

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122 (14 **Del.C.** §122)
14 **DE Admin. Code** 545

FINAL

REGULATORY IMPLEMENTING ORDER

545 K to 12 School Counseling Programs

I. Summary of the Evidence and Information Submitted

The Secretary of Education seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 545 K to 12 School Counseling Programs. The amendments include the following: 1) requirement that each school have a written counseling plan rather than a district plan; 2) specificity of the American School Counselors Association's (ASCA) National Standards for School Counseling Programs; 3) the specific elements of the ASCA's national model; 4) the plans are to be updated annually rather than every 3 years; 4) requirement that the written plan be on file at the Department; and 5) clarification that the Department may periodically review the written school plans. In addition, a charter school is not required to follow this regulation for purposes of how the school is addressing the accepted models of student development (14 **DE Admin. Code** 275 Charter Schools).

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on Monday, May 3, 2010, in the form hereto attached as Exhibit "A". The Department received comments from both the State Council for Persons with Disabilities and the Governor's Advisory Council for Exceptional Citizens endorsing the amendments.

II. Findings of Facts

The Secretary finds that it is appropriate to amend 14 DE Admin. Code 545 K to 12 School Counseling Program. The amendments include the following: 1) requirement that each school have a written counseling plan rather than a district plan; 2) specificity of the American School Counselors Association's (ASCA) National Standards for School Counseling Programs; 3) the specific elements of the ASCA's national model; 4) the plans are to be updated annually rather than every 3 years; 4) requirement that the written plan be on file at the Department; and 5) clarification that the Department may periodically review the written school plans. In addition, a charter school is not required to follow this regulation for purposes of how the school is addressing the accepted models of student development (14 **DE Admin. Code** 275 Charter Schools).

III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 545 K to 12 School Counseling Program. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 545 K to 12 School Counseling Program attached hereto as Exhibit "B" is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 545 K to 12 School Counseling Program hereby amended shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

IV. Text and Citation

The text of 14 **DE Admin. Code** 545 K to 12 School Counseling Program amended hereby shall be in the form attached hereto as Exhibit "B", and said regulation shall be cited as 14 **DE Admin. Code** 545 K to 12 School Counseling Program in the Administrative Code of Regulations for the Department of Education.

V. Effective Date of Order

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on June 17, 2010. The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations*.

IT IS SO ORDERED the 17th day of June 2010.

DEPARTMENT OF EDUCATION

Lillian M. Lowery, Ed.D., Secretary of Education

Approved this 17th day of June 2010

STATE BOARD OF EDUCATION

Teri Quinn Gray, Ph.D., President

Jorge L. Melendez, Vice President

G. Patrick Heffernan

Barbara B. Rutt

Dennis J. Savage

Dr. Terry M. Whittaker, Ed.D.

Dr. James L. Wilson, Ed.D.

545 K to 12 School Counseling Programs

1.0 ~~Each Local School District Shall Have a Written K to 12 Plan for the District's School Counseling Program~~ Local School District Written Plan

- 1.1 Every school in each district shall have a written school counseling plan. The plan shall consist of the following components:
 - 1.1.1 The plan shall include the American School Counselors Association's (ASCA) National Standards for School Counseling Programs in the areas of Academic Development, Career Development and Personal and Social Development and shall:
 - 1.1.2 Include vertical K-12 articulation of the American School Counselors Association's National Standards for School Counseling Programs;
 - 1.1.3 Contain all elements of the ASCA National Model, as those are described by the American School Counselors Association, including:
 - 1.1.3.1 Foundation, which provides what the program entails, such as describing what every student will know and be able to do. This element contains the mission statement, domains, and national standards as those terms are used in the ASCA National Model.
 - 1.1.3.2 Delivery Systems, which address how the program will be implemented. This element contains the guidance curriculum, individual student planning, responsive services, and systems support as those terms are used in the ASCA National Model.
 - 1.1.3.3 Management Systems, which addresses when certain elements of the counseling plan are implemented, why certain data are used, and the authority making entity at the local level.
 - 1.1.3.4 Accountability, which address the outcomes of students based on the counseling plan.
 - 1.21.4 Be on file in the district office and in each school.
 - 1.31.5 Be reviewed and updated by the school and by the local school district every three (3) years annually using available data and school and district goals.
 - 1.41.6 Be incorporated in the individual school improvement plans that are reviewed as part of the Quality Review process School Success Plan and be implemented by a State certified school counselor. The School Success Plan is defined in 14 DE Admin. Code 220.

3 DE Reg. 1546 (5/1/00)

8 DE Reg. 1606 (5/1/05)

2.0 Reporting Requirements and Timelines

- 2.1 Each school shall have an electronic copy of its written school counseling plan on file with the Department of Education.
- 2.2 Each school shall provide an electronic copy of the annual update by August 15 based on the previous year's data.
- 2.3 For monitoring purposes, the Department may periodically review the written school counseling plan for alignment to the requirements in 1.0.

14 DE Reg. 28 (07/01/10) (Final)