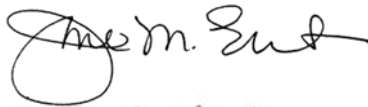
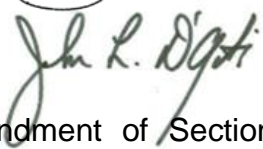




TO: P-12 Education Committee
Higher Education Committee

FROM: Jhone M. Ebert 
John L. D'Agati 

SUBJECT: Proposed Amendment of Sections 52.21, 100.2(j) and Part 80 of the Commissioner's Regulations relating to School Counseling, Certification Requirements for School Counselors and Program Registration Requirements for School Counseling Preparation Programs

DATE: November 10, 2016

AUTHORIZATION(S):  

SUMMARY

Issue for Discussion

Should the Board of Regents amend Sections 52.21, 100.2(j) and Part 80 of the Commissioner's Regulations relating to school counseling, certification requirements for school counselors and program registration requirements for school counseling preparation programs?

Reason(s) for Consideration

Review of Policy.

Proposed Handling

The proposed amendment will be presented at a joint meeting of the Higher Education and P-12 Education Committees for discussion at the November 2016

Regents meeting. A copy of the proposed amendment is included as Attachment B. A Notice of Revised Rule Making will be published in the State Register on November 30, 2016. Supporting materials are available upon request to the Board of Regents.

Procedural History

At its September 2015 Regents meeting, the Board of Regents discussed the proposed amendment. A Notice of Proposed Rule Making was published in the State Register on February 10, 2016. Following the 45-day public comment period required under the State Administrative Procedure Act, the Department received approximately 1,000 comments on the proposed amendment. In an effort to address the feedback received, several revisions were made to the proposed amendment. A Notice of Revised Rule Making will be published in the State Register on November 30, 2016. In accordance with the State Administrative Procedure Act, there is a 30-day public comment period which will expire on December 30, 2017.

An Assessment of Public Comment is included as Attachment C. Supporting materials are available upon request from the Secretary to the Board of Regents.

Background Information

In 2013, the joint meeting of the Higher Education (OHE) and P-12 Education Committees came before the Board with a discussion item relating to the current requirements for school counselors. The item focused on a range of issues regarding the preparation of school counselors and the work and responsibilities of school counselors. As a result, the Board recommended that the Department create an advisory council and survey school counseling professionals.

In February 2014, the Department first convened a 16-member School Counselor Advisory Council (SCAC) comprised of eight school counselors from across New York State and eight representatives from school counselor preparation programs. In addition, membership included two New York State United Teachers representatives, and one United Federation of Teachers representative. The SCAC was co-chaired by Renee Rider, Assistant Commissioner for P-12 Office of Student Support Services and Stanley Hansen, Executive Director for the Office of Postsecondary Access, Support and Success within the Office of Higher Education. The SCAC was charged with recommending improvements to both school counseling preparation programs throughout New York State, as addressed in Commissioner's regulation §80-2.3(b), and guidance programs as required by Commissioner's regulation §100.2(j). As a result of the work of the SCAC and Department staff, the Department presented proposed regulatory amendments to the Board for discussion at the September 2015 meeting. The proposed amendments were published in the State Register on February 10, 2016.

In response to the proposed amendments, the Department received approximately 1,000 public comments. The majority of the comments received related to the amendments to Commissioner's Regulation §100.2(j). The proposed amendments to Commissioner's regulation §100.2(j) were intended to broaden the opportunities for students to explore the multitude of pathways from P-12 to college and career. Exposing students to opportunities at a younger age and in a more comprehensive manner will only serve to prepare our students for success in P-12 and beyond. However, it was evident from the comments received that there was confusion surrounding the proposed amendments to the guidance program, and the perceived impact on students, schools, and other licensed professionals.

To better understand the areas of concern and areas of commonality, the Department convened a meeting of stakeholders in May 2016. This meeting was attended by representatives from the New York State United Teachers (NYSUT), the United Federation of Teachers (UFT), the New York State School Social Workers Association, the Association of New York State School Psychologists and the New York State School Counselors Association. Following this meeting, Department staff revised the amendments to address many of the concerns. Subsequently, the Department convened an additional stakeholder's meeting in September 2016 to receive feedback on the new revisions to the proposed amendments.

Attachment A is a comparison chart that shows the original version of the regulations, before they were amended in September 2015, the amendments presented to the Board in September 2015, and the newly revised amendments as a result of feedback received through public comment and the series of meetings and discussions held since September 2015. Below is an overview of the major areas which were revised in response to public comment and concerns from the field:

- Student to School Counselor Ratios - *deleted reference to ratios*:

The proposed amendment was designed to encourage schools to use ratios for certified school counselors to students that conform to the American School Counselor Association standards. The ASCA recommended the following ratios for school counselors to students: 1:100 with a maximum of 1:250. Across New York State some schools meet this recommended ratio but some schools have a ratio of up to 1:700 or 1:800 (based on BEDS data¹). In the 2013-14 school year, the statewide average ratio was 1:418. In response to a significant number of comments objecting to including a recommended ratio in regulation, the regulation has been revised and no longer recommends any such ratio. Instead, the Department will continue to encourage the use of the ASCA standards in guidance.

¹ Basic Educational Data System (BEDS).

- The American School Counselor Association (ASCA) Model – *deleted reference to the ASCA Model:*

The ASCA model is nationally recognized for developing comprehensive school counseling standards aimed at increasing student outcomes. The proposed amendment presented to the Board in September 2015 required school counseling programs to address multiple student competencies in accordance with the ASCA Model including career/college readiness standards, and academic and social/emotional development standards. It also included language that referenced “other comparable national and/or New York State recognized standards.” While the ASCA standards were praised for their quality by many stakeholders, others were concerned about prescribing the specific national standards developed by ASCA in regulation. The Department revised the regulation to remove the reference to the ASCA Model and standards, and will instead encourage the use of such standards through guidance.

- Comprehensive School Counseling Program – *added the word Guidance throughout the regulation when referring to the School Counseling Program:*

The proposed amendments to the regulations presented to the Board in September 2015 updated the title of the required program from “guidance program” to “comprehensive school counseling program.” This change was made to recognize that school counselors serve all students in schools and that the national movement over the past several decades has been to eliminate the word “guidance” when referring to school counseling. However, that change in the title of the program led to confusion in the field about the nature of the counseling. In response to public comment, the proposed amendment revises the title of the program to include the word “guidance” to make explicitly clear that this regulation only addresses school counseling within the context of the “comprehensive school counseling/guidance program.” This program is designed for the purpose of preparing students to participate effectively in their current and future educational programs, to provide information related to college and careers, and to assist students who may exhibit challenges to academic success including, but not limited to, attendance or behavioral concerns. Additional language was also included to ensure that, where appropriate, school counselors will continue to make referrals to a properly licensed professional and/or certified pupil personnel service provider, for more targeted supports. This last revision was made to help clarify the roles of the school counselor compared with other licensed professionals in schools (e.g., school social workers, school psychologists).

The comprehensive school counseling/guidance program was not intended to be confused with the more targeted mental health and behavioral supports that may be provided to students by other certified/licensed professionals. In response to public comment and to avoid confusion about the purpose of the rule, the title of the program within the regulation was revised and is now called the “comprehensive school counseling/guidance program.”

- School Counselor v. Guidance Counselor – added specific language to reference Part 80 of the Commissioner’s regulations:

Consistent with the certification title prescribed by Part 80 of the Commissioner’s Regulations, the proposed regulation continues to use the title of school counselor. However, the Department received many comments opposing the use of the title school counselor instead of guidance counselor. Part 80 of the Commissioner’s Regulations provides for the certification of school counselors and has referred to the professional title of “school counselor” for several decades. Additional concerns were raised by individuals who work in New York City and hold licenses issued by the City of New York under the title “guidance counselor”, as permitted by Commissioner’s Regulation §80-2.2. To address this concern, the Department revised the language to make clear in the beginning of Commissioner’s regulations §100.2(j) that, for the city school district of the City of New York and the city school district of Buffalo, certified school counselor shall include “licensed guidance counselors” pursuant to Part 80 of the Commissioner’s regulations.

- Individual Annual Progress Review Plans – revised the language to include grades 6 – 12, rather than P-12:

The existing regulation required individual progress review plans for students in grades 7-12. The proposed regulation expanded that requirement for all students in P-12 public schools, with P-6 plans to be provided in small groups. In response to public comment, the regulation has been revised to now only require individual progress review plans for students in grades 6-12.

- Duration of the Comprehensive School Counseling/Guidance Program – changed the grade level requirement from P-12 to K-12:

The proposed regulation expanded the program to serve students in prekindergarten through grade 12. However, in response to public comment, the revised regulation limits the program for students in grades K-12.

- Scope of Practice of Pupil Personnel Service Providers –added language to be clear that these proposed regulations would not change the scope of practice for other licensed or certified professionals.

The Department received much feedback from other pupil personnel service providers who were concerned that this proposed regulation would expand the scope of practice of school counselors, and impinge upon the scope of practice of other certified or licensed individuals. Additional language was included to ensure that nothing within Commissioner’s regulation §100.2(j) would prohibit certified or licensed school psychologists or certified or licensed school social workers pursuant to Part 80 of the Commissioner’s Regulations from providing other direct student services within their applicable scope of practice.

Office of Higher Education: Highlights of Recommended Revisions

In response to the comments received, the Department made the following major changes:

- Part 80-3.11 Certification
 - On or after September 2, 2022, candidates seeking an initial school counselor certificate:
 - must complete a NYSED approved graduate school counselor program (minimum of 48 semester hours) or complete 48 semester hours of graduate school counseling coursework in six core areas and the subareas for these core areas. In response to public comment, the six core content areas for the initial certificate have been revised to, in lieu of content in best practices for implementing a school counseling program, require content in career development and college readiness, including use of a variety of research-based school counseling approaches to provide services to meet the career needs of all students. Best practices for implementation have been transferred to the core content areas required for a professional certificate.
 - complete a 100-hour practicum and a 600-hour internship as described in section 52.21 (d). In response to public comment and to ensure that candidates receive adequate supervision during the internship the proposed amendments were revised to provide that such mentoring and supervision may be provided by other qualified school personnel only if the employing school district cannot provide a certified school counselor in the school building in which the internship occurs.
 - must take and receive a satisfactory passing score on a NYSED approved certification exam, if available.
 - On or after September 2, 2022, candidates seeking a professional school counselor certificate:
 - must complete a school counselor program registered by the Department pursuant to Section 52.21(d); **or** complete a minimum of 60 semester hours of graduate study acceptable to the Department in each of the eight core areas and the subareas;
 - in response to public comment, the two core content areas for the professional certificate have been revised to, in lieu of content in career development and college readiness, require content in best practices for implementing a school counseling program. Candidates for a professional certificate will have received the core content in career development and college readiness as preparation for the initial certificate.

- earn a master's degree in school counseling;
- meet requirements described for an initial certificate and will be required to satisfactorily complete three years of experience as a school counselor.
- Section 52.21(d) Program Registration
 - By September 1, 2020, school counseling programs leading to:
 - Initial certificate - must provide a minimum of 48 semester hours of graduate study in an approved school counseling program and in six core areas, and the subareas for those content areas. In response to public comment, the core content areas for the initial certificate have been revised to, in lieu of content in best practices for implementing a school counseling program, require content in career development and college readiness, including use of a variety of research-based school counseling approaches to provide services to meet the career needs of all students. Best practices for implementation have been transferred to the core content areas required for a professional certificate.
 - Professional certificate - must provide a minimum of 12 additional semester hours in two core areas of graduate study in an approved certificate of advanced study. In response to public comment, the two core content areas for the professional certificate have been revised to, in lieu of content in career development and college readiness, require content in best practices for implementing a school counseling program. Candidates for a professional certificate will have received the core content in career development and college readiness as preparation for the initial certificate.
 - Initial/professional certificate - must provide a minimum of 60 semester hours of graduate study in an approved school counseling program which leads to a master's or higher degree and in the eight core content areas (following those in the 48 and 12 credit registered programs).

Related Regents Items

<http://www.regents.nysed.gov/common/regents/files/meetings/Sep%202015/915p12hed1.pdf>

<https://www.regents.nysed.gov/common/regents/files/meetings/SchoolCounselor.pdf>

<http://www.regents.nysed.gov/common/regents/files/meetings/Jun%202015/615p12hed3revised.pdf>

<http://www.regents.nysed.gov/common/regents/files/SchoolCounselingandCCR102013%5B1%5D.pdf>

http://www.regents.nysed.gov/common/regents/files/USESchoolCounselor_0.pdf

<http://www.regents.nysed.gov/common/regents/files/1013p12hed2%5B1%5D.pdf>

<http://www.regents.nysed.gov/common/regents/files/SummitPresentation.pdf>

<http://www.regents.nysed.gov/common/regents/files/1214p12hed1.pdf>

<http://www.regents.nysed.gov/common/regents/files/meetings/SSTFUpdateOct2015.pdf>

Timetable for Implementation

Following the 30-day public comment period required for revised rule makings under the State Administrative Procedure Act, it is anticipated that the proposed rule will be presented for permanent adoption at the February 2017 Regents meeting. If adopted at the February meeting, the proposed amendment will become effective on July 1, 2017.

