

Guidance Pertaining to Commissioner’s Regulation §100.2(j) Guidance Programs and Comprehensive
Developmental

School Counseling/Guidance Programs

(Effective July 1, 2019 for the 2019-2020 school year)

Table of Contents

I. Introduction	1
II. Guidance Document	3
A. The Program	3
1. School Districts Grades K-12	3
2. BOCES	3
3. Addressing Student Competencies	5
B. The Services	6
1. Grades K-5	6
2. Grades 6-12	7
3. Grades K-12	8
a. School Counseling Core Curriculum	8
b. Direct Student Services	9
c. Indirect Student Services	10
C. The Plan	11
1. School and District Requirements	11
2. Annual Review and Updates	11
3. Components of Plan	11

Guidance Programs and Comprehensive Developmental School Counseling/Guidance Programs Commissioner’s Regulation §100.2(j)

4. Outcomes Report	12
D. Advisory Council	13
E. Certification/Titles	14
III. Appendices	15
A. Commissioner’s Regulation §100.2(j)	15
B. Program Assessment	18
C. Annual Individual Progress Review Guidelines	19
D. Sample Program Delivery Map	20
E. Annual Program Outcomes Report Guidelines	21

Introduction

New Regulations Effective July 1, 2019

Amendments to subdivision (j) of section 100.2 of the Regulations of the Commissioner of Education were adopted by the Board of Regents effective July 1, 2017. The amended regulations govern comprehensive developmental school counseling programs beginning with the 2019-2020 school year. The full text of the regulation is available here:

<http://www.regents.nysed.gov/common/regents/files/517brca14.pdf>

This guidance document is designed to provide additional direction for school districts as they implement the amended regulations.

The New York State Education Department (“The Department”) amended the school counseling regulations in an effort to help increase opportunities for all students to be successful. It is important for students to have access to a certified or licensed school counselor in the early years to help inspire young students to strive for success and consider college and career opportunities. Access does not necessarily mean that every elementary school must hire a full-time counselor; but requirements such as core curriculum instruction do require that the time of a certified school counselor be included in the elementary program. Every school district will need to make personnel decisions based on student needs and current staffing configurations. It is important to emphasize the positive effects that school social workers, school psychologists, school counselors, school nurses, health educators, teachers, and parents have on student success when they collaborate and work as a team, offering their respective professional expertise to support the “whole child.”

The Department’s Every Student Succeeds Act (ESSA) State Plan aligns with these amended school counseling regulations by including provisions that encourage schools and districts to adopt a “Whole School, Whole Community, Whole Child” multi-tiered model to promote positive school climates that, in turn, improve student outcomes. School climate is the way school culture affects a child’s sense of safety and acceptance, and consequently, is a critical determinant of their ability to focus on the task of learning.¹ Research shows that the whole child approach with an emphasis on social emotional learning (SEL) will lead to improved outcomes for children. In fact, the quality of the school climate may be the single most predictive factor in any school’s capacity to promote student achievement.²

¹ Dessel, A. (2010) Prejudice in schools: promotion of an inclusive culture and climate. *Education and Urban Society*, 42(4), 407-429

² Shindler, J., Jones, A.D., Taylor, C., Cardenia, H. (20-16). The school climate-student achievement connection: If we want achievement gains, we need to begin by improving climate. *Journal of School Administration and Development* 1(1), 9-16.

Guidance Programs and Comprehensive Developmental School Counseling/Guidance Programs Commissioner's Regulation §100.2(j)

Current Regulations Effective Until June 30, 2019

Prior to September 2019, the previous requirements, which have been in place since the mid-1970's, continue to remain in effect for grades K-12.³ The previous regulations require school districts to have a guidance program for all students. However, because these regulations have not been updated in several decades, in preparation for the effective date of the amendments, districts should review their current program to highlight any areas needing immediate attention.

