our role to work with that student until they have the tools they need to have that conversation and are comfortable doing so. Sometimes this process can take some time, which is why we are opposed to immediate, universal disclosure requirements that do not take into account the nuances of each situation. In addition to recognizing parents' importance, our ethical standards also require us to "recognize [our] primary ethical obligation for confidentiality is to the students," as they are who we are hired to support and serve. We believe there can be a balance achieved here, but unfortunately HB 8 crosses that boundary to the point of creating unworkable requirements for school counselors that could be detrimental to students.

Specifically, the requirement for school counselors to promptly notify parents of "any change" in monitoring related to mental or emotional wellbeing is not workable for the way school counselors are trained to support students. As part of a comprehensive school counseling program, we are required to do constant needs assessments – whether that be of individual students or the student population as a whole – and change our counseling programming based on identified student needs or trends in behavior. Already overworked school counselors simply don't have the time to make reports on our evolving needs assessments at the frequency at which they occur to every parent affected. In addition, we feel our time would be better served working directly with students, creating career plans or responding to ever-escalating mental health crises. Further, in our regular outreach to families, we find it can be hard to reach some

parents. We are concerned that a failed attempt to contact parents as required under the bill would cause blowback on the school counselor for what is simply a perceived lack of notification, rather than actual withholding.

We also are concerned about the lack of protections in this version of the legislation allowing staff to withhold information from parents if they reasonably believed it may result in abuse or neglect. This is a sensible exception that, despite still not going far enough to protect potential harm to the parent-child relationship, helped ensure a school counselor could use their professional judgment to protect their students' wellbeing in specific cases. Anger towards a child or irrational emotional reactions often do not cross the threshold of reportable abuse but are still things a school counselor would never want to cause for a child via a required disclosure. Asking school counselors to wait until they are confident that actual statutorily reportable abuse is occurring before making judgment calls to protect a student is a dereliction of their duty to serve and support students as their primary obligation. Even in less extreme cases, a student could come into our office struggling with their relationship with their parent, for example, the fact their parents are adamant about the student attending college. Rushing disclosure of these concerns is unconstructive and may negatively exacerbate the tension between the parent and student. The school counselor is also then forced into the position of delivering a hard message to a parent that may be poorly received. We believe if school counselors could continue to use their master's level judgment to work with students on a reasonable, thoughtful timeline for sharing, we could minimize unintended adverse reactions for all parties.

In addition, the language in the bill casts an incredibly wide net in terms of what issues school staff have to report. "Mental, emotional or physical health or well-being" could apply to pretty much every issue a student approaches a school counselor about, including academic or career issues, given the nature of counseling is responding to areas in which students need support. Please know that we do not take the concept of delaying parental involvement lightly, but this expansive language would be a significant burden on school counselors, hindering our ability to effectively respond to students in need.

I would also like to take the time to emphasize the positive impact school counseling has on students, and the way we believe HB 8 will undermine those services in Ohio. School counselors' offices are safe spaces for those students who see value in a neutral, detached listener as they talk through their thoughts. HB 8's mandatory disclosure of information a student shares with a school counselor threatens to upend that resource for students. Trust is at the center of what makes students feel comfortable using our services. And if a student decides to seek out a school counselor for an issue over friends or family members, we respect that student's decision to use the in-house resources available to them. We believe any safe adult is better than what that child might find on the internet or among peers. Should this bill pass, we want you to understand that, to ensure compliance, students throughout Ohio will need to be presented with this message at the start of school: Due to recent legislation, school staff are now required to report to your families any change in your mental, emotional, or physical

health or well-being. This will likely be incredibly jarring for students and result in their being scared that they will lose the privacy of having a safe listener available to them at school.

Further, we are seriously concerned that this bill will have a chilling effect on broader school counseling services such as classroom guidance and small group work. If students know that school counselors will be forced to disclose what was shared in a private meeting, more and more of our students may hesitate before reaching out to us about sensitive issues, which often require the most emotional support. It is reasonable to expect that this hesitation would ultimately extend to all issues if students simply don't feel their school counselor can be trusted. This lack of engagement would deprive students of critical counseling they may need for failing a class, skipping school, or preparing for a career. School counselors are the only full-time staff dedicated to helping students with their academic and career development. And many different studies confirm that not having access to school counselors leads to poorer academic performance. Specifically, research shows that students with access to school counseling services consistently do better on state tests and have higher GPAs. They also have fewer interpersonal issues at school, are more likely to feel their education is important, and feel safer at school. Student connections to school staff also reduces suicidality.

According to a 2021 CDC study of U.S. high school students, students who felt connected to adults and peers at school were half as likely to attempt suicide. Based on what the research tells us, the trickle-down effect caused by the notification required under HB 8 would have severe unintended consequences for not only academic success, but school climate and students' mental health. Thus, maintaining students' access to supportive, confidential school counseling is a core tenet of school safety and student success.

Finally, we want to note that if a parent is concerned about a specific school counselor, or specific school counseling services offered at their child's particular school, there is already an avenue to opt their child out of school counseling services altogether. This is an option all parents have statewide and is part of informed consent. Most schools should provide information about opting out at the beginning of the school year. If a parent opts out, then school counselors cannot meet with their student even if the student requests it. If a counselor does get a meeting request from an opted-out student, the counselor has to let them know they will need to call the parent to get their consent to meet with the student regardless of the topic. We would offer this as a better as-needed solution to parent involvement concerns in specific situations, as opposed to a statewide government mandate that intrudes into critical student supports that students struggling with mental health, learning loss and other issues need now more than ever.

In conclusion, we support sharing information with parents as part of our role but believe the requirements in HB 8 are overly burdensome, potentially harmful and fail to allow for the nuanced responses to student issues that our youth deserve. We want to continue to be able to support them in their academic, career and mental health development while working with parents, but we believe this legislation would cause severe disruption to those efforts. Thank you for considering OSCA's perspective and I would be happy to take any questions.