Commissioner's Regulation §100.2(j) Guidance Program	September 2015	November 2016
<p>The K-6 guidance program shall be designed in coordination with the teaching staff to prepare students to participate effectively in their current and future educational programs, to help students who exhibit any attendance, academic, behavioral or adjustment problems, to educate students concerning avoidance of child sexual abuse, and to encourage parental involvement.</p> <p>The 7-12 guidance program is required to include:</p> <p>An annual review of each student's educational progress and career plans, with such reviews to be conducted with each student individually or with small groups by personnel certified or licensed as school counselors;</p>	<p>The P-12 school counseling program is required to include:</p> <p>An annual individual progress review plan for each student, developed and reviewed by a certified school counselor, which shall reflect each student's educational progress and career plans. (P-6 individual plans can be individually or with small groups but 7-12 plans must be individual);</p>	<p>The K-12 school counseling/guidance program is required to include:</p> <p>For grades K-5, the program shall be designed by a certified school counselor in coordination with the teaching staff and any appropriate pupil personnel service providers for the purpose of preparing students to participate effectively in their current and future educational programs, to provide information related to college and careers, and to assist students who may exhibit challenges to academic success, including but not limited to attendance or behavioral concerns, and where appropriate make a referral to a properly licensed professional and/or certified pupil personnel service provider, as appropriate, for more targeted supports</p> <p>For grades 6-12, certified school counselors shall provide an annual individual progress review plan which shall reflect each student's educational progress and career plans</p>

Commissioner's Regulation §100.2(j) Guidance Program	September 2015	November 2016
<p>Instruction at each grade level to help students learn about various careers and about career planning skills conducted by personnel certified or licensed as school counselors, or by classroom teachers in cooperation with school counselors;</p>	<p>School counseling core curriculum instruction aimed at addressing student competencies related to career/college readiness, academic skills and social/emotional development by a certified school counselor(s);</p>	<p>School counseling/guidance core curriculum instruction aimed at addressing student competencies related to career/college readiness, academic skills and social/emotional development by a certified school counselor(s);</p>
<p>Other advisory and individual or group counseling assistance to enable students to benefit from the curriculum, to help students develop and implement postsecondary education and career plans, to help students who exhibit any attendance, academic, behavioral or adjustment problems and to encourage parental involvement, provided that advisory assistance shall be provided by teachers or counselors, or by certified teaching assistants under the supervision of counselors or teachers, and that such individual or group counseling assistance shall be provided by certified or licensed school counselors or by certified or licensed school psychologists or certified or licensed school social workers in cooperation with school counselors; and</p>	<p>Other direct student services which may include, but need not be limited to, responsive services, crisis response, group counseling, individual counseling, appraisal, assessment and advisement, for the purpose of enabling students to benefit from the curriculum, assisting students to develop and implement postsecondary education and career plans, assisting students who exhibit any attendance, academic, behavioral or adjustment problems and encouraging parental involvement, provided that such individual or group counseling assistance shall be provided by certified or licensed school counselors; and or by certified or licensed school psychologists or certified or licensed school social workers in cooperation with school counselors; and</p>	<p>Other direct student services which may include, but need not be limited to, responsive services, crisis response, group counseling, individual counseling, appraisal, assessment and advisement, for the purpose of enabling students to benefit from the curriculum, assisting students to develop and implement postsecondary education and career plans, assisting students who exhibit attendance, academic, behavioral or adjustment concerns and encouraging parental involvement. Provided that nothing herein shall prohibit certified or licensed school psychologists or certified or licensed school social workers pursuant to Part 80 of the Commissioner's regulations from providing other direct student services within their applicable scope of practice;</p>

Commissioner’s Regulation §100.2(j) Guidance Program	September 2015	November 2016
<p>The services of personnel certified or licensed as school counselors.</p>	<p>Indirect student services which may include but need not be limited to, referrals, consultation, collaboration, leadership, advocacy, and teaming.</p>	<p>Indirect student services which may include but need not be limited to, referrals to appropriately licensed or certified individuals, consultation, collaboration, leadership, advocacy, and teaming.</p>
<p>Each school district shall develop a district plan which sets forth the manner in which the district shall comply with the requirements of this subdivision. The City School District of the City of New York shall submit a separate plan for each community school district, for the High School Division and for the Special Education Division. Such plan shall be filed in the district offices and shall be available for review by any individual. The plan shall present program objectives, which describe expectations of what students will learn from the program; activities to accomplish the objectives; specification of staff members and other resources assigned to accomplish the objectives; and provisions for the annual assessment of program results. The plan shall be reviewed annually by the school districts, and revisions shall be made as necessary.</p>	<p>Each school district shall develop district-wide <u>and</u> building-level comprehensive developmental school counseling plans which set forth the manner in which the district shall comply with the requirements of this subdivision. The New York City Department of Education shall submit separate plans for each community school district, for the High School Division and for the Special Education Division. Such district and building level plans shall be developed by or under the direction of a certified school counselor(s) and be updated annually, available for review at the district offices and each school building, and made available on the district’s website.</p>	<p>Each school district shall develop district-wide and building-level comprehensive developmental school counseling/guidance plans which set forth the manner in which the district shall comply with the requirements of this subdivision. In the case of the City School District of the City of New York, the Department of Education shall submit separate plans for each community school district. Such district and building level plans shall be developed by or under the direction of certified school counselor(s) and be updated annually, available for review at the district offices and each school building, and made available on the district’s website.</p>

Commissioner's Regulation §100.2(j) Guidance Program	September 2015	November 2016
	<p>Each plan shall be based upon a school counselor and building leader program agreement, which shall be developed annually and shall include program objectives, activities, program development and maintenance planning, school counseling curriculum and lesson plan development, professional development planning, evaluation methods based on data analysis of program results and closing the gap analysis reports to inform program improvement, and assessment of the resources necessary to support positive student outcomes.</p>	<p>Each plan shall be developed annually and shall include program objectives, activities, program development and maintenance planning, school counseling curriculum development, professional development planning, evaluation methods based on data analysis of program results and closing the gap analysis reports to inform program improvement, and assessment of the resources necessary to support positive student outcomes.</p>
	<p>Each plan shall also include the preparation of a program outcomes report that includes an analysis of all systematic components of a comprehensive developmental school counseling program as defined by this subdivision. Such report shall be presented to the board of education annually.</p>	<p>Each plan shall also include the preparation of a program outcomes report that includes an analysis of all systematic components of a comprehensive developmental school counseling/guidance program. Such report shall be annually presented to the board of education, or in the case of the City School District of the City of New York, the Chancellor of the City School District of the City of New York, or to the extent provided by law, the board of education of the City School District of the City of New York.</p>

Commissioner's Regulation §100.2(j) Guidance Program	September 2015	November 2016
	<p>Each school district shall establish a comprehensive developmental school counseling program advisory council to be comprised of representative stakeholders (such as parents, members of the board of education, school building and/or district leaders, community-based service providers, teachers, certified school counselors and other pupil personnel service providers in the district [e.g. school social workers and/or school psychologists]). The advisory council shall meet no less than twice a year for the purpose of reviewing the comprehensive developmental school counseling program plan and advising on the implementation of the school counseling program. The advisory council shall create and submit an annual report to the board of education.</p>	<p>Each school district shall establish a comprehensive developmental school counseling/guidance program advisory council to be comprised of stakeholders. In the case of the City School District of the City of New York, the Department of Education shall establish an advisory council for each community school district. The advisory council shall meet no less than twice a year for the purpose of reviewing the comprehensive developmental school counseling/guidance program plan and advising on the implementation of the school counseling/guidance program. The advisory council shall create and submit an annual report to the board of education, or in the case of the City School District of the City of New York, the Chancellor of the City School District of the City of New York, or to the extent provided by law, the board of education of the City School District of the City of New York.</p>

Commissioner's Regulation §100.2(j) Guidance Program	September 2015	November 2016
	<p>A successful comprehensive school counseling program should, to the extent practicable, use ratios for certified school counselors to students that conform to the American School Counselor Association standards (The ASCA National Model: A Framework for School Counseling Programs, Third Edition, American School Counselor Association, Alexandria VA., [2012]; available at the Office of Counsel, State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, New York 12234) or other comparable national and/or New York State recognized standards and shall take into consideration: (a) The requirements of delivering a comprehensive program to a particular school or district, including student need and the nature and frequency of related services provided; and (b) The extent to which the services require specific targeted program delivery (e.g. direct counseling or support services).</p>	<p>Nothing in this section shall be construed to authorize any individual to provide professional services where certification is required under Part 80 of the Commissioner's regulations or where licensure is required under Title VIII of the Education Law.</p>
<p>Nonpublic schools. Each nonpublic secondary school shall provide a guidance and counseling program for students in grades 7-12.</p>	<p>Nonpublic schools. Each nonpublic secondary school shall provide a guidance and counseling program for students in grades 7-12.</p>	<p>Nonpublic schools. Each nonpublic secondary school shall provide a guidance and counseling program for students in grades 7-12.</p>

Attachment B

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to Education Law sections 101, 207, 210, 214, 215, 305, and 308, 3001, 3003, 3006 and 3009.

1. Subdivision (a) of section 52.21 of the Regulations of the Commissioner of Education, shall be amended, effective July 1, 2017, to read as follows:

(a) Programs leading to certification in pupil personnel service shall meet the requirements of this subdivision, except that programs leading to initial and/or professional certification in school counseling shall meet the requirements of subdivision (d) of this section by September 1, 2020. Programs leading to certification in educational leadership service shall meet the requirements of subdivision (c) of this section by September 1, 2004. Prior to September 1, 2004, programs leading to certification in educational leadership service shall meet the requirements of this subdivision or subdivision (c) of this section.

2. A new subdivision (d) shall be added to section 52.21 of the Regulations of the Commissioner of Education, effective July 1, 2017, to read as follows:

(d) Programs leading to certification as a school counselor. The requirements of this subdivision shall be met by September 1, 2020 for programs leading to initial certification pursuant to paragraph (2) of this subdivision and/or professional certification in school counseling pursuant to paragraph (3) of this subdivision.

(1) General requirements for programs preparing school counselors. The general requirements for registration as set forth under sections 52.1 and 52.2 of this

Part shall pertain to this subdivision. In addition, the following requirements shall be met:

(i) Programs shall have a written statement of the philosophy, purposes and objectives of the program.

(ii) Institutions shall demonstrate how faculty cooperate for the purpose of ensuring that prospective school counselors receive academic preparation of high quality, equivalent to that of candidates in other fields.

(iii) Institutions shall demonstrate efforts to recruit qualified faculty and student bodies for school counseling from groups historically underrepresented in such programs.

(iv) Institutions shall demonstrate efforts to recruit and retain qualified faculty who understand the problems of high need schools, including English Language Learners, and have professional experience in such schools.

(v) Institutions shall publish information about each of its school counselor programs that shall be made available to prospective and enrolled candidates. The information shall include but need not be limited to, as available, relevant statistics about the labor market and job availability for each certificate title for which a school counseling program is offered, including the source of the statistics and the period of time and geographic area to which the statistics refer.

(vi) Institutions shall demonstrate how they maintain formal relationships with local schools consistent with the requirements for internships and practicum established under this subdivision, for the purpose of improving the preparation of school

counselors and improving school counseling and learning at both the institutional and the elementary and/or secondary school levels.

(vii) Institutions shall demonstrate how they promote faculty involvement with public or nonpublic schools for the purpose of improving the preparation of school counselors with regard to understanding diversity, including English Language Learners, and issues facing high need schools.

(viii) Faculty.

(a) Institutions shall provide sufficient numbers of qualified, full-time faculty in order to foster and maintain continuity and stability in school counselor programs and policies and ensure the proper discharge of all instructional and other faculty responsibilities. Institutions shall also meet the requirements for faculty set forth in section 52.2 of this Part.

(b) Staffing requirements.

(1) Except as provided in subclause (2) of this clause, institutions shall meet the following staffing requirements: Institutions shall ensure that the majority of credit-bearing courses in the program are offered by full-time teaching faculty. Faculty assignments shall not exceed 9 semester hours per semester for graduate courses, or 21 semester hours per academic year for faculty who teach a combination of graduate and undergraduate courses, while still providing sufficient course offerings to allow candidates to complete their programs in the minimum time required for earning the degree. Individual faculty members shall not supervise more than 18 candidates per semester. Supervision of practica and internships shall be considered by the institution

in determining faculty load, and institutions shall demonstrate how such supervision is considered in determining faculty load.

(2) Waiver and exception. The Commissioner may grant a waiver from one or more requirements of subclause (1) of this clause upon a showing of good cause satisfactory to the Commissioner, including but not limited to a showing that the institution cannot meet the requirement because of the nature of the program, which otherwise meets the requirements of this Part.

(ix) Institutions shall demonstrate that participation in relationships with local schools is a valued component of the responsibilities of the faculty with primary appointments in school counseling.

(x) Institutions shall provide sufficient resources and equipment and adequate facilities and physical space, as prescribed in section 52.2(a) of this Part, to support the school counseling program.

(xi) Institutions shall require applicants to hold a baccalaureate degree or higher for admission to school counseling programs.

(xii) Institutions shall demonstrate how they use various types of assessments to evaluate applicants for admission to school counseling programs.

(2) Standards for programs leading to initial certification as a school counselor. In addition to meeting the applicable provisions of this Part, programs leading to initial certification as a school counselor shall be programs leading to a master's degree or higher, which shall include a minimum of 48 semester hours of graduate study, including but not limited to the six core content areas described in subparagraph (i) of this paragraph and shall have a minimum college-supervised practicum of 100 hours

and a college-supervised internship of 600 hours as described in subparagraph (ii) of this paragraph.

(i) Six core content areas. The program shall include a requirement that the candidate complete study that prepares candidates with knowledge, understanding, and skills in at least the following six core content areas of school counseling and the subareas for these core content areas, as further defined by the Commissioner in guidance:

(a) Foundations in professional school counseling, including understanding the history and purpose/philosophy of, and the laws, policies, and regulations governing school counseling. School counselors engage in continuous professional growth and development, advocate for appropriate school counselor identity and roles, and adhere to ethical practices.