Commissioner's Regulations do not contain requirements for charter schools. Charter schools are required to provide supports and services to students enrolled in the charter school pursuant to the school's charter and applicable State and federal laws. The Department advises charter schools to review their program in light of advances in the profession of school counseling to include best practices and evidence-based approaches.

For non-public schools, the previous regulations, which specifies that each nonpublic secondary school shall provide a guidance and counseling program for students in grades 7-12, remains in effect. The Department advises nonpublic schools to review their program in light of advances in the profession of school counseling to include best practices and evidence-based approaches.

Guidance Chart for Implementation of Regulatory Amendments in 2019-20 School Year

The chart on the following pages breaks down the terms of the regulations into smaller sections and provides both related information and guidance to assist school districts as they plan for implementation of the regulatory amendments by July 1, 2019. The chart also references several sample documents that are included as appendices.

³ 8 NYCRR §100.2(j).

Guidance Programs and Comprehensive Developmental School Counseling/Guidance Programs Commissioner’s Regulation §100.2(j)

The Program		
Part 100.2(j)(2) Comprehensive developmental school counseling/guidance programs: Beginning with the 2019-2020 school year:		
Regulation	Related information	Ideas for implementation
<i>100.2(j)(2) Each school district shall have a comprehensive developmental school counseling/guidance program, for all students in kindergarten through grade 12.</i>	Providing a guidance program for all students K-12 is not a new requirement and should already be implemented.	Annual review of your program, a current requirement, will reveal if there are immediate implementation needs. Guidelines on how to review your program are available through the American School Counselor Association’s (ASCA) publications related to implementing a comprehensive developmental school counseling program; See Appendix B: Program Assessment
	This regulation does not apply to Board of Cooperative Educational Services (BOCES). All students attending a BOCES program, either part or full time, remain the responsibility of their home district and a district school counselor.	Districts contracting with BOCES should specify in their contract the school counseling/guidance program services that need to be delivered by BOCES to insure all students have access to the comprehensive developmental school counseling/guidance program including those who attend a full time BOCES program.
<i>Each school district shall ensure that all students in grades kindergarten through twelve have access to a certified school counselor(s).</i>	All students benefit from the services of a certified school counselor and the comprehensive program, and therefore must have access. This regulation refers only to certified school counselors; the services of certified school social workers and/or certified school psychologists are separate considerations. One certification cannot be substituted for another due to the specialized training requirements of each profession.	The purpose of this requirement is for districts to provide broad and specific supports for students. Some program activities are provided to all students, such as instruction in core curriculum areas; and some are targeted for students with academic, behavior and/or attendance needs. Ensuring how all students K-12 will have access to certified school counselor(s) and the comprehensive program is a local decision that must be in place by September 2019. The Department expects districts to add or appropriately redistribute staff needed to address unmet student need. Districts may plan to add full or part time staff, redistribute current staff, and/or utilize itinerant services through BOCES.

Guidance Programs and Comprehensive Developmental School Counseling/Guidance Programs Commissioner’s Regulation §100.2(j)

	<p>The ratio of student to school counselor is an important consideration when determining student access to a school counselor and the program. Large caseloads have been shown to inhibit student access. The regulation does not impose a particular student to school counselor ration. However, ASCA recommends a ratio of 100:1, and no larger than 250:1 based on decades of research on the impact of ratio on student success. New York State’s average ratio has varied from just under to well over 400:1. As such, merely having a certified school counselor in a building or in a district does not ensure that all students have access to the counselor or the program.</p>	<p>The school’s ratio of student to school counselor affects the ability of a student to access the program. Annual program data revealing unmet student need will provide critical data on the effectiveness of your access plan and inform necessary staffing levels.</p> <p>Keeping in mind the American School Counselor Association recommendation of a ratio not more than 250 students for one school counselor, districts that have <u>fewer than 250</u> students may consider contracting for shared itinerant services through the local BOCES or adjacent districts. Districts with <u>250 or more</u> students are encouraged to consider adding the appropriate staff as indicated by student needs data. The added appropriate staff may be a combination of school counselors, school social workers and school psychologists.</p>
<p><i>100.2(j)(2) (cont’d.) Access to a certified school counselor in 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></p>	<p>The statewide certification title is that of school counselor. This regulatory language is necessary to ensure that school counselors, when called guidance counselors, are not excluded from performing these duties, despite the difference in the title used.</p>	<p>Districts are encouraged to use the appropriate certification titles to avoid possible confusion regarding role and training required by staff working under a title.</p> <p>Local use of “guidance counselor” may be related to contract language. Districts may wish to revisit this language when contracts are revised to ensure that job titles appropriately align with certification titles.</p> <p>Likewise, job titles can be revised to align with the relevant certification required, in light of job responsibilities and the training required to carry out those responsibilities. This should lead to greater role clarity of the different training and roles of those who provide services to students in the school setting.</p>

