

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 1716E, 1716F, and 1716H (14 **Del.C.** §§1716E, 1716F, & 1716H)

14 **DE Admin. Code** 545

PROPOSED

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del. C. §122(d)

545 K to 12 Counseling Programs

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 **Del.C.** §§1716E, 1716F, and 1716H, the Delaware Department of Education developed amendments to 14 **DE Admin. Code** 545 K to 12 Counseling Programs. This regulation is being amended to add 14 **Del.C.** §1716H to Section 1.0 of the regulation. 14 **Del.C.** §1716H was signed into law on August 7, 2024. 14 **Del.C.** §1716H concerns mental health unit and funding for high school.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before December 31, 2024. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The proposed amendment to the regulation is to add 14 **Del.C.** §1716H to Section 1.0. 14 **Del.C.** §1716H concerns mental health unit and funding for high school.

2. Will the amended regulation help ensure that all students receive an equitable education? The proposed amendment to the regulation is to add 14 **Del.C.** §1716H to Section 1.0. 14 **Del.C.** §1716H concerns mental health unit and funding for high school.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The proposed amendment to the regulation is to add 14 **Del.C.** §1716H to Section 1.0. 14 **Del.C.** §1716H concerns mental health unit and funding for high school.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The proposed amendment to the regulation is to add 14 **Del.C.** §1716H to Section 1.0. 14 **Del.C.** §1716H concerns mental health unit and funding for high school.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level. By statute, the Department is authorized to promulgate regulations to implement and enforce 14 **Del.C.** §1716H in addition to 14 **Del.C.** §§1716E and 1716F.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? By statute, the Department is authorized to promulgate regulations to implement and enforce 14 **Del.C.** §1716H in addition to 14 **Del.C.** §§1716E and 1716F.

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The amended regulation is consistent with, and not an impediment to, the implementation of other state educational policies, and in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.

9. Is there a less burdensome method for addressing the purpose of the amended regulation? There is not a less burdensome method for addressing the purpose of this amended regulation.

10. What is the cost to the state and to the local school boards of compliance with the amended regulation? There is no expected cost to the state and to the local school boards of complying with this amended regulation.

545 K to 12 Counseling Programs

1.0 Content

Pursuant to 14 Del.C. ~~§§1716E and 1716F~~ §§1716E, 1716F, and 1716H, this regulation sets forth the requirement that Delaware public schools implement a school counseling program and submit a plan to the Department in order to ensure the mental health services unit and funding is used in accordance with the law.

28 DE Reg. 290 (10/01/24)

2.0 Definitions

"American School Counselor Association" or **"ASCA"** means the national organization that supports school counselors' efforts to help students focus on academic, career and social and emotional development so they achieve success in school and are prepared to lead fulfilling lives as responsible members of society.

"ASCA National Model" means a framework for implementing a comprehensive, data driven school counseling program. The model identifies K-12 College-, Career-, and Life-Readiness Standards for every student in the domains of academic, career and social and emotional development. The model is made up of 4 components: Define, Manage, Deliver and Assess.

"Department" means the Delaware Department of Education.

19 DE Reg. 305 (10/01/15)

23 DE Reg. 299 (10/01/19)

28 DE Reg. 290 (10/01/24)

3.0 School Counseling Programs and Written Plans

3.1 Every school shall implement a comprehensive school counseling program aligned with the American School Counselor Association's (ASCA) National Model.

3.2 Every school shall have a written plan, using the model templates provided by the Department, for the school counseling program that:

3.2.1 Is implemented by a school counselor who is licensed and certified in accordance with 14 Del.C. Ch. 12.

3.2.2 Utilizes nationally recognized student standards as defined by the ASCA National Model.

3.2.3 Aligns vertically K-12 within the district or charter school.

3.2.4 Contains all 4 components of the ASCA National Model as follows:

3.2.4.1 The Define component, which consists of the ASCA Mindsets and Behavior Standards for Student Success, ASCA Ethical Standards for School Counselors and the ASCA School Counselor Professional Standards and Competencies.

3.2.4.2 The Manage component, which provides organizational tools and assessments designed to guide, target, structure and construct a school counseling program to get results.

3.2.4.3 The Deliver component, which defines the methods school counselors use to provide activities and services to students and for students through the 2 broad categories of direct and indirect services.

3.2.4.4 The Assess component, which ensures regular analysis of data to determine program effectiveness in measurable terms and inform program decisions.

3.2.5 Is on file in the school.

3.2.6 Is reviewed annually and updated by the school counselor in collaboration with the school counselor's building administrator and district or charter school supervisor.

3 DE Reg. 1546 (05/01/00)

8 DE Reg. 1606 (05/01/05)

14 DE Reg. 29 (07/01/10)

19 DE Reg. 305 (10/01/15)

23 DE Reg. 299 (10/01/19)

28 DE Reg. 290 (10/01/24)

4.0 Reporting Requirements and Timelines

4.1 Annually, by August 15, every school shall electronically submit their plan to the Department, except as provided in subsections 4.1.1 and 4.1.2. The plans shall reflect any updates pursuant to subsection 3.2.6.

4.1.1 For any school where there is only 1 school counselor and that school counselor's start date is after August 1st, that school's plan will be due by August 15th of the following year.

4.1.2 For any newly opened school, their school counseling plan submissions will start the August following their first year of operation.

4.2 The Department may periodically monitor for alignment to the requirements in Section 3.0.

14 DE Reg. 29 (07/01/10)

19 DE Reg. 305 (10/01/15)

28 DE Reg. 290 (10/01/24)

5.0 Effective Date for Charter Schools

The requirements of this regulation shall apply to charter schools effective August 15, 2026. Beginning with the August 15, 2026 submission, every charter school shall be subject to the requirements of this regulation.

3 DE Reg. 1546 (05/01/00)

8 DE Reg. 1606 (05/01/05)

14 DE Reg. 29 (07/01/10)

19 DE Reg. 305 (10/01/15)

23 DE Reg. 299 (10/01/19)

28 DE Reg. 290 (10/01/24)

28 DE Reg. 422 (12/01/24) (Prop.)