(b) Career development and college readiness, including use of a variety of research-based school counseling approaches to provide services to meet the career needs of all students.

(c) Supportive school climate and collaborative work with school, family and community, including collaborating with colleagues, families, and community members to cultivate an inclusive, nurturing, and physically safe learning environment for students, staff, and families.

(d) Equity, advocacy and diversity in programming and in support of students, including understanding cultural contexts in a multicultural society, demonstrating fairness, equity and sensitivity to every student, and advocating for equitable access to instructional programs and activities.

(e) Child growth, development and student learning, including using knowledge of child development, individual differences, learning barriers, and pedagogy to contribute to and support student learning; and

(f) Group and individual counseling theories and techniques, including the use of a variety of research-based counseling approaches to provide prevention, intervention, and responsive services to meet the academic, personal, social and career needs of all students.

(ii) Programs leading to initial certification as a school counselor shall:

(a) have a minimum of 100 clock hours of a college-supervised school counseling practicum in a K-12 school counseling program setting that shall consist of:

(1) a minimum of 40 clock hours of direct student contact in group counseling, individual counseling and school counseling core curriculum lesson delivery; and

(2) a minimum of 60 clock hours on developing, implementing and evaluating key school counseling program elements such as:

(i) student outcomes and standards,

(ii) curriculum,

(iii) individual student needs and plans,

(iv) responsive services,

(v) consultation with others on behalf of student,

(vi) time management,

(vii) school counseling program goals,

(viii) data analysis,

(ix) action plans,

(x) calendars/schedules, and

(xi) advisory panels, councils, and committees.

(b) have a minimum of 600 clock hours in a supervised school counseling internship in a K-12 school counseling program which shall consist of:

(1) a minimum of 240 clock hours of supervised direct student service in group counseling, individual counseling and school counseling core curriculum lesson delivery:

(2) a minimum of 360 supervised clock hours focused on developing, implementing and evaluating key school counseling program elements such as:

(i) student outcomes and standards,

(ii) curriculum,

(iii) individual student needs and plans,

(iv) responsive services,

(v) consultation with others on behalf of student,

(vi) time management,

(vii) school counseling program goals,

(viii) data analysis,

(ix) action plans,

(x) calendars/schedules, and

(xi) advisory panels, councils, and committees.

(3) a minimum of 300 clock hours of the internship must be in the elementary and middle school grades (K-8) and a minimum of 300 clock hours of the internship must in the secondary grades (9-12).

(4) Prior to the candidate's internship, the institution shall execute a written agreement with the employing school or school district by which the school or school district agrees to consult with program faculty and the candidate before determining the candidate's load and provide daily mentoring and supervision of the candidate during the internship experience by a certified school counselor. Mentoring and supervision may be provided by other qualified school personnel only if the employing school district cannot provide a certified school counselor in the school building in which the internship occurs.

(c) The internship and practicum shall:

(1) Be consistent with the program's philosophy, purposes and objectives and carefully selected and planned by program faculty, with learning outcomes specified and their achievement regularly evaluated;

(2) Be accompanied by coursework or seminars and supervised by one or more faculty who participate actively in the program and in program development, and who have training and skills in supervision and the expertise to provide supervision. Full-time faculty shall participate in supervising candidates during their internship and practicum experiences;

(3) Provide candidates with experiences in a variety of communities and across the range of student development levels, experiences practicing skills interacting with parents or caregivers, experiences in high needs schools, and experiences with each of

the following student populations: socioeconomically disadvantaged students, students who are English language learners, and students with disabilities.

(3) Standards for programs leading to professional certification as a school counselor. Programs leading to professional certification as a school counselor shall require a candidate to complete either:

(i) a registered program leading to a master's degree, with a minimum of 60 semester hours of graduate study, which shall meet the program registration requirements for a school counselor program leading to the initial certificate as described in paragraph (2) of this subdivision, including but not limited to, 48 semester hours of graduate study, the 100 clock hours of practicum and the 600 clock hour internship, and also require the candidate to complete a minimum of 12 semester hours of additional graduate study in at least the following two core content areas and the subareas for these core content areas, as further defined by the Commissioner in guidance: best practices for the profession and in school counseling programming, including assessing, developing, implementing, leading, and evaluating a data-driven school counseling program that is comprehensive, utilizes best practices, and advances the mission of the school; and research and program development, including the use of research and evaluation in advancing the school counseling program, its components and the profession; or

(ii) a registered program leading to an advanced certificate with a minimum of 12 semester hours of graduate study in at least the following two core content areas and the subareas for these content areas, as further defined by the Commissioner in guidance: best practices for the profession and in school counseling programming and

research and program development, as described in subparagraph (i) of this paragraph. Only individuals who have completed a registered school counselor program leading to initial certification as a school counselor or its equivalent, and who hold their initial certification as a school counselor, or individuals who have met the requirements for initial certification as a school counselor shall be admitted to a school counseling program that leads to an advanced certificate.

(4) Institutional Accountability. Institutions shall be accountable for the quality of their programs leading to certification in school counseling and the candidates who complete such programs, and shall demonstrate that their school counseling programs are evaluated regularly and that such evaluations are considered for making program improvements.

(5) Accreditation. School counseling programs registered for the first time on or after September 1, 2020 leading to initial and/or professional certification under this subdivision shall be accredited by an acceptable professional education accrediting association, meaning an organization which is determined by the Department to have equivalent standards to the State's registration standards, within seven years of the date of their initial registration, and shall be continuously accredited thereafter by an acceptable professional education accrediting association.

3. The title of Subpart 80-2 of the Regulations of the Commissioner of Education is amended, effective July 1, 2017, to read as follows:

SUBPART 80-2

REQUIREMENTS FOR CERTIFICATES IN THE CLASSROOM TEACHING SERVICE APPLIED AND QUALIFIED FOR ON OR BEFORE FEBRUARY 1, 2004,

THE ADMINISTRATIVE AND SUPERVISORY SERVICE APPLIED FOR ON OR BEFORE SEPTEMBER 1, 2006, AND THE PUPIL PERSONNEL SERVICE (EXCEPT FOR CERTIFICATES FOR SCHOOL COUNSELING APPLIED AND QUALIFIED FOR ON OR AFTER SEPTEMBER 2, 2022).

4. Section 80-2.1 of the Regulations of the Commissioner of Education shall be amended, effective July 1, 2017, to read as follows:

§80-2.1 Application of this Subpart and definitions.

(a) Application of this Subpart.

(1) Provisional certificates.

(i) . . .

(ii) . . .

(iii) Candidates who apply and qualify for the provisional certificate in the title school counselor prior to September 2, 2022 shall be subject to the requirements of this Subpart. Candidates who do not meet these requirements shall be subject to the requirements of Subpart 80-3 of this Part, unless otherwise specifically prescribed in this Part.

(2) Permanent certificates.

(i) . . .

(ii) . . .

(iii) . . .

(iv) . . .

(v) Candidates with an expired provisional certificate in the title school counselor who apply for a permanent certificate in the title school counselor prior to September 2,

2022 shall be subject to the requirements of this Subpart, provided that they have been issued a provisional certificate in this title and have met all requirements for the permanent certificate while under a provisional certificate that was in effect. Candidates with expired provisional certificates who apply for permanent certificates in the title school counselor on or after September 2, 2022 or who do not meet these conditions shall be subject to the requirements of Subpart 80-3 of this Part, unless otherwise specifically prescribed in this Part.

(3) . . .

(4) [Candidates] Except as otherwise provided in this section, candidates who apply for a provisional or permanent certificate valid for pupil personnel service shall be subject to the requirements of this Subpart.

(b) . . .

5. Subparagraph (iii) of paragraph (1) of section 80-2.9 of the Regulations of the Commissioner of Education shall be amended, effective July 1, 2017, to read as follows:

(iii) For pupil personnel service professionals (see section 80-2.3 [of this Subpart] and section 80-3.11 of this Part), administrative and supervisory personnel (see section 80-2.4 of this Subpart), and school media specialists (see section 80-2.8 of this Subpart), the program will include cultural perspectives, theory and practice of bilingual/multicultural education, and methods of providing services in the native language. The program will provide appropriate college-supervised field experience in the certificate area in a bilingual context.

6. Subparagraph (iii) of paragraph (2) of section 80-2.9 of the Regulations of the Commissioner of Education shall be amended, effective July 1, 2017, to read as follows:

(iii) For pupil personnel service professionals (see section 80-2.3 [of this Subpart] and section 80-3.11 of this Part), administrative and supervisory personnel (see section 80-2.4 of this Subpart), and school media specialists (see section 80-2.8 of this Subpart), 15 semester hours of collegiate study at an institution with an approved bilingual education program to include cultural perspectives, theory and practice of bilingual/multicultural education, and methods of providing services in the native language.

7. The title of Subpart 80-3 of the Regulations of the Commissioner of Education is amended, effective July 1, 2017, to read as follows:

SUBPART 80-3
REQUIREMENTS FOR CERTIFICATES IN THE CLASSROOM TEACHING SERVICE APPLIED AND QUALIFIED FOR ON OR AFTER FEBRUARY 2, 2004 [AND IN], THE EDUCATIONAL LEADERSHIP SERVICE APPLIED FOR ON OR AFTER SEPTEMBER 2, 2007, AND AS A SCHOOL COUNSELOR APPLIED AND QUALIFIED FOR ON OR AFTER SEPTEMBER 2, 2022.

8. Section 80-3.1 of the Regulations of the Commissioner of Education is amended, effective July 1, 2017, to read as follows:

§80-3.1 Application of this Subpart and definitions.

(a) Application of this Subpart.

(1) Candidates who apply on or after February 2, 2004 for certificates valid for classroom teaching service, and on or after September 2, 2007 for certificates valid for the educational leadership service, and on or after September 2, 2022 for certificates valid for school counselors, shall be subject to the requirements of this Subpart, unless

otherwise specifically prescribed in this Part, and except as prescribed in paragraph (2) of this subdivision.

(2)(i) . . .

(ii) . . .

(iii) Candidates who apply for a permanent certificate in the title school counselor shall be subject to the requirements of Subpart 80-2 of this Part, provided that they have been issued a provisional certificate in this title for which the permanent certificate is sought and have met all requirements for the permanent certificate while under a valid provisional certificate that was in effect after that date.

(3) [Candidates] Except as otherwise provided in this section, candidates who apply for certificates valid for pupil personnel service shall be subject to the requirements of Subpart 80-2 of this Part.

(b) . . .

9. A new section 80-3.11 shall be added to the Regulations of the Commissioner of Education, effective July 1, 2017, to read as follows:

§80-3.11 Certificates for school counselor.

(a) Initial certificate.

(1) Validity of certificate. The initial certificate shall be valid for five years from its effective date.

(2) Requirements for an initial certificate as a school counselor. The candidate shall meet each of the following requirements:

(i) Education. The candidate shall meet the education requirement by meeting the requirements in each of the following clauses:

(a) The candidate shall have successfully completed a program leading to the initial certificate as a school counselor registered pursuant to section 52.21(d) of this Title, or its equivalent as determined by the department.

(b) The candidate shall hold a baccalaureate or higher degree from a regionally accredited higher education institution or an equivalently approved higher education institution as determined by the department.

(ii) Examination. Candidates applying for certification on or after September 2, 2022 shall submit evidence of having achieved a satisfactory level of performance on the New York State examination for school counselors or other equivalent examination as approved by the Commissioner, if available.

(b) Professional certificate.

(1) Validity of certificate. The professional certificate for school counselors shall be continuously valid provided that the continuing teacher and leader education requirement prescribed in section 80-3.6 of this Subpart is met.

(2) Requirements for a professional certificate as a school counselor. The candidate shall have successfully completed, in addition to the requirements for the initial certificate, the following requirements:

(i) Education. The candidate shall meet the education requirement by meeting the requirements in each of the following clauses:

(a) The candidate shall have successfully completed a program leading to a professional certificate as a school counselor registered pursuant to section 52.21(d) of this Title, or its equivalent as determined by the department.

(b) The candidate shall hold a master's degree or higher in school counseling from a regionally accredited higher education institution or an equivalently approved higher education institution as determined by the department or hold an advanced certificate of study from a registered program pursuant to section 52.21(d)(3) of this Part.

(ii) Experience. The candidate shall have successfully completed three years of school counseling experience in New York State public or non-public schools K-12, or its equivalent. The candidate who completes this requirement in total or part through experience in New York public schools shall be required to participate in a mentored program in the first year of employment.

10. A new section 80-3.12 is added to the Regulations of the Commissioner of Education, effective July 1, 2017, to read as follows:

§80-3.12 Satisfaction of education requirements for certification as a school counselor through individual evaluation. This section prescribes requirements for meeting the education requirements for school counselor certificates through individual evaluation. A candidate must have achieved a 3.0 cumulative grade point average or its equivalent in the program or programs leading to any degree used to meet the requirements for a certificate under this section. All other requirements for the certificate, including but not limited to, examination and/or experience requirements, as prescribed in this Subpart must also be met.

(a) A candidate seeking to fulfill the education requirement for an initial certificate through individual evaluation of education requirements shall meet the following requirements:

(1) Degree completion. The candidate shall possess a baccalaureate degree from a regionally or nationally accredited institution of higher education or from an institution authorized by the Regents to confer degrees and whose programs are registered by the Department.

(2) The candidate shall complete study in child abuse identification, school violence and harassment, bullying and discrimination prevention and intervention, as prescribed in sections 80-1.4 and 80-1.13 of this Part.

