

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))  
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. This regulation is amended to update the language to align with the new edition of the American School Counselor Association (ASCA) National Model.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on August 1, 2015 in the form hereto attached as Exhibit "A". Comments were received from the State Council for Persons with Disabilities and the Governor's Advisory Council for Exceptional Citizens, which noted that charter schools were not included in this regulation. The Department of Education notes that charter schools have documented plans for addressing special needs, such as counseling, and such plans are updated every five years. The Department of Education does not believe it is necessary to change the regulation, as it would be redundant to require charter schools to create a separate school counseling plan given the detailed documentation (which addresses counseling as well as other issues) they are required to submit upon charter approval and during the application renewal process.

#### II. FINDINGS OF FACTS

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 545 K to 12 School Counseling Programs in order to update the language to align with the new edition of the American School Counselor Association (ASCA) National Model.

#### 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 Programs. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 545 K to 12 School Counseling Programs 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 Programs 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 Programs 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 Programs 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 September 17, 2015. 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 17<sup>th</sup> day of September 2015.

#### Department of Education

Mark T. Murphy, Secretary of Education

Approved this 17<sup>th</sup> day of September 2015

## State Board of Education

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## 545 K to 12 School Counseling Programs

### 1.0 Definitions

"American School Counselor Association (ASCA)" means the national organization that supports school counselors' efforts to help students focus on academic, career and social/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- and Career- Readiness Standards for every student in the domains of academic, career and social/emotional development. The model is made up of four components: Foundation, Delivery, Management and Accountability.

### 42.0 Local School District Written Counseling Programs and Written Plans

42.1 Every school in each district shall have a written school counseling plan implement a comprehensive school counseling program aligned with the American School Counselor Association's (ASCA) National Model. The plan shall consist of the following components:

1.1.1 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;

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.

1.1.4 Be on file in the district office and in each school.

1.1.5 Be reviewed and updated by the school and by the local school district annually using available data and school and district goals.

1.1.6 Be incorporated in the School Success Plan and implemented by a State certified school counselor. The School Success Plan is defined in 14 **DE Admin. Code** 220.

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

2.2.1 Is implemented by a school counselor certified in accordance with the applicable Professional Standards Board regulations.

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

2.2.3 Aligns vertically K-12 within the district.

2.2.4 Contains all four components of the ASCA National Model:

2.2.4.1 The Foundation component, which consists of vision and mission statements, program goals and student and professional competencies.

2.2.4.2 The Management component, which utilizes assessments and tools to develop, implement and evaluate the school counseling program.

2.2.4.3 The Delivery component, which focuses on the implementation of the school counseling program through direct and indirect student services.

2.2.4.4 The Accountability component, which ensures regular analysis of data to determine program effectiveness in measureable terms and inform program decisions.

2.2.5 Is on file at the district office and in the school.

2.2.6 Is reviewed annually and updated as needed by the school counselor in collaboration with the building administrator and district supervisor.

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

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

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

### **23.0 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.~~

3.1 Annually, by August 15, every district shall electronically submit their schools' plans to the Department. The plans shall reflect any updates pursuant to 2.2.6 above.

3.2 The Department may periodically monitor for alignment to the requirements in 2.0.

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

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