

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 1716E and 1716F (14 **Del.C.** §§1716E & 1716F)
14 **DE Admin. Code** 545

FINAL

ORDER

545 K to 12 Counseling Programs

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §§1716E and 1716F, the Delaware Department of Education ("Department") developed amendments to 14 **DE Admin. Code** 545 K to 12 Counseling Programs. The regulation is being amended to add charter schools and a timeline specific to submission of a charter school's counseling plan, to allow for a new school counselor (when the only school counselor in the building), or counselor of a new school building to submit the counseling plan the August following their start or open date, and to make minor corrections. The requirements of the proposed regulation will be effective for charter schools on August 15, 2026.

Notice of the proposed regulation was published in the *Register of Regulations* on July 1, 2024. The Department did not receive any written submittals concerning the proposed regulation.

Pursuant to 29 **Del.C.** §10118(c), the Department decided to add "and" to Section 1.0 to be consistent with the language of 14 **Del.C.** §§1716E and 1716F.

II. ASSESSMENT OF THE IMPACT ON ACHIEVEMENT OF THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE

The Secretary of Education has reviewed the proposed regulation as required by 29 **Del.C.** §10118(b)(3) and has determined that any assessment of the impact of the proposed regulation is not practical.

III. FINDINGS OF FACTS

In accordance with 29 **Del.C.** §10118(c), the Secretary determined that the addition of "and" to Section 1.0 is a nonsubstantive change and that the Department is not required to repropose the regulation with the change.

The Department finds that the amendments are necessary to implement and enforce 14 **Del.C.** §§1716E and 1716F. Accordingly, the Department finds that it is appropriate to amend 14 **Del. Admin. C.** 545 K to 12 School Counseling Programs.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 545 K to 12 Counseling Programs. Therefore, pursuant to 14 **Del.C.** §§1716E and 1716F, 14 **DE Admin. Code** 545 K to 12 Counseling Programs, attached hereto as Exhibit A, is hereby amended.

V. TEXT AND CITATION

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

VI. EFFECTIVE DATE OF ORDER

The effective date of this Order shall be ten days from the date this Order is published in the *Register of Regulations*. The requirements of the regulation apply to charter schools, effective August 15, 2026.

IT IS SO ORDERED the 10th day of September, 2024.

Department of Education

Mark A. Holodick, Ed.D., Secretary of Education

545 K to 12 Counseling Programs

1.0 Content

Pursuant to 14 **Del.C.** §§1716E and 1716F, 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.

4.0 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/emotional~~ 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 and Career Readiness~~ College-, Career- and Life-Readiness Standards for every student in the domains of academic, career and ~~social/emotional~~ social and emotional development. The model is made up of ~~four~~ 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)

2.0 3.0 School District Counseling Programs and Written Plans

~~2.1~~ 3.1 Every school in ~~each district~~ shall implement a comprehensive school counseling program aligned with the American School Counselor Association's (ASCA) National Model.

~~2.2~~ 3.2 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~~ 3.2.1 Is implemented by a school counselor who is licensed and certified in accordance with the applicable Professional Standards Board regulations 14 Del.C. Ch. 12.

~~2.2.2~~ 3.2.2 Utilizes nationally recognized student standards as defined by the ASCA National Model.

~~2.2.3~~ 3.2.3 Aligns vertically K-12 within the district or charter school.

~~2.2.4~~ 3.2.4 Contains all ~~four~~ 4 components of the ASCA National Model as follows:

~~2.2.4.1~~ 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.

~~2.2.4.2~~ 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.

~~2.2.4.3~~ 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 ~~two~~ 2 broad categories of direct and indirect services.

~~2.2.4.4~~ 3.2.4.4 The Assess component, which ensures regular analysis of data to determine program effectiveness in measurable terms and inform program decisions.

~~2.2.5~~ 3.2.5 Is on file ~~at the district office and~~ in the school.

~~2.2.6~~ 3.2.6 Is reviewed annually and updated ~~as needed~~ 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)

3.0 4.0 Reporting Requirements and Timelines

~~3.1~~ 4.1 Annually, by August 15, every ~~district school~~ shall electronically submit their ~~schools' plans~~ plan to the Department, except as provided in subsections 4.1.1 and 4.1.2. The plans shall reflect any updates pursuant to ~~2.2.6 above 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.

~~3.2~~ 4.2 The Department may periodically monitor for alignment to the requirements in ~~2.0~~ Section 3.0.

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

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

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) (Final)