(3) The candidate shall complete 48 semester hours of graduate coursework that includes study in each of the following six core content areas:

(i) Foundations in professional school counseling;

(ii) Career development and college readiness;

(iii) Supportive school climate and collaborative work with school, family and community;

(iv) Equity, advocacy and diversity in programming and in support for students;

(v) Child growth, development and student learning; and

(vi) Group and individual counseling theories and techniques for prevention, intervention and responsive services.

(4) Practicum and Internship. The candidate shall satisfactorily complete:

(i) a minimum of 100 clock hours of practicum in a K-12 school counseling program setting that shall consist of:

(a) a minimum of 40 clock hours in group counseling, individual counseling and school counseling core curriculum lesson delivery; and

(b) a minimum of 60 clock hours on developing, implementing and evaluating key school counseling program elements such as:

- (1) student outcomes and standards;
- (2) curriculum;
- (3) individual student needs and plans;
- (4) responsive services;
- (5) consultation with others on behalf of student;
- (6) time management;
- (7) school counseling program goals;
- (8) data analysis;
- (9) action plans;
- (10) calendars/schedules; and
- (11) advisory panels, councils and committees.

(ii) a minimum of 600 clock hours in a supervised internship in a K-12 school counseling program which shall consist of:

(a) a minimum of 240 clock hours of supervised direct student service hours in group counseling, individual counseling and school counseling core curriculum lesson delivery;

(b) a minimum of 360 supervised clock hours focused on developing, implementing and evaluating key school counseling program elements such as:

- (1) student outcomes and standards,
- (2) curriculum,
- (3) individual student needs and plans,

(4) responsive services,

(5) consultation with others on behalf of student,

(6) time management,

(7) school counseling program goals,

(8) data analysis,

(9) action plans,

(10) calendars/schedules, and

(11) advisory panels, councils, and committees.

(c) a minimum of 300 clock hours of the internship must be in the elementary grades (K-8) and a minimum of 300 clock hours of the internship must in the secondary grades (9-12).

(d) Prior to the candidate's internship, a written agreement shall be executed with the employing school or school district by which the school or school district agrees to consult with the candidate before determining the candidate's load and provide daily mentoring and supervision of the candidate during the internship experience by a certified school counselor. Mentoring and supervision may be provided by other qualified school personnel only if the employing school district cannot provide a certified school counselor in the school building in which the internship occurs.

(b) A candidate seeking to fulfill the education requirement for a professional certificate through individual evaluation of education requirements shall meet the following requirements:

(1) Degree completion. The candidate shall possess a master's degree or higher from a regionally or nationally accredited institution of higher education or from

an institution authorized by the Regents to confer degrees and whose programs are registered by the Department.

(2) In addition to that required for the initial certificate as described in subdivision (a) of this section, the candidate shall complete at least 12 semester hours of graduate coursework that includes study in at least each of the following core content areas:

- (i) best practices for the profession and in school counseling programming; and
- (ii) research and program evaluation.

(3) Experience. The candidate shall have successfully completed three years of school counseling experience in New York State public or non-public schools K-12, or its equivalent. The candidate who completes this requirement in total or part through experience in New York public schools shall be required to participate in a mentored program in the first year of employment.

11. Section 80-5.9 of the Regulations of the Commissioner of Education shall be amended, effective July 1, 2017, to read as follows:

§80-5.9 Internship certificate.

(a) A [student] candidate in a registered or approved graduate program of teacher education, school leadership or school counseling which includes an internship experience(s) and who has completed at least one-half of the semester hour requirement for the program, may, at the request of the institution, be issued an internship certificate for a fee of \$50.

(b) The certificate shall be issued only to those persons enrolled in registered or approved programs that include appropriate supervision. [and shall show on the face of the certificate the following information:

- (1) the name of the intern;
- (2) the collegiate program sponsoring the internship;
- (3) the area of service for which the certificate is valid;
- (4) the school district in which the internship is to be served; and
- (5) the dates for which the certificate is valid.]

(c) The certificate shall be valid for no more than two years from its effective date and is not renewable. For individuals called to active duty in the Armed Forces, the validity period of the internship certificate may be extended for the time of active service and an additional 12 months from the end of such service, provided that the holder is a candidate in a registered or approved graduate program of teacher education, school leadership or school counseling program.

12. A new section 80-5.23 of the Regulations of the Commissioner of Education shall be added, effective July 1, 2017, to read as follows:

§80-5.23 Endorsement of certificates for service as a school counselor.

(a) School counselor. The Commissioner may endorse the certificate of another state or territory of the United States or the District of Columbia for service as a school counselor, provided that the candidate meets the following requirements:

(1) The candidate shall hold a valid certificate of another state or territory of the United States or the District of Columbia that is equivalent to the initial or professional certificate as a school counselor.

(2) The candidate shall meet the general requirements for certificates prescribed in Subpart 80-1 of this Part, including but not limited to the requirements of section 80-1.3 relating to citizenship, section 80-1.4 relating to study in child abuse identification

and reporting, section 80-1.13 relating to study in harassment, bullying and discrimination prevention and intervention and school violence prevention and intervention; and section 80-1.11 relating to a criminal history record check.

(3) The candidate shall hold a master's degree or higher from a regionally accredited higher education institution or an equivalently approved higher education institution as determined by the department, or have equivalent educational preparation as determined by the commissioner. Candidates shall have achieved a 3.0 cumulative grade point average, or its equivalent, in the program leading to the degree.

(4) The candidate shall either:

(i) have completed a comparable program from a regionally accredited institution of higher education or a higher education institution that the Commissioner deems substantially equivalent, provided that such program leads to initial certification as a school counselor, or similar school counselor certification, in the jurisdiction in which the higher education institution is located; or

(ii) have at least three years of satisfactory experience in a public school (grades K-12) in another state or territory of the United States or the District of Columbia in a position that would have required the equivalent of initial or professional certification as a school counselor for employment in New York State and while under a certificate issued by such other state authorizing such service, such experience must have been completed within five years immediately preceding the application for endorsement of the out-of-state certificate; or the candidate shall have equivalent experience as determined by the Commissioner.

(5) Examination requirement. Any candidate applying for professional certification as a school counselor through endorsement of a certificate of another state or territory pursuant to the provisions of this section on or after September 2, 2022, shall achieve a satisfactory level of performance on the New York State school counselor examination or other equivalent examination as approved by the Commissioner, if available.

13. Subdivision (j) of section 100.2 of the Regulations of the Commissioner of Education shall be amended, effective July 1, 2017, to read as follows:

(j) Guidance programs and comprehensive developmental school counseling/guidance programs.

(1) Guidance programs for public schools for school years prior to the 2019-2020 school year and for non-public schools.

(i) Public Schools. Each school district shall have a guidance program for all students.

~~[(i)]~~(a) In grades K-6, the program shall be designed in coordination with the teaching staff to prepare students to participate effectively in their current and future educational programs, to help students who exhibit any attendance, academic, behavioral or adjustment problems, to educate students concerning avoidance of child sexual abuse, and to encourage parental involvement.

~~[(ii)]~~(b) In grades 7-12, the guidance program shall include the following activities or services:

[(a)](1) an annual review of each student's educational progress and career plans, with such reviews to be conducted with each student individually or with small groups by personnel certified or licensed as school counselors;

[(b)](2) instruction at each grade level to help students learn about various careers and about career planning skills conducted by personnel certified or licensed as school counselors, or by classroom teachers in cooperation with school counselors;

[(c)](3) other advisory and individual or group counseling assistance to enable students to benefit from the curriculum, to help students develop and implement postsecondary education and career plans, to help students who exhibit any attendance, academic, behavioral or adjustment problems and to encourage parental involvement, provided that advisory assistance shall be provided by teachers or counselors, or by certified teaching assistants under the supervision of counselors or teachers, and that such individual or group counseling assistance shall be provided by certified or licensed school counselors or by certified or licensed school psychologists or certified or licensed school social workers in cooperation with school counselors; and

[(d)](4) the services of personnel certified or licensed as school counselors.

[(iii)](c) Each school district shall develop a district plan which sets forth the manner in which the district shall comply with the requirements of this subdivision. The City School District of the City of New York shall submit a separate plan for each community school district, for the High School Division and for the Special Education Division. Such plan shall be filed in the district offices and shall be available for review by any individual. The plan shall present program objectives, which describe expectations of what students will learn from the program; activities to accomplish the

objectives; specification of staff members and other resources assigned to accomplish the objectives; and provisions for the annual assessment of program results. The plan shall be reviewed annually by the school districts, and revisions shall be made as necessary.

[(2)](ii) Nonpublic schools. Each nonpublic secondary school shall provide a guidance and counseling program for students in grades 7-12.

(2) Comprehensive developmental school counseling/guidance programs.

Beginning with the 2019-2020 school year, each school district shall have a comprehensive developmental school counseling/guidance program, for all students in kindergarten through grade 12. Each school district shall also ensure that all students in grades kindergarten through twelve have access to a certified school counselor(s), which for the city school district of the City of New York and the city school district of the City of Buffalo shall include a licensed guidance counselor(s) pursuant to Part 80 of the Commissioner's regulations.

(i) For all grades kindergarten through twelve, district and building level comprehensive developmental school counseling/guidance programs shall prepare students to participate effectively in their current and future educational programs as age appropriate, and be designed to address multiple student competencies including career/college readiness standards, and academic and social/emotional development standards. The comprehensive developmental school counseling/guidance program ("program") shall include the following activities or services:

(a) In grades kindergarten through five, the program shall be designed by a certified school counselor in coordination with the teaching staff, and any appropriate

pupil personnel service providers, for the purpose of preparing students to participate effectively in their current and future educational programs, to provide information related to college and careers, and to assist students who may exhibit challenges to academic success, including but not limited to attendance or behavioral concerns, and where appropriate make a referral to a properly licensed professional and/or certified pupil personnel service provider, as appropriate, for more targeted supports.

(b) For students in grades six through twelve, certified school counselors shall provide an annual individual progress review plan, which shall reflect each student's educational progress and career plans. For a student with disability, the plan shall be consistent with the student's individualized education program;

(c) school counseling/guidance core curriculum instruction for the purpose of addressing student competencies related to career/college readiness, academic skills and social/emotional development by a certified school counselor(s);

(d) other direct student services which may include, but need not be limited to, responsive services, crisis response, group counseling, individual counseling, appraisal, assessment and advisement, for the purpose of enabling students to benefit from the curriculum, assisting students to develop and implement postsecondary education and career plans, assisting students who exhibit attendance, academic, behavioral or adjustment concerns and encouraging parental involvement. Provided that nothing herein shall prohibit certified or licensed school psychologists or certified or licensed school social workers pursuant to Part 80 of the Commissioner's regulations from providing other direct student services within their applicable scope of practice;

(e) indirect student services which may include but need not be limited to, referrals to appropriately licensed or certified individuals, consultation, collaboration, leadership, advocacy, and teaming.

(ii) Each school district shall develop district-wide and building-level comprehensive developmental school counseling/guidance plans which set forth the manner in which the district shall comply with the requirements of this subdivision. In the case of the City School District of the City of New York, the Department of Education shall submit separate plans for each community school district. Such district and building level plans shall be developed by or under the direction of certified school counselor(s) and be updated annually, available for review at the district offices and each school building, and made available on the district's website.

(a) Each plan shall be developed annually and shall include program objectives, activities, program development and maintenance planning, school counseling curriculum , professional development planning, evaluation methods based on data analysis of program results and closing the gap analysis reports to inform program improvement, and assessment of the resources necessary to support positive student outcomes.

(b) Each plan shall also include the preparation of a program outcomes report that includes an analysis of all systematic components of a comprehensive developmental school counseling/guidance program as defined by this subdivision. Such report shall be annually presented to the board of education, or in the case of the City School District of the City of New York, the Chancellor of the City School District of

the City of New York, or to the extent provided by law, the board of education of the City School District of the City of New York.

(iii) Each school district shall establish a comprehensive developmental school counseling/guidance program advisory council to be comprised of representative stakeholders (such as parents, members of the board of education, school building and/or district leaders, community-based service providers, teachers, certified school counselors and other pupil personnel service providers in the district including school social workers and/or school psychologists). In the case of the City School District of the City of New York, the Department of Education shall establish a comprehensive developmental school counseling/guidance program advisory council for each community school district. The advisory council shall meet no less than twice a year for the purpose of reviewing the comprehensive developmental school counseling/guidance program plan and advising on the implementation of the school counseling/guidance program. The advisory council shall create and submit an annual report to the board of education, or in the case of the City School District of the City of New York, the Chancellor of the City School District of the City of New York, or to the extent provided by law, the board of education of the City School District of the City of New York.

(3) Nothing in this section shall be construed to authorize any individual to provide professional services where certification is required under Part 80 of the Commissioner's regulations or where licensure is required under Title VIII of the Education Law.

8 NYCRR §52.21, Subparts 80-2, 80-3, 80-5 and 100.2

ASSESSMENT OF PUBLIC COMMENT

Since publication of a Notice of Proposed Rule Making in the State Register on February 10, 2016, the State Education Department received approximately 1,000 individual comments.

General Comments

1. COMMENT:

Several commenters expressed support for the updated terms surrounding the existing requirements for providing school counseling stating it is in the best interest of students. Specifically, commenters noted that school counselors are trained in the three domains of social/emotional development: academic skills, and college/career planning, and supported efforts to update the definition of the role of school counselors consistent with nationally recognized standards.

DEPARTMENT RESPONSE:

No response necessary as the comments are supportive.

2. COMMENT:

Many commenters oppose the use of the term “school counselor” in place of “guidance counselor.” These commenters were concerned that the term counselor might be misleading to parents and displace the roles played by other certified and licensed professionals in schools.

