

ACT No. 275

2021 Regular Session

HOUSE BILL NO. 156

BY REPRESENTATIVE FREIBERG

1 AN ACT

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

11 Be it enacted by the Legislature of Louisiana:

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

14 §701. Definitions

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

18 * * *

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

21 * * *

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

7 * * *

8 Section 2. R.S. 14:403.1(B)(6) is hereby amended and reenacted to read as follows:
 9 §403.1. Substance abuse in schools; definitions; confidential reports; immunity;
 10 penalty

11 * * *

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

13 * * *

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

23 * * *

24 Section 3. R.S. 15:1134(A) is hereby amended and reenacted to read as follows:
 25 §1134. Staff and facilities of community rehabilitation centers

26 A. The Department of Corrections may employ psychiatrists, neurologists,
 27 special educators, ~~guidance~~ school counselors, psychologists, nurses, technicians,
 28 social workers, occupational therapists, physicians and other professional personnel
 29 to staff community rehabilitation centers, or may contract for the services of such

1 persons with community service organizations, religious groups, universities and
2 medical schools.

3 * * *

4 Section 4. R.S. 17:7(27)(a)(ii)(aa), 7.2(A)(4), 24.1(K), 46(A)(1)(b), 392.1(E),
5 414.2(A), 416.8(A)(1)(a)(iii), 1170, 1200(A) and (B), 2926(A)(introductory paragraph) and
6 (B)(1), the title of Chapter 19 of Title 17 of the Louisiana Revised Statutes of 1950,
7 3002(A), (B), (C)(introductory paragraph), and (D)(1) and (3), 3003, 3004, 3005(A), (B),
8 (C)(introductory paragraph), (D), and (E), 3006(A), 3162(C)(8), 3166(section heading), and
9 3602(7) are hereby amended and reenacted to read as follows:

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

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

13 * * *

14 (27)(a)

15 * * *

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

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

20 * * *

21 §7.2. Approved teacher education programs

22 A. In carrying out its responsibility to prescribe the qualifications and
23 provide for the certification of teachers under authority of R.S. 17:7(6), the State
24 Board of Elementary and Secondary Education, subject to the constitutional power
25 and authority of the Board of Regents, the Board of Supervisors for the University
26 of Louisiana System, the Board of Supervisors of Louisiana State University and
27 Agricultural and Mechanical College, and the Board of Supervisors of Southern
28 University and Agricultural and Mechanical College, shall establish qualifications
29 and requirements for the approval of teacher education programs from which
30 graduates may be certified. The qualifications and requirements established by the

1 State Board of Elementary and Secondary Education for an approved teacher
2 education program shall include but not be limited to the following:

3 * * *

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

20 * * *

21 §24.1. State Department of Education; in-service training programs

22 * * *

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

27 * * *

28 §46. Sabbatical leave program

29 A.(1)

30 * * *

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

9 * * *

10 §392.1. Screening and intervention; purpose; applicability; city and parish school
 11 system, duties

12 * * *

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

21 * * *

22 §414.2. Influence by superintendent, principals, and others on student grades;
 23 board's duty; limitations on grade changes

24 A. No school board member, school superintendent, assistant superintendent,
 25 principal, ~~guidance~~ school counselor, other ~~teachers~~, teacher or other administrative
 26 staff ~~members~~ member of the school or the central staff of a parish or city school
 27 board shall attempt, directly or indirectly, to influence, alter, or otherwise affect the
 28 grade received by a student from his teacher except as otherwise specifically
 29 permitted by this Section.

30 * * *

1 §416.8. Discipline policy review committees; school option

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

4 * * *

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

6 * * *

7 §1170. Definitions

8 As used in this Subpart, the words "teacher" or "teaching staff" shall include
9 any person employed by a city, parish, or other local public school board in the state
10 of Louisiana who holds a valid teaching certificate issued by the state Department
11 of Education and any social worker, ~~guidance~~ school counselor, school nurse,
12 audiologist, educational diagnostician, speech-language pathologist, or school
13 psychologist employed by a city, parish, or other local public school board in the
14 state who holds the appropriate valid professional ancillary certificate issued by the
15 state Department of Education. For a school nurse, a professional ancillary
16 certificate means a Type A, Type B, or Type C certificate.

17 * * *

18 §1200. Definitions

19 A. As used in this Subpart, except in R.S. 17:1201, the words "teacher" or
20 "teaching staff" shall include any member of the teaching staff of a public school in
21 the state of Louisiana and any social worker, ~~guidance~~ school counselor, or school
22 psychologist employed by a city, parish, or other local public school board in the
23 state who holds, as applicable, a valid professional ancillary certificate in school
24 social work, ~~guidance~~ school counseling, or school psychology issued by the state
25 Department of Education.

26 B. As used in R.S. 17:1201, the words "teacher" or "teaching staff" shall
27 include any person employed by a city, parish, or other local public school board in
28 the state of Louisiana who holds a valid teaching certificate issued by the state
29 Department of Education and any social worker, ~~guidance~~ school counselor, or
30 school psychologist employed by a city, parish, or other local public school board

1 in the state who holds, as applicable, a valid professional ancillary certificate in
2 school social work, ~~guidance~~ school counseling, or school psychology issued by the
3 state Department of Education.

4 * * *

5 §2926. Student ~~guidance~~ and counseling; training and professional development

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

10 * * *

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

14 * * *

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

16 * * *

17 §3002. Definition of terms

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

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

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

30 * * *

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

6 * * *

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

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

12 * * *

13 §3006. School ~~guidance~~ counselors; academic profiles; public high schools;
 14 required

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

19 * * *

20 §3162. Statewide Articulation and Transfer Council; creation; purpose;
 21 membership; duties and responsibilities

22 * * *

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

24 * * *

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

28 * * *

29 §3166. Student ~~guidance and~~ counseling

30 * * *

1 §3602. Definitions

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

4 * * *

5 (7) "Teacher" means any public school classroom teacher, librarian,
6 ~~guidance~~ school counselor, secondary vocational instructor, principal, assistant
7 principal, or other personnel for whom a valid Louisiana teaching certificate is
8 required for employment; any teacher in an institution which offers thirteenth and
9 fourteenth grade instruction; any speech therapist who possesses a valid Louisiana
10 ancillary certificate issued by the State Board of Elementary and Secondary
11 Education; and any instructor seeking to continue in the program who has been
12 transferred from the Department of Public Safety and Corrections to vocational-
13 technical schools under the State Board of Elementary and Secondary Education.

14 * * *

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

16 §116. Voter registration agencies

17 A.

18 * * *

19 (2) In addition to the offices listed in Paragraph (1) of this Subsection, the
20 secretary of state shall designate by rule in accordance with the Administrative
21 Procedure Act other offices within the state as designated voter registration agencies.
22 Such offices may include but not be limited to:

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

26 * * *

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

29 §1119. Nepotism

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B.

* * *

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

(a)

* * *

(iv) Any local school board in a parish with a population of twenty-five thousand five hundred persons or less according to the most recent federal decennial census may employ any member of the immediate family of any board member or of the superintendent as a school ~~guidance~~ counselor provided that such family member is certified as a ~~guidance~~ school counselor and that such family member is the only applicant who meets the qualifications for the position set by the school board who has applied for the position after it has been advertised for at least thirty days in the official journal of the parish and in all newspapers of general circulation in the parish. Any school board member or superintendent whose immediate family member is employed by the school board shall recuse himself from any decision involving the promotion or assignment of such employee.

* * *

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____