

**Benchmark- Policy and School Counseling**

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SCN610: Contemporary Issues in School Counseling

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## **Introduction**

While educators and school staff work hard to meet the needs of their students and adhere to state and national laws, there are times when legislative policies and decisions come up that get in the way of staff doing their jobs fully. One current example of this is Ohio's House Bill 454, introduced by Republican Gary Click and Diane V. Grendell with the main goal of prohibiting gender transitions for minors in the state (Carroll, 2021). However, within the bill it is written that no "No nurse, counselor, teacher, principal, or other official or staff at a public or private school shall... Withhold from a minor's parent or legal guardian information related to the minor's perception that his or her gender is inconsistent with his or her sex" (Click et. al., 2021, Sec. 3129.05). While those backing the bill feel it will help safeguard susceptible minors, there are clearly parts that raise ethical concerns for school counselors.

## **Support for HB 454**

The idea behind Ohio's HB 454 is that it will help protect vulnerable minors from making permanent decisions on their sexuality and gender that cannot be changed once they are older. It follows the idea children are impressionable and will make these decisions before they really know who they are (Ashley, 2019). With the idea that the brain continues to grow and shape itself well past the teen years, minors should not be able to make such important decisions at young ages, and healthcare professionals should not encourage such impressionable minds to do so. HB 454 protects minors from such pressures.

## **Concerns**

While the idea behind HB 454 has valid points, there are definitely areas of it that raise large concerns. In recent years politicians have jumped onto the bandwagon of hot topics that include homosexuality, transgender, and gender fluidity that sound like new issues. Historically, however, this topic is as old as time (Diamond, 2020). It is in recent years in mainstream society that individuals have been able to really demand their rights, allowing more adolescents to come out of the proverbial closet and seek acceptance.

The bill specifically says that not only can school counselors not “Encourage or coerce a minor to withhold from the minor's parent or legal guardian the fact that the minor's perception of his or her gender is inconsistent with his or her sex” (Sec. 3129.05[A]), they also cannot withhold this information from guardians. Lumping these two ideas together creates an ethical problem. The use of the word “coerce” creates a denotation that makes the school staff sound evil or manipulative, then going into the idea that school staff cannot withhold this information themselves sounds like a logical extension, when in reality it is a whole different idea.

HB 454 completely goes against the *ASCA Code of Ethics* (2022), which states that school counselors “Have a primary obligation to the students, who are to be treated with dignity and respect as unique individuals” (A.1.a) and while parents do have rights to be aware of their children, “School counselors understand the need to balance students’ ethical rights to make choices, their capacity to give consent or assent, and parental or familial legal rights and responsibilities to make decisions on their child’s behalf” (A.2.g). Students often do not feel comfortable discussing such topics with parents, hence coming to the school counselor, where they feel their talks are private and confidential. Forcing school counselors to break this trust will cause many students to feel unsafe in speaking with their school counselors, who may be the only person they feel safe with.

### **Actions and Advocacy**

It is important for school counselors to stand up and voice their concerns with this bill. The ASCA currently has a prewritten email created on their site that allows school counselors in Ohio to input their information and send the email to their representatives. If voices are not heard, changes will not be made. Even if counselors are not in Ohio, this idea may pick up steam in other states if the bill is passed. School counselors can preemptively email their representatives voicing concerns about such ideas, especially in states that have adopted the *ASCA Code of Ethics* for their own school counselor licensure. Making sure it is clear that this idea goes against the ethics code before state representatives hear of this idea from others will

help them have a stronger foundation of understanding before considering such legislation in the future.

If the bill is passed in Ohio, it is important to point out that nowhere in HB 454 does it specifically state that school counselors need to seek out and disclose this information to parents and guardians. While they cannot withhold the information if asked, they are not required to be the one seeking out the other party to inform them. The *ASCA Code of Ethics* requires school counselors to break confidentiality if harm is expected; considering differences in gender assignment is not considered harm in and of itself.

### **Conclusion**

HB 454, if passed, could cause serious harm to many minors simply because of its section that does not allow school counselors to withhold information. Students who do not fall into the traditional heterosexual idealities are already at a higher risk of suicide (Pearson et. al., 2017); taking away a safe adult to speak to confidentially in the school setting will cause more mental health concerns in an already vulnerable population. This idea needs to be reconsidered for the safety of our children.

## References

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