DEPARTMENT RESPONSE:

Prior to this rulemaking, section 100.2(j) of the Commissioner's regulations referred to school counselors, because that is the certification title used for these individuals. The proposed amendment uses the same title because Part 80 of the Commissioner's regulations provides for the certification of school counselors, not guidance counselors, except for a couple of exceptions in the City of New York and City of Buffalo, where these cities are authorized to issue guidance counselor licenses (and revisions have been made to the proposed amendment to make this clear). This regulation is also not intended to displace the roles played by other certified and licensed professionals in schools and the Department has revised the proposed amendment to make this clear.

3. COMMENT:

The New York State School Counselor Association (NYSSCA) supports the amendments. Specifically, NYSSCA noted that this is the first update of the school counselling regulations since 1972, when the certification title was changed to school counselor from guidance counselor.

DEPARTMENT RESPONSE:

No response necessary as the comment is supportive.

4. COMMENT:

Commenters were concerned about the process by which the amendments were developed, specifically that the needs and voices of New York City and other student support services personnel were underrepresented on the School Counseling Advisory

Council (SCAC) and that the process did not include the perspectives of classroom teachers, parents, or high school students. The SCAC should have included representatives of school social workers and school psychologists.

DEPARTMENT RESPONSE:

The proposed rulemaking was developed in collaboration with stakeholders throughout the State beginning in October 2013 when the Regents recommended that the Department create an advisory council and survey school counseling professionals to solicit input and recommendations on these issues. The Department created a 16 member School Counselor Advisory Council (SCAC), comprised of 8 school counselors from across New York State and 8 representatives from school counselor preparation programs. In addition, membership included two New York State United Teachers representatives, and one United Federation of Teachers representative, which represents New York City school personnel.

The first meeting of the SCAC was convened in February 2014 to recommend improvements to both school counseling preparation programs throughout New York State, as addressed in Commissioner's Regulations §80-2.3(b), and current comprehensive school guidance plans as addressed in Commissioner's Regulations §100.2(j). The SCAC also distributed surveys to P-12 and higher education practitioners. The survey results were compiled and analyzed by the Department and presented to the Board at its December 2014 meeting. In addition to the survey results, Department staff presented to the Board a summary of the recommendations compiled from the New York State School Counselor Summit that was held in April 2014 in collaboration with the NYS School Counselor Association, New York State Association

for College Admissions Counseling, and the New York Association of Counselor Education and Supervision. The event provided an opportunity for over 200 practitioners to identify issues that have both promoted and impeded the development of effective, comprehensive, data-driven, standards-based practices, and to advance recommendations to implement best practices and enhance leadership.

In February 2015, the SCAC met to review the recommendations for regulatory revisions to the Department. SCAC members also reviewed and provided comments on a draft memorandum which was finalized and sent in April 2015 to the deans and department chairs overseeing school counseling programs and which included a list of the recommendations created by the SCAC, as well as an invitation to offer feedback about the recommendations using an anonymous survey. OHE staff reviewed the feedback, made final adjustments and incorporated it into the recommended regulatory revisions.

Pursuant to the State Administrative Procedure Act, the proposed amendment was also published in the State Register for a 45-day public comment period. The Department received over 1,000 comments, including several from representatives of school social workers and school psychologists. These comments were seriously considered by the Department and multiple amendments to the proposed amendment have been made to address these comments.

The Department appreciates the sincere feedback and proposals for amendments. As a result, the Department held a meeting with all interested stakeholder groups to discuss potential revisions and timing for implementation in early May 2016 and continued these discussions through September 2016. The Department

looks forward to continuing a collaborative and productive discussion that will serve to ensure students have access to the necessary supports and services to succeed in school.

5. COMMENT:

One commenter expressed concern about the validity and reliability of the survey that was conducted by the School Counseling Advisory Council in 2014.

DEPARTMENT RESPONSE:

Two surveys were crafted by the School Counseling Advisory Committee and distributed to the field (P-12 and Higher Education). The P-12 survey was sent to district superintendents, school district superintendents, and building principals for distribution to school counselors. There were a total of 2,541 individuals who completed and returned the survey, 2,092 (82.33%) of these respondents were school counselors currently employed in New York State public schools districts. These surveys were conducted for information gathering only. Their intention was to get a general sense of the work current P-12 practitioners were engaged in, the professional development available to them, as well as, their degrees, graduate credits earned and how prepared they felt they were for the work they do. P-12 practitioners were also asked to identify the most critical skills school counselors need to possess in order to support students in reaching college and career readiness. This was cross-walked with course requirements identified in the Higher Education survey to learn of possible gaps in programs statewide. Therefore, the surveys were valid and reliable for the purpose of gathering information about the present status of school counseling within this State.

6. COMMENT:

Many commenters expressed opposition to the amendments. Specifically, expressing that the proposed amendments use of the term “school counseling” puts all “counseling services” that occur in schools within the domain of school counselors, to the exclusion of school social workers. Commenters opposed replacing mental health professionals in schools with school counselors.

DEPARTMENT RESPONSE:

See Response to Comment #2. Moreover, school counselors, as defined by the certification title contained within Part 80 of the Commissioner’s regulations, are trained and capable of “triaging” student’s needs and then, where appropriate, making referrals to trained clinicians, such as school social workers and school psychologists. The proposed rulemaking does not replace the roles of school social workers and/or school psychologists with that of the school counselor. The Department recognizes the important role that all professionals play in a school setting, and merely proposes to update the terms used to describe the school counseling/guidance program to better reflect the academic and professional training received by school counselors and to expand access for students to certified school counselors. Moreover, the regulation has been revised to include pupil personnel service providers, including school social workers and/or school psychologists as recommended members of the Comprehensive School Counseling/Guidance Program Advisory Council.

7. COMMENT:

Specific to the role of school social workers in New York City, commenters were opposed to the amendments because many school social workers in New York City work under the job title, “school counselor” and they felt that these amendments would newly exclude social workers from these positions.

DEPARTMENT RESPONSE:

See Responses to Comment #2 and Comment #6

8. COMMENT:

The proposed regulations focus on the required components of a district program (e.g. annual reports to BOE, data to drive decisions, advisory council), which are based on the professional foundation and standards established by the American School Counselor Association. School counselors are trained in how to develop, implement and maintain these specific program components. The regulations support program development by those who are specifically trained in this program approach.

DEPARTMENT RESPONSE:

No response is necessary as the comment is supportive.

9. COMMENT:

Commenters expressed that school counseling programs at the elementary level are essential for early college and career readiness, social and emotional development, and early interventions to address areas of concern. While the changes will undoubtedly require a lot of hard work, it is essential that we pass regulations that

require comprehensive school counseling programs for prekindergarten through twelve. In the long run, these regulations will enable more school counselors to provide the services and programs we are trained to deliver.

DEPARTMENT RESPONSE:

No response necessary as the comment is supportive.

10.COMMENT:

All students deserve to receive counseling services through comprehensive school counseling programs, which align with the American School Counselor Association standards, beginning in prekindergarten through twelfth grade. Keeping school counselor ratios in accordance to the American School Counselor Association will also allow all students to have access to their school counselor and will, thus, increase the amount of direct student support.

DEPARTMENT RESPONSE:

No response is necessary as the comment is supportive. However, in response to public comment, the regulation has been revised to eliminate the requirement that school counseling program be aligned to ASCA standards, including the ratios. However, the Department will develop a guidance document that strongly encourages the use of the ASCA standards in schools.

11.COMMENT:

I am writing in support of enacting the changes to enhance the role of the school counselor in NYS. I was part of the Summit that was held a few years ago in Albany

and very much appreciated that we may, in fact, be recognized as a valuable asset in the education of NYS students. We wear many hats in a day to help students come to school, provide them materials, help reduce distractions - be they social, emotional, etc, so they can perform their best in school and work towards becoming successful, productive members of our society in their adulthood. It is a very rewarding position but the demands of this job have changed and grown in the 20+ years I have worked. Families have changed, support for education has changed and we need to do more for our students than ever. Every student should have a school counselor that is appropriately trained. I hope that you will support our efforts to support our students.

DEPARTMENT RESPONSE:

No response necessary as the comment is supportive.

12.COMMENT:

Several commenters have indicated that in New York City and several other school districts, the proposed changes would significantly increase the workload of guidance counselors and would displace experienced school social workers and psychologists, who have forged strong relationships with students and their families, as well as with neighborhood mental-health service providers let alone that school psychologists and school social workers are the only professions that are, generally and relatively speaking, the most trained on mental health issues in the schools. For example, how could anyone in their right mind say that a Ph.D. level licensed psychologist who is working as a school psychologist is not qualified to provide school counseling? How could anyone with any common sense say that a LCSW-R social

workers who has gained supervised experience in doing mental health work is not qualified to do counseling with school aged students? This proposal is beyond absurd. While guidance counselors have their own skill set to work with students, they do not have the mental health training background of many psychologists and social workers. We know that an all-hands-on-deck approach makes the most sense in New York City public schools because there is a shortage of counselors to serve all the children in need.

DEPARTMENT RESPONSE:

Consistent with the existing regulation and each respective scope of practice, the proposed rulemaking does not remove the ability of certified or licensed school psychologists, or certified or licensed school social workers to provide individual or group counseling. Nor does the proposed rulemaking state that such counseling may only be provided under the supervision of school counselors. The proposed rulemaking continues the existing collaborative approach among school social workers, school social workers and school counselors. It does not prohibit the provision of counseling for other purposes, or for those beyond the intended purpose of a school counseling/guidance program as defined by this regulation. Moreover, in response to public comment, the proposed amendment has been revised to make it clear that nothing in the proposed regulation shall be construed to authorize any individual to provide professional services where certification is required under Part 80 of the Commissioner's regulations or where licensure is required under Title VIII of the Education Law.

Comments Relating to Certified School Counselors for all P-12 Students

13.COMMENT:

Commenters support the enhancement of the existing school counseling program to expand the requirement for a certified school counselor to be available to all students in grades prekindergarten through twelve. Providing information related to the myriad of postsecondary opportunities at earlier ages will lay the foundation for an enriched academic experience in middle and high school and may improve graduation rates.

DEPARTMENT RESPONSE:

No response necessary as the comment is supportive. However, in response to public comment, the regulation has been revised and no longer requires the program in prekindergarten.

14.COMMENT:

The existing regulation allows counseling for students in grades kindergarten through six to be provided in cooperation with teaching staff. Commenters expressed concern that the amendments requiring all students in grades prekindergarten through twelve have access to a certified school counselor does not provide that such services should be provided in cooperation with the teaching staff. The omission of cooperation with teaching staff, particularly for students in grades kindergarten through six, could lead to isolating the roles of professionals who currently work together to support students success in school.

DEPARTMENT RESPONSE:

The Department has revised the regulation to address this concern.

15.COMMENT:

Several commenters opposed the expansion of school counseling to prekindergarten. Commenters expressed that the developmental and social needs of prekindergarten services are more appropriately provided by school social workers.

DEPARTMENT RESPONSE:

In response to public comment, the Department has made changes to the amendments to eliminate the requirement in prekindergarten. However, the Department strongly encourages districts to engage all of their students and provide exposure to the myriad of post-secondary and career paths available.

16.COMMENT:

Many commenters expressed frustration and concern that the amendment would have a disparate impact on school social workers and school psychologists, leading to a loss of positions for these individuals.

DEPARTMENT RESPONSE:

See Responses to Comments #2 and 6. The Department understands the concern, and wants to make it clear that the proposed amendment was merely intended to update the guidance program, which has been delivered by certified school counselors, pursuant to Commissioner's regulation §100.2(j) for decades. The Department truly believes that school social workers and school psychologists play a

critical role in the lives of our students and disagrees that this rulemaking would exclude these pupil personnel services providers from working in schools.

17.COMMENT:

Many commenters expressed that the exclusive role of school counselors should be to provide academic and career counseling at the middle and high school levels. All other social/emotional supports should be provided by school social workers and school psychologists because of the ability to form lasting relationships with families.

DEPARTMENT RESPONSE:

See Responses to Comments #2 and 6. The Department understands and respects the important role(s) provided by school social workers and school psychologists. The proposed rule does not impede upon the scopes of practice of these professionals and, in fact, highlights the cooperative approach and provision of referrals from school counselors to other clinically-trained professionals, as necessary to meet the needs of individual students.

18.COMMENT:

Several commenters indicated that there is a shortage of counselors and there are currently insufficient numbers of certified school counselors in New York to serve all children in need.

DEPARTMENT RESPONSE:

In response comments wherein individuals raised fiscal and resource constraints faced by school districts, the regulation has been revised to eliminate the requirement

that school counseling programs be aligned to ASCA standards, including the school counselor to student ratios. Instead, the Department will develop a guidance document that strongly encourages the use of the ASCA standards in schools.

19. COMMENT:

Other pupil personnel service providers should be permitted to serve in the role of school counselor at the elementary level. Limiting this role to certified school counselors limits district flexibility and strains fiscal resources. This might be alleviated by providing that the certified school counselor in grades prekindergarten through six does not need to be employed on staff by the school, but could be a BOCES or other licensed guidance counselor.

DEPARTMENT RESPONSE:

See Response to Comment No. 18. In addition, the Department revised the regulation to make it clear that, “[I]n grades kindergarten through five, the program shall be designed by a certified school counselor in coordination with the teaching staff, and any appropriate pupil personnel providers....”

20. COMMENT:

Commenters expressed strong support for the proposed amendments, in particular having a licensed school counselor for all students prekindergarten through grade twelve, and the need to have appropriate and nationally recognized professional student-counselor caseload ratios. This will help our children to be socially and emotionally ready to learn. These amendments will also help our children to tackle the

multiple challenges that our society and the world place upon them and will positively impact how our students function academically. When students are ready and able to learn they can reach their full potential. The amendments will bring a higher level of professionalism, accountability, and service to all school counseling programs. The last time that counseling regulations were updated was in the 1970's. It is about time that New York State passed new regulations that enable this valuable service to function in line with the modern times that we live in.

