

By: Representative Scott

To: Education

## HOUSE BILL NO. 871

1 AN ACT TO AMEND SECTION 37-9-79, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE AN ALLOTMENT OF FUNDS UNDER THE ADEQUATE EDUCATION PROGRAM  
3 FOR THE PURPOSE OF EMPLOYING ELEMENTARY SCHOOL COUNSELORS, TO  
4 REQUIRE SUCH FUNDS TO BE ALLOCATED TO THOSE SCHOOL DISTRICTS  
5 HAVING THE HIGHEST DOCUMENTED NEED FOR COUNSELORS, TO PROVIDE AN  
6 ADDITIONAL ALLOTMENT OF FUNDS IN EACH SUBSEQUENT FISCAL YEAR UNTIL  
7 EACH ELEMENTARY SCHOOL HAS EMPLOYED AT LEAST ONE COUNSELOR, AND TO  
8 AUTHORIZE THE STATE DEPARTMENT OF EDUCATION TO EMPLOY A SUPERVISOR  
9 OF COUNSELORS; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** Section 37-9-79, Mississippi Code of 1972, is  
12 amended as follows:

13 37-9-79. (1) Beginning with the 2006-2007 school year, in  
14 addition to other funds allotted under the adequate education  
15 program, each school district shall be allotted sufficient funding  
16 to employ one (1) elementary school counselor, with funding for an  
17 additional elementary school counselor to be allotted per fiscal  
18 year until each elementary school in the school district has one  
19 (1) state-funded counselor. If sufficient funding is not  
20 appropriated for each school district to employ an elementary  
21 school counselor, the State Department of Education shall allocate  
22 such funds to those school districts accredited at Level 1, 2 or 3  
23 which have the greatest need for counselors, as determined by  
24 records of the department and Division of Youth Services of the  
25 Department of Human Services which reflect those school districts  
26 having the highest incidences of crime and violence, free lunch  
27 participation and dropouts. Until the time that there is a  
28 counselor in every elementary school at a counselor:student ratio  
29 of 1:500 or greater, the annual appropriation for elementary  
30 counselors may not be reduced.

31           (2) The State Department of Education may increase the  
32 number of positions funded each year beyond the above requirements  
33 as money is made available.

34           (3) \* \* \* The assignment of \* \* \* school guidance counselors  
35 to the particular schools within the district shall be at the  
36 discretion of the local school board with the following  
37 restrictions:

38           (a) The counselor:student ratio in elementary schools  
39 may be no less than 1:500, or one (1) counselor per school  
40 building, whichever is greater.

41           (b) No individual shall be employed as a school  
42 guidance counselor without a minimum of a Master's Degree in  
43 Guidance and Counseling, or in an emergency situation, an  
44 appropriate certification as determined by the Commission on  
45 Teacher and Administrator Education, Certification and Licensure  
46 and Development; and

47           (c) School guidance counselors shall provide the  
48 following comprehensive counseling services:

- 49           (i) Academic and personal/social counseling;
- 50           (ii) Student assessment and assessment counseling;
- 51           (iii) Career and educational counseling;
- 52           (iv) Individual and group counseling
- 53           (large/small);
- 54           (v) Crisis intervention and preventive counseling;
- 55           (vi) Referrals to community agencies;
- 56           (vii) Educational consultations and collaboration
- 57 with teachers, administrators, parents and community leaders;
- 58           (viii) Educational and career placement services;
- 59           (ix) Follow-up counseling services;
- 60           (x) Conflict resolution; and
- 61           (xi) Other counseling duties or other duties as
- 62 assigned by the school principal.

63       (4) To qualify for adequate education program funding,  
64 school counselors must be full-time professional personnel, spend  
65 at least seventy-five percent (75%) of work time in a direct  
66 counseling relationship with pupils, and must devote no more than  
67 one-fourth (1/4) of the work day to administrative activities that  
68 are counselor related.

69       (5) This act does not prohibit any school district from  
70 employing with local funds more elementary school counselors than  
71 are provided for in this act.

72       (6) The State Department of Education shall employ a  
73 supervisor of counselors who holds certification as a school  
74 counselor. The supervisor's responsibilities must include the  
75 oversight of the new elementary counseling programs as well as  
76 existing secondary programs.

77       (7) School guidance counselors shall abide by the American  
78 School Counselor Association Code of Ethics.

79       (8) The State Department of Education may adopt regulations  
80 regarding the activities of the school guidance counselor, and the  
81 counselor may perform such services that are not inconsistent with  
82 this section and regulations adopted by the department.

83       **SECTION 2.** This act shall take effect and be in force from  
84 and after July 1, 2006.