DEPARTMENT RESPONSE:

No response is necessary as the comment is supportive.

21.COMMENT:

I am concerned about the proposed amendments because I understand that they mandate access to only school counselors at the elementary school level. While I support this access, I absolutely do not think such access should be limited to school counselors only. Both social workers and school psychologists provide important counseling and mental health support at the elementary levels. It is concerning that mandating school counselor access at the elementary levels may force districts to cut back in other support areas, such as social work and school psychology areas. A more balanced approach would suggest allowing all three groups of professional to provide counseling service to elementary school age students.

DEPARTMENT RESPONSE:

See Responses to Comments #2, 6 and 18. Moreover, the Department believes certified school counselors enhance the delivery of these services and serve

as a first line of access to ensure that students who need more in depth counseling or other supports are identified and receive the appropriate referrals to school social workers or school psychologists.

22. COMMENT:

A few commenters expressed concern surrounding the necessary supports and services available for prekindergarten students. Specifically, commenters expressed that one of the most important functions of a prekindergarten social worker is getting to know the children and families on a personal level. While this may not really seem important to an academic setting, the more engaged a parent feels with the school, the better the educational outcomes for the child. We also have the ability to take more time with the families and provide them with workshops, resources, and information that is pertinent to their lives.

DEPARTMENT RESPONSE:

The Department agrees that parent engagement is vital to the success of students in school. The regulation has been amended to only require a comprehensive developmental school counseling/guidance program for students in grades kindergarten through twelve.

23. COMMENT:

The proposed regulations would be confused and compromised if the services provides by school social workers and school psychologists were inserted into the proposed school counseling program regulations. The services should be addressed

separately so as to clearly maintain the differentiation between our distinct professional training and scopes of practice. Developing and delivering a school counseling program requires the services of certified school counselors who are uniquely trained to do so.

DEPARTMENT RESPONSE:

The Department agrees with the supportive comment, and made revisions to clarify and ensure that nothing in the proposed regulation shall be construed to authorize any individual to provide professional services where certification is required under Part 80 of the Commissioner's regulations or where licensure is required under Title VIII of the Education Law.

24.COMMENT:

Commenter emphasized the importance of recognizing that among all pupil personnel service providers, only school counselors are trained to serve every child. Our colleagues with school social worker and school psychologist credentials provide critical services that complement our own. However, they are not trained to implement ongoing classroom lessons, as well as individual and group services in concert with certified teachers for all students.

DEPARTMENT RESPONSE:

No response necessary as the comment is supportive.

25.COMMENT:

There should be a cap on school counselor caseloads. School counselors are currently responsible for too many students.

DEPARTMENT RESPONSE:

The Department recognizes the myriad of responsibilities assigned to school counselors, and the importance of their work and initially recommended school districts to strive to reach the ASCA recommended school counselor to student ratio of between 1:100 and 1:250, which would ensure that school counselors have the adequate time to spend with students in addressing their needs and making the appropriate referrals. However, in response to public comment and in recognition of the various budgetary and other constraints within which school districts are working, the proposed amendment has been revised to eliminate this requirement. However, the Department will continue to encourage school districts to make progress towards meeting the ASCA recommended school counselor to student ratio of 1:100 to 1:250 through guidance documents.

Comments Relating to Annual Progress Review Plans for Each Student

26.COMMENT:

Several commenters asserted that the proposed regulations would create new onerous paperwork responsibilities. Commenters expressed dismay over the additional responsibilities imposed upon school counselors by the proposed amendment. In a school with a counselor-student ratio of 1:250 or 1:350, which is not uncommon in New York City, a requirement that counselors complete an annual individual progress review plan for each student would be a huge burden — and take time away from helping students. Many commenters indicated that they are the single counselor for an entire school, responsible for more than 900 students.

DEPARTMENT RESPONSE:

See Response to Comment #18. In addition, section 100.2(j) of the Commissioner's regulations currently requires school counselors to conduct an annual review of each student's educational progress and career plans, for students in grades 7-12. For students in grades 7-12, the review may be conducted individually, or with small groups by a certified or licensed school counselor. Initially, the proposed regulation expanded the annual review for students in grades prekindergarten to six. While the Department agrees that providing direct services to students is vitally important, in response to public comment, the Department revised the regulation and has eliminated the requirement for individual progress review plans for students in prekindergarten through grade five.

27.COMMENT:

Many commenters expressed that requiring an individual progress review plan for all students in grades prekindergarten would be onerous, overly burdensome and would take time away from providing other valuable direct student support services.

DEPARTMENT RESPONSE:

See Responses to Comments #18 and 26.

28.COMMENT:

Many commenters expressed concern about the time and paperwork that would be required to provide such plans, which is compounded by the varying degrees of

certified school counselor to student ratios through the state, with the average ratio around 1:418.

DEPARTMENT RESPONSE:

The proposed regulation has been revised to remove individual progress review plans for students in prekindergarten through grade five.

29.COMMENT:

Commenter supported the addition of the ratios as they would improve the quality of counseling received by students.

DEPARTMENT RESPONSE:

The intent of the recommended school counselor to student ratio range was to ensure that school counselors are able to provide quality supports to students. However, in response to public comment and recognition of resource constraints, the regulation was revised to remove the recommended ratios. See Response to Comment #18.

30.COMMENT:

Some commenters were concerned the individual annual progress review plans would result in a duplication of assessment and planning for student with disabilities.

DEPARTMENT RESPONSE:

See Response to Comment #26. However, please note that the annual progress review plans which are currently required for students in grades 7-12 do not serve the same purpose, nor are they to be a substitute for an individual education program for

students with disabilities. The current regulation requires an annual check-in for students in grades 7-12. In a collaborative school environment, these existing plans for student's educational progress and career plans should be shared with, and not duplicative of the work of the committee on special education.

31.COMMENT:

Classroom teachers currently evaluate and provide progress reviews for students, why should school counselors also do this? How will the reviews happen, what will be the required format, and what purpose will the plans serve?

DEPARTMENT RESPONSE:

See Response to Comment #26. The individual progress review plans that are required by the existing regulation for students in grades 7-12 are to be conducted for the purpose of evaluating a student's progress toward their general educational and career goals, within the context of the school counseling/guidance program, and are not intended to replace the academic evaluations and progress reviews conducted by classroom teachers.

32.COMMENT:

Giving guidance counselors exclusive responsibility for direct services now currently provided by school psychologists and social workers, will cause caseloads to increase. This will then cause counselors to be ineffective in the work that we already provide to our students. The counseling changes will lead to massive additional paper or computer work without adequate staffing. Counselors would be required to complete

an annual individual progress review plan for each student that reflects that student's educational progress and career plans. In a school with a counselor-student ratio of 1:250 or 1:350, which is not uncommon in New York City, such a requirement would be a huge burden and take time away from helping students. We need all professionals working equally with the students in order to make sure that their academic, social/emotional, and post-secondary needs are met. Giving guidance counselors the responsibility of exclusive direct care services provider will not be beneficial for our student's progress.

DEPARTMENT RESPONSE:

Consistent with the existing regulation, the proposed rulemaking does not remove the ability of certified or licensed school psychologists, or certified or licensed school social workers to provide individual or group counseling assistance. Nor does the proposed rulemaking state that such counseling may only be provided under the supervision of school counselors. The proposed rulemaking continues the existing collaborative approach that such counseling under this particular program shall be provided in cooperation with school counselors. It does not prohibit the provision of counseling for other purposes, or for those beyond the intended purpose of a school counseling program as defined by this regulation. The regulation has been revised to clarify that nothing in the proposed regulation shall be construed to authorize any individual to provide professional services where certification is required under Part 80 of the Commissioner's regulations or where licensure is required under Title VIII of the Education Law. The regulation has been further revised to remove the provision of individual progress review plans for students in prekindergarten through grade five.

33.COMMENT:

Several commenters expressed support for the proposed school counseling amendments. Giving our students access to an annual review of their program/career plans with the support of a smaller counselor-to-student ratio is necessary. It will truly benefit our students, as well as the educational setting as a whole by reinforcing the work we do to address their academic, social and emotional development.

DEPARTMENT RESPONSE:

No response is necessary as the comment is supportive.

Comments on the District-Wide and Building-Level School Counseling Plans

34.COMMENT:

Support the expansion of the current requirement for district-wide plans. This will allow schools to create and implement more building specific plans to address the unique needs of the students and staff of each particular school building.

DEPARTMENT RESPONSE:

No response necessary as the comment is supportive.

35.COMMENT:

Expanding the existing district-wide plans to require building-level plans will be burdensome and time consuming. The proposed amendment does not consider the resources necessary to support such a comprehensive developmental school counseling program, nor does it consider professional development.

DEPARTMENT RESPONSE:

The proposed regulation includes building-level plans to ensure that student needs are appropriately met as needs can vary significantly across a district. While writing building-level plans will require additional time and effort, professional counseling organizations and educational institutions have already begun to provide, and will continue to provide, the necessary professional development that will equip schools and districts to meet this requirement. In addition, the revised regulation on the higher education side has revised requirements for graduate programs in school counseling leading to school counselor certification that are aligned with the proposed regulation. This will ensure that newly certified school counselors will be sufficiently prepared to meet the requirements of the regulation when adopted and fully implemented.

36. COMMENT:

The building level plans would require increased duties for school personnel which would be subject to collective bargaining, and/or require the hiring of additional personnel to meet these duties.

DEPARTMENT RESPONSE:

The existing regulation requires district-wide plans. It is anticipated that the development of building-level plans could be accomplished within existing professional development. Because the rule will not take effect until the 2019-2020 school year schools will have time to develop the building-level plans. Additionally, school districts have the discretion to assess and address personnel needs at the local level. Therefore, because schools will have adequate time to comply with the requirements of the proposed rule, no revisions are needed.

37.COMMENT:

School counselors need better supervision by knowledgeable and trained administrators in the purpose and school of school counseling programs.

DEPARTMENT RESPONSE:

The Department concurs that students will benefit from a comprehensive developmental school counseling/guidance program which is supported by knowledgeable administrators. The development of the district-wide and building-level comprehensive developmental school counseling/guidance plans, as well as the comprehensive school counseling/guidance program advisory council will provide an opportunity for school counselors, administrators and others to understand that nature and scope of the program as prescribed by the proposed amendment.

General Comments on the Impact of the Proposed Rulemaking on the Scope of Practice of School Social Workers and School Psychologists

38.COMMENT:

Many commenters expressed that in the field, school counselors, social workers and school psychologists work well side by side with little confusion on respective roles. However, when only social workers are available, typically in elementary schools, social workers often provide services they are not trained in rather than support the addition of colleagues with the specific training: school counselors and school psychologists. School counselors are trained in the three domains of social/emotional development, academic skills and college/career planning, which have been the foundation for school

counselor training since at least 1972 when NYSED last revised these regulations.

School counselors are not trained in the clinical mental health practices, such as individual counseling, group counseling, consultation and referral.

DEPARTMENT RESPONSE:

District programs will continue to include services of social workers and school psychologists, as well as school counselors. The input of social workers, school psychologists, teachers, administrators, community members and parents is important in the development of the program, which is why an Advisory Council is a required component of the program. It is expected all students will have access to their school counselor for regular program activities at each grade level; and access to the services of a social worker and/or school psychologist as the need presents. All members of the school community are important in the delivery of a comprehensive developmental school counseling program.

Additionally, school counseling preparation programs do contain components of the theories and techniques for conducting individual and group counseling, including research-based counseling approaches for the purpose of providing prevention, intervention, and responsive services to meet the academic, personal, social and career needs of all students. In fact, the proposed regulation specifically includes this component for school counselor preparation programs at higher education institutions.

39. COMMENT:

School counselors, school social workers and school psychologists presently work well together in schools, and will continue to collaborate for the benefit of students.

The regulations do not dictate who must provide which services and they continue to include the work of all professionals, as dictated by the needs of individual students.

DEPARTMENT RESPONSE:

No response necessary as the comment is supportive.

40.COMMENT:

Many commenters expressed concern that the proposed amendments will lead to diminished or eliminated roles for school social workers and school psychologists, particularly in light of strained fiscal resources. We believe that the language in the amendments explicitly prohibits other licensed professionals from providing “counseling” to students in schools.

DEPARTMENT RESPONSE:

See Response to Comment #6.

41.COMMENT:

The proposed amendments which list the direct services to be provided by school counselors would silo the work and may exclude social workers and school psychologist from providing certain services. The regulation should be clarified to ensure that common areas of practice are not exclusive to school counselors.

DEPARTMENT RESPONSE:

See Response to Comment #6.

42.COMMENT:

Several commenters expressed concern that the amendments would inhibit students from receiving necessary mental health counseling from clinically trained school social workers or school psychologists. Commenters specifically opposed the proposed language which states, “individual or group counseling assistance may be provided by licensed school counselors or by certified or licensed school psychologists or certified or licensed social workers.” We believe that this excludes school social workers and school psychologists from providing social/emotional services to students. School social workers possess both a certification and a license under Article 154 of the Education Law and provide invaluable services to students and families in crisis, and are trained to provide appropriate interventions.

DEPARTMENT RESPONSE:

See Response to Comment #6.

43.COMMENT:

Several commenters expressed the importance of the collaborative work school social workers and school counselors engage in on behalf of students. Specifically, the referrals made by school counselors to school social workers and school psychologists when the student presents with a more severe mental health condition outside the scope of practice of the school counselor.

DEPARTMENT RESPONSE:

The proposed rulemaking continues the existing collaborative approach among school social workers, school social workers and school counselors. It does not prohibit

the provision of counseling for other purposes, or for those beyond the intended purpose of a school counseling/guidance program as defined by this regulation. Moreover, in response to public comment, the proposed amendment has been revised to make it clear that nothing in the proposed regulation shall be construed to authorize any individual to provide professional services where certification is required under Part 80 of the Commissioner's regulations or where licensure is required under Title VIII of the Education Law.

44. COMMENT:

Many commenters expressed that guidance counselors do not have the level of clinical training that a master's level social worker has in identifying, engaging, evaluating or working with students who have or are developing a serious mental illness. Social workers are clinicians who must complete 36 hours of continuing education every three years. School counselors do not have this level of preparation.

DEPARTMENT RESPONSE:

The proposed regulation did not diminish the role of school social workers, or their training and expertise. The training and preparation required of school social workers is invaluable. The intent of the proposed regulation is not to expect the school counselor to work with students with serious mental illnesses who may need clinical treatment. The Department agrees that the role of the school counselor in this scenario would be to refer the student to a properly licensed professional and/or certified pupil personnel service provider, as appropriate, for more targeted supports and revisions have been made to the proposed amendment to clarify that role of other licensed

professionals under Title VIII are not diminished by the proposed amendment. The proposed amendment also includes components to increase the quality and rigor of school counselor preparation programs.

45. COMMENT:

Many commenters expressed dismay that the proposed amendments removed social workers from serving in schools.

DEPARTMENT RESPONSE:

See Response to Comment #6.

46. COMMENT:

For students in grades kindergarten through six, the school counseling program should be able to be provided by school counselors, school psychologists, or school social workers.

DEPARTMENT RESPONSE:

In response to public comment, the Department revised the regulation to ensure the cooperative participation of certified school counselors, teachers and any appropriate pupil personnel service providers in the design of the comprehensive school counseling/guidance program for students in grades kindergarten through five. The regulation was further revised to ensure that, where appropriate, students will be referred to properly licensed professional and/or certified pupil personnel service provider for more targeted supports.

47. COMMENT:

Many commenters expressed frustration that the regulation creates a “comprehensive school counseling program”, yet only permits school counselors to develop and implement the program, while ignoring the skills, expertise and clinical training of school social workers and school psychologists. Commenters highlighted the training and expertise of social workers in therapy, crisis intervention, outreach, suicide assessment, and human development, and opposed the transferring of these responsibilities to school counselors.

DEPARTMENT RESPONSE:

The Department recognizes the skills, expertise and clinical training of other pupil personnel such as school social workers and school psychologists. The expectation is that these professionals will work together with school counselors to meet the needs of students. The revised proposed regulation has added the word “guidance” to the program name to make it clear that this regulation governs the “comprehensive school counseling/guidance program”. The proposed regulation is not suggesting that other types of counseling should not also be taking place in the school. Please note the revised regulation states that “In grades kindergarten through grade five, the program shall be designed by a certified school counselor in coordination with the teaching staff and any appropriate pupil personnel service providers ... other direct student services may also be provided by certified or licensed school psychologists or certified or licensed school social workers;...indirect student services which may include but need not be limited to, referrals to appropriately licensed or certified individuals...” In addition, see Response to Comment #6.

48.COMMENT:

Commenters questioned the definition of “school counseling program” and wondered what makes certified school counselors qualified to implement the program?

DEPARTMENT RESPONSE:

The proposed regulation sets forth the requirement for the development of a comprehensive developmental school counseling/guidance program, formerly referred to as “guidance program.” In addition to the long tradition of school counselors in New York, the national trend has been to change the term, along with changing the expectations of such a program in keeping with the changing times and changing student needs. The purpose of this regulation is for the modernization and continued implementation of what was previously called the “guidance program.” School counselors are uniquely qualified and trained through graduate degree programs in school counseling to implement a comprehensive developmental school counseling/guidance program within a school setting. The proposed revisions to Part 80 of the Commissioner’s regulations are intended to create more consistency across graduate school counseling preparation programs to ensure alignment with the comprehensive developmental school counseling/guidance program requirements as set forth in this proposed regulation.

49.COMMENT:

A truly “comprehensive” counseling program needs representation from all support systems, nurses, school social workers, school psychologists, and guidance counselors.

DEPARTMENT RESPONSE:

The Department recognizes the important contributions from all members of the support system in schools, including nurses, school social workers and school psychologists. The expectation is that these other professionals work together with school counselors to meet the needs of students. Please note the revised regulation states that “[I]n grades kindergarten through grade five, the program shall be designed by a certified school counselor in coordination with the teaching staff and any appropriate pupil personnel service providers, for the purpose of preparing students to participate effectively in their current and future educational programs, to provide information related to college and careers, and to assist students who may exhibit challenges to academic success, including but not limited to attendance or behavioral concerns and, where appropriate, make a referral to a properly licensed professional and/or certified pupil personnel service provider, as appropriate, for more targeted supports.”

50. COMMENT:

Many commenters highlighted the important relationships school social workers develop with families and school communities, and did not wish to see those relationships dismantled.

DEPARTMENT RESPONSE:

The proposed regulation merely relates to the provision of the comprehensive school counseling/guidance program, previously referred to as simply the “guidance program.” The proposed regulation does not eliminate or diminish the role of school social workers. However, in response to public comment, the regulation has been revised to clarify that point. See Response to Comment #6.

51.COMMENT:

Commenters highlighted the qualifications and experience of school social workers in providing classroom-based instruction on a kindergarten through grade five violence prevention and conflict resolution programs.

DEPARTMENT RESPONSE:

The proposed regulation does not eliminate or diminish the role of school social workers. However, in response to public comment, the regulation has been revised to clarify that point. See Response to Comment #6.

52.COMMENT:

Several commenters expressed that schools should be required to employ school social workers.

DEPARTMENT RESPONSE:

The proposed rulemaking is limited in scope to the delivery of the comprehensive developmental school counseling/guidance program, formerly referred to as the guidance program, and does not address staffing mandates for other pupil personnel service providers. Therefore, no response is necessary.

Comments on the Recommended School Counselor to Student Ratio

53.COMMENT:

I am a middle school counselor (grades 6-8) with a caseload of 377. I believe that the recommendations put forth are valuable. However, the "recommendation" vs. "requiring" a lesser caseload concerns me. Each day I am busy from the moment I enter until I leave and I wonder how I can meet these new regulations when my caseload will most likely stay the same if it is not required to change. There also is a large emphasis on career counseling when this area of expertise was minimally addressed in my graduate school training which took place over 15 years ago.

DEPARTMENT RESPONSE:

The Department recognizes the myriad of responsibilities assigned to school counselors, and the importance of their work. It is for this reason, that the Department recommended school districts to strive to reach the ASCA recommended school counselor to student ratio of between 1:100 - 1:250. This would ensure that school counselors have the adequate time to spend with students in addressing their needs and making the appropriate referrals. However, the Department also recognized the various budgetary and other constraints within which school districts are working. It is for this reason that in response to public comment, the Department revised the rulemaking to remove the recommended ratio. The Department will continue to encourage school districts to make progress towards meeting the ASCA recommended school counselor to student ratio of between 1:100 to 1:250. See Response to Comment #18.

Additionally, to lessen the impact of the proposed rulemaking on existing school counselors, the proposed rulemaking now eliminates individual plans in prekindergarten through grade five and only requires an individual school counseling plan for grades six through twelve. The proposed regulation also includes updates to the required components of school counselor preparation programs, to ensure that school counselors are sufficiently trained to meet the needs of today's students.

54.COMMENT:

Existing ratios in New York City are typically between 1:250 and 1:350, which is burdensome for school counselors, considering their existing responsibilities. The proposed amendment will create more work for counselors who already see many students and have other daily responsibilities.

DEPARTMENT RESPONSE:

See Response to Comment #18.

55.COMMENT:

The Summary of the Regulatory Impact Statement published in the February 10, 2016 NYS State Register estimates at least 175 school districts would have to hire additional school counselors, at an estimated average salary and fringe benefits cost of \$68,000 for each full time counselor and \$34,000 for half-time school counselors. Another 175 school districts would have to shift the responsibilities to meet the requirements of the amendments. Even the cost of only one such individual would not

be insignificant to school districts that have already had to reduce programs and staffing.

DEPARTMENT RESPONSE:

See Response to Comment #18.

56.COMMENT:

Several commenters expressed support for professional ratios, and recommend that the regulation also include recommended ratios for all mental health professionals, including school social workers and school psychologists. Specifically, the commenters indicated that the National Association of School Psychologists recommends a ratio of at least one school psychologist for 500-750 students (1:500-700).

DEPARTMENT RESPONSE:

The proposed rulemaking is limited in scope to the delivery of the comprehensive developmental school counseling/guidance program, formerly referred to as the guidance program, and does not address professional to student ratios for other pupil personnel service providers. Therefore, no response is necessary.

57.COMMENT:

The recommended ratios would result in significant costs to school districts, and would result in an unfunded mandate for districts.

DEPARTMENT RESPONSE:

See Response to Comment #18.

58.COMMENT:

School counselors need additional mentoring and support to support their existing work. School counselor to student ratios should be mandated.

DEPARTMENT RESPONSE:

It is the intent of the district-wide and building-level comprehensive developmental school counseling/guidance plans to support the work of school counselors within schools, which includes professional development. The comprehensive school counseling/guidance program advisory council was included for the district team to work together to revise and implement the comprehensive developmental school counseling/guidance program plan.

See also Response to Comment #18.

59.COMMENT:

A school counselor should be required in every building.

DEPARTMENT RESPONSE:

The Department supports all efforts to increase supports for student in schools and the regulation requires each school district to have a comprehensive developmental school counseling/guidance program, for all students in kindergarten through grade 12.

See also Response to Comment #18.

60.COMMENT:

Commenters were concerned that even prior to the publishing of the proposed amendments in the State Register, school districts were making prospective staffing

decisions and hiring school counselors, to the detriment of school social workers, in anticipation of a mandated school counselor to student ratio.

DEPARTMENT RESPONSE:

The Department recognizes the value of all pupil personnel service providers in our schools. The proposed rulemaking merely encouraged, but did not require, the specified ratio for school counselors to students. See Response to Comment #18.

61.COMMENT:

Many commenters felt that any changes to the program should be delayed and phased in to correspond with the graduation of school counselors pursuant to the updated program requirements.

DEPARTMENT RESPONSE:

The Department understands this concern, and has revised the regulation to delay the implementation of the comprehensive school counseling/guidance program until the 2019-2020 school year.

62.COMMENT:

Several commenters indicated the value they provide as bilingual social workers, who have the clinical training to assess, understand and patiently work with students that present different challenges and struggles. To empower them, we work as a team to learn defense mechanism and coping strategies to deal with day by day challenges and stressful situations. We provide them with the tools and strategies to alleviate their pain and enhance their emotional and social skills. Therefore, social workers and

psychologist are essential to work as a team in a diverse population where challenges and struggles are the daily routine for the majority of our students.

DEPARTMENT RESPONSE:

The Department concurs that students are best served when all professionals work together. It is not the intent, or effect, of the proposed regulation to impede on the existing collaborative relationships among pupil personnel service providers. See also Response to Comment #26.

63.COMMENT:

Many commenters expressed support for the proposed changes to the certification requirements for school counselors and school counselor preparation programs on the basis that they will help to elevate the level of preparation and qualification criteria for school counselors.

DEPARTMENT RESPONSE:

No response necessary as the comment is supportive.

64.COMMENT:

The new regulations would bring a higher level of professionalism, accountability, and service to the school counseling program. They will help to coordinate the overall counseling program P-12 and encourage our districts to make needed updates. The regulations' focus on data-driven and gap analysis services will drive those updates. The proposed refinements to school counselor higher education programs will ensure

that all graduates will provide standards based school counseling services to the students and families of New York State.

DEPARTMENT RESPONSE:

No response is necessary as the comment is supportive.

65.COMMENT:

Currently pupil personnel services may only be offered by a “school attendance teacher, school counselor, school dental hygiene teacher, school nurse-teacher, school psychologist and school social worker” and there is no certification pathway for a licensed mental health counselor to be employed by a school district to provide services. As the Regents discuss the important role of school counselors in schools, we hope that the Department will develop recommendations to establish a certification pathway for licensed mental health counselors to be employed as well. Providing districts with staffing options that best address their local needs will help ensure that students have access to vital services.

DEPARTMENT RESPONSE:

The Department concurs that it is important to ensure that students have access to and the opportunity for referral for vital services that may improve the likelihood of academic success. At this time, the proposed rulemaking is limited to updating the comprehensive developmental school counseling/guidance program. Therefore, no response is necessary.

66.COMMENT:

Commenters proposed making amendments to the terms of the proposed amendments and to delay the implementation of any changes to Commissioner's regulation §100.2(j) until the 2018-2019 school year. Commenters expressed that the proposal should include a planning year which would require school districts to form the Comprehensive Developmental School Counseling Program Advisory Council prior to September 1, 2017, and district-wide and building-level school counseling plans shall be submitted for review by January 1, 2017.

DEPARTMENT RESPONSE:

As a response to public comment, the implementation of the comprehensive school counseling/guidance program has been delayed to the 2019-2020 school year.

67. COMMENT:

Commenters request that the Department revise and expand the School Counselor Advisory Council which would be inclusive of school counselors, school social workers, school psychologists, collective bargaining representatives, professional associations, teachers, parents, and high school students.

DEPARTMENT RESPONSE:

See generally the Response to Comment #4. The Department will continue to meet with the School Counselor Advisory Council when necessary regarding issues related solely to school counseling but for any issues that may overlap with other professionals, the Department currently has a Pupil Personnel Services Advisory Council and will bring those overlapping issues to this Council that meets three times a year.

68.COMMENT:

Commenters proposed that the proposed amendments to Commissioner's regulation §100.2(j) be separated from the proposed amendments affecting program registration and school counselor preparation programs (8 NYCRR §52.21, Subparts 80-2, 80-3, 80-5).

DEPARTMENT RESPONSE:

In response to the public comment, the Department has addressed many of the concerns raised relating to the comprehensive school counseling/guidance programs. However, at this time the Department will continue to propose the enhancements to school counselor preparation programs concurrently with school counseling programs for students in grades kindergarten through twelve. This approach will enable a fully trained cadre of school counselors prepared to serve in this vital and collaborative role in schools.

69.COMMENT:

Commenters support revisions to the proposed amendments which would recognize the shared role of school counselors, school social workers, and school psychologists coupled with language that defines and protects the scope of practice of each professional.

DEPARTMENT RESPONSE:

See Response to Comment #6.

70.COMMENT:

Parents should not be included in the School Counseling/Guidance Program Advisory Council.

DEPARTMENT RESPONSE:

The regulation does not explicitly mandate the members of the advisory council, merely that it be comprised of representative stakeholders, which may include parents.

71.COMMENT:

Requiring a School Counselor Advisory Council is redundant and will only silo the work of pupil personnel support services personnel.

DEPARTMENT RESPONSE:

The regulation has been revised to include pupil personnel service providers, including school social workers and/or school psychologists as recommended members of the council. This collaborative council will ensure that all needs of students are met throughout the school year in a collaborative manner.

72.COMMENT:

The proposed regulation does not provide for professional development for existing school counselors to meet the needs of the regulation.

DEPARTMENT RESPONSE:

The Department recognizes the potential need for professional development for existing school counselors to meet the needs of the regulation. Professional counseling organizations and educational institutions have already begun to provide, and will

continue to provide, the necessary professional development that will equip schools and districts to meet the requirements of the regulation.

73.COMMENT:

What does a guidance program that addresses career and college readiness look like for students in grades prekindergarten through six?

DEPARTMENT RESPONSE:

The existing regulation required all districts to implement a guidance program in grades K-6. The program was required to be designed in coordination with the teaching staff to prepare students to participate effectively in their current and future educational programs, to help students who exhibit any attendance, academic, behavioral or adjustment problems, to educate students concerning avoidance of child sexual abuse, and to encourage parental involvement. The Department has revised the regulation to define the comprehensive school counseling/guidance program for students in grades kindergarten through five to “be designed by a certified school counselor in coordination with the teaching staff, and any appropriate pupil personnel service providers, for the purpose of preparing students to participate effectively in their current and future educational programs, to provide information related to college and careers, and to assist students who may exhibit challenges to academic success, including but not limited to attendance or behavioral concerns, and where appropriate make a referral to a properly licensed professional and/or certified pupil personnel service provider, as appropriate, for more targeted supports.”

74.COMMENT:

Commenters expressed the existing lack of and the need for knowledgeable supervision and guidance for school counselors.

DEPARTMENT RESPONSE:

The addition of the building-level district-wide and building-level comprehensive developmental school counseling/guidance plans were intended to ensure that school building leaders work with school counselors to provide the necessary supports to implement the plan.

Comments on the Requirements for School Counselor Certificates and School Counselor Preparation Programs

75.COMMENT:

One commenter, although in full support of the department's work to update the regulations as well as their alignment with professional expectations and standards, expressed that the following areas should be revised: (1) The 48 credit hours leading to initial certification should include all eight core content areas, not just six, because all eight comprise the foundation of the profession. (2) The additional 12 credits for professional certification must be satisfied by taking courses that address any of the core content areas and/or advanced practice in school counseling that directly impacts the skills, knowledge, and practice of certified school counselors. (3) The regulations should not require candidates to have elementary experience—rather, it should allow for either the elementary or middle school level because it is not possible for all candidates to have elementary experience.

DEPARTMENT RESPONSE:

The regulations were drafted to include the 48 credit hour initial and additional 12 credit hour professional certification, rather than a single 60 credit hour certification in order to accommodate institutions that offer two separate program levels (or just a 48 credit hour program). According to feedback from the field, most institutions currently only have a 48 credit hour program of study for school counselors. In addition, the exact language of the regulations states that the 48 semester hour program should include but not be “limited to the six core content areas”—meaning that while the 48 semester hours should at least include the six content areas listed in the regulations, there is nothing to prevent the inclusion of the additional two content areas.

In response to the comment about the required elementary experience, the regulations have been clarified to specify that the experience must include both K-8 and 9-12 experience, rather than just elementary experience. This is to allow more flexibility for those candidates who may not be able to secure experience at the elementary level, allowing them to also be able to fulfill the requirement with middle school experience.

76.COMMENT:

One institution made a number of suggested revisions. The commenter suggested that (1) in 52.21(d) the requirement “which must be in at least each of the two core areas prescribed by the Commissioner in guidance” be eliminated because it is too prescriptive. (2) In 52.21(d), commenter requested that the regulations not prescribe the 100 hour practicums. (3) This commenter also requested that the regulations should not require candidates to have elementary experience because there are not enough

site supervisors to accommodate all settings for the 300 hours, and that the range of elementary and secondary experience could be met in other ways.

Additionally, the commenter suggested that (4) the Compliance Requirements section should be eliminated because children are not developmentally ready to articulate career plans, and that the role of a school counselor for them is to focus on personal/social development. (5) The commenter suggested eliminating the two core areas (and the element areas) listed in the minimum 12 semester hours of graduate study because these are already part of the 48 credit hours.

DEPARTMENT RESPONSE:

The exact language of the regulations states that the 12 semester hour program should include “graduate study in at least the following two core content areas”— meaning that while the 12 semester hours should at least include the two content areas listed in the regulations, there is nothing to prevent the inclusion of other content areas. Similarly, the elements that should be included in the practicum experiences are included as a minimum standard for programs to follow, and institutions generally have 48 credit hour and 12 credit hour programs that are complementary.

In response to public comment about the required elementary experience, as stated in the previous comment, the regulations have been clarified to specify that the experience may include K-8 or 9-12 experience, rather than just elementary experience. This is to allow more flexibility for those candidates who may not be able to secure experience at the elementary level, allowing them to also be able to fulfill the requirement with middle school experience.

As for the request to eliminate the compliance requirements due to the fact that children are not developmentally ready to articulate career plans, please note that the duties of the school counselor extend beyond helping students articulate career plans, and this is demonstrated in the core content areas that the school counselor programs must include. For example, the 48 credit hours of study leading to initial certification must include study in “child growth, development and student learning...” and “group and individual counseling theories and techniques...to meet the academic, personal, social and career needs of all students.”

77.COMMENT:

A school district raised concerns that the K-6 requirement is a burden on small school districts. The district suggests that districts can provide career development advice to students in a less prescriptive manner at the district level.

DEPARTMENT RESPONSE:

As stated in the response to the previous comment, the role of a school counselor extends beyond helping students articulate career plans, and this is demonstrated in the core content areas that the school counselor programs must include. For example, the 48 credit hours of study leading to initial certification must include study in “child growth, development and student learning...” and “group and individual counseling theories and techniques...to meet the academic, personal, social and career needs of all students.”

In addition, as stated in a previous response, the regulations have been clarified to specify that the experience may include either K-8 or 9-12 experience, rather than just elementary experience. This is to allow more flexibility for those candidates who

may not be able to secure experience at the elementary level, allowing them to also be able to fulfill the requirement with middle school experience.

78.COMMENT:

One commenter expressed concern that the program requirements in 52.1 and 52.2 should be changed to require school counseling programs to have on staff one full-time tenured faculty position filled by a school counselor educator who has experience as a school counselor and who has served sufficient time in a professional school counseling position to have been eligible for tenure. The commenter also suggested that institutions be required to make publicly available the number of faculty who have school counseling experience, the grade level of experience, and the years of the experience. Last, the commenter suggested that play therapy should be a required course in the coursework beyond the 48 hours.

DEPARTMENT RESPONSE:

Sections 52.1 and 52.2 of Part 52 apply to *all* post-secondary programs registered in New York State, not just to educator programs leading to certification. Specifically Section 52.2 (b) defines the standards for faculty for the registration of undergraduate and graduate curricula. Prior to registration, programs are reviewed to ensure that all faculty have demonstrated by their training, earned degrees, scholarship, experience, and their classroom performance and/or other evidence, their teaching potential, their competence to offer the courses and their ability to discharge the other academic responsibilities which are assigned to them. Graduate program faculty are also required by regulations to possess earned doctorates or other terminal degrees in

the field in which they are teaching, or to demonstrate, in other widely recognized ways, their special competence in the field in which they direct graduate students. In addition, in order to foster and maintain continuity and stability in academic programs and policies, institutions must ensure that a sufficient number of faculty members serve full-time. Before new programs are registered, curricula vitae for each faculty in the program are made available to department staff for review, and these CVs would include the specific information the commenter identified. School counseling programs will be required to re-register to ensure that they comport with the proposed amendment and the changes to the program registration requirements for such programs, which will include a review of the faculty.

In response to the last comment, the Department is concerned that these requirements may be too stringent for all institutions to implement. However, the regulations specify that institutions “shall publish information about each of its school counselor programs that shall be made available to prospective and enrolled candidates...” However, the Department encourages institutions to report information on faculty experience if it wishes to do so.

In response to the comment that play therapy should be included in the 48 credit hours of study leading to initial certification, the regulations are drafted such that the programs should include (but are not limited to) study in the six core content areas listed and they are free to include course study in play therapy if they have the resources to do so.

79.COMMENT:

Commenters expressed support and enthusiasm for the work of the School Counseling Advisory Council and the School Counseling Summit held in 2014, noting that every student should have a school counselor that is appropriately trained.

DEPARTMENT RESPONSE:

No response necessary as the comment is supportive.

80. COMMENT

Commenters expressed that school social workers should continue to be allowed to provide services to students in prekindergarten through sixth grade. While school counselors do a great job at the 7-12 level, many commenters feel that social workers would be the most effective resource to meet the new program regulations for elementary students.

DEPARTMENT RESPONSE:

See Response to Comment #6.

81. COMMENT:

Commenter expressed concern that the recommended ASCA ratios were not mandated, and that the regulation did not include a requirement for districts to notify the Department when it would not be practicable to meet the ratio of 1:250.

DEPARTMENT RESPONSE:

See Response to Comment #18.

82. COMMENT:

One commenter offered full support of the revised regulations and praised the work of the Department, but asked for clarification regarding a few sections of the regulations. (1) The commenter asked for clarification about Section 1 (vii) (Faculty) which specifies that faculty cannot teach more than 18 credits and asked for more clarification on this point. (2) The commenter also raised concerns over the idea that if only six of the eight core areas are required in Section 2 for initial certification, candidates will not be prepared to pass the content exam that will be required beginning in 2021 (because the exam is based on all 8 areas). Similarly, the commenter believed that the career area should be included in the Master's program leading to initial certification because it is one of three domains of ASCA. (3) Last, the commenter asked for clarification for existing programs related to Section 5, which requires that programs registered for the first time in 2018 to be accredited.

DEPARTMENT RESPONSE:

First, the proposed amendment states that faculty assignments shall not exceed nine (9) semester hours per semester for graduate level courses, or 21 semester hours per year for those who teach both graduate and undergraduate courses. This is the same requirement for teacher and educational leadership preparation programs, and is intended to ensure that institutions have sufficient full-time faculty to provide candidates with appropriately prepared and credentialed faculty.

The language of the proposed amendment states that the 48 semester hour program should include but not be “limited to the six core content areas”—meaning that the 48 semester hours need to *at least* include the six content areas listed in the regulations, but may include all eight core content areas in their program of study. In

response to public comment, the proposed amendment was revised to require the career development and college readiness core content area in the master's degree program – in the first six content core areas – recognizing its importance to school guidance programs and to the Council for Accreditation of Counseling and Related Educational Programs (CACREP) school counseling standards. It was further revised to require that the content area of best practices for the profession and research and program development to be required for professional certification, in the advanced certificate or post-master's degree programs. Institutions may include these two areas in the master's degree programs leading to initial certification if they choose, but they must include *at least* the six content areas listed in the regulations, which include career development and college readiness for an initial certificate program.

Commissioner's Regulations currently require all teacher and educational leadership preparation programs to be accredited within seven years of their initial program registration date, and continuously thereafter, as part of the department's institutional accountability requirements. Accreditation provides an evaluation of ongoing program quality after the initial program registration. This requirement extends to school counseling programs, once they become registered. The date that school counseling programs will have to be registered is 2020, and institutions have seven years from that date, or until 2027, to have their school counseling programs accredited. The programs can be included in the accreditation review of the institution's other programs leading to certification, if there is sufficient data for a review.

83. COMMENT:

A commenter fully supported the new school counseling regulations because having a comprehensive developmental guidance program in all P-12 settings is important. The only concern this commenter raised related to the 300 hour elementary level and 300 hour secondary level required internships. The commenter is a counselor and is concerned that elementary school counselors, who are often spread across multiple buildings, may not be motivated to take on interns under these new requirements.

DEPARTMENT RESPONSE:

The regulations have been clarified to specify that the experience may include either K-8 or 9-12 experience, rather than just elementary experience. This is to allow more flexibility for those candidates who may not be able to secure experience at the elementary level, allowing them to also be able to fulfill the requirement with middle school experience. Thus, candidates will not be limited to K-5 building to fulfill their internship requirement. With this flexibility, it should allow candidates to more easily find a placement willing to take them on.