Guidance Programs and Comprehensive Developmental School Counseling/Guidance Programs Commissioner’s Regulation §100.2(j)

Regulation language	Related information	Ideas for implementation
<p><i>100.2(j)(2)(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.</i></p>	<p>This language remains in effect from the previous version of the regulation and describes the role of the school counselor and the importance of the program in helping to remove barriers to learning.</p>	
<p><i>Additionally, the program shall be designed to address multiple student competencies including career/college readiness standards, and academic and social/emotional development standards.</i></p>	<p>The term “student competencies” has been added. The use of standards provides a relevant framework for the work provided by school counselors and other staff when implementing the comprehensive developmental school counseling/guidance program.</p>	<p>ASCA provides national student standards for school counseling programs as a program development resource, i.e. the ASCA Mindsets & Behaviors, which are cross walked with Common Core student standards. Additional crosswalks with other disciplines, such as Health Education, Family and Consumer Science, English/Language Arts (ELA) and Career and Technical Education (CTE), help align the school counseling program with the broader education program. For career development student standards, the NYS Career Development and Occupational Standards remain key. It is important to utilize standards for all three domains of the school counseling program: career/college readiness, academic skills development and social/emotional development.</p> <p>CDOS: http://www.p12.nysed.gov/cte/cdlearn/documents/cdoslea.pdf and http://www.p12.nysed.gov/cte/cdlearn/cdosresourceguide.html</p> <p>NYSED Career Plans: http://www.p12.nysed.gov/cte/careerplan/</p> <p>ASCA Mindsets & Behaviors and Common Core crosswalk https://www.schoolcounselor.org/asca/media/asca/home/MindsetsBehaviors.pdf https://www.schoolcounselor.org/magazine/blogs/november-december-2014/change-behaviors-by-changing-mindsets</p> <p>Health Education & Family and Consumer Science (FACS) standards: http://www.p12.nysed.gov/ciai/health/healthPEFACSLearningStandards.pdf</p> <p>Social Emotional Learning (SEL) Resources: http://www.p12.nysed.gov/sss/sel</p>

The Services		
For All Students in grades K-5		
Regulation	Related information	Ideas for implementation
<p><i>100.2(j)(2)(i)(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.</i></p>	<p>A K-5 program should already be described in your guidance program but may not have been designed by a certified school counselor, as the previous regulation did not specifically address this requirement. To prepare for the 2019-2020 school year districts should review their comprehensive developmental school counseling/guidance programs to ensure compliance with the amended regulation.</p>	<p>As required by this regulation, all elementary schools must provide services to students based on need, as well as school-wide programming related to academic success, social/emotional development, and early college/career information. These services can be provided by counselors, social workers, psychologists, teachers, nurses and/or others. Core curriculum instruction must be provided by a certified school counselor and, when implemented as part of the comprehensive developmental school counseling/guidance program, must be designed in coordination with a certified school counselor.</p> <p>K-6 districts that have <u>fewer than 250</u> students may consider contracting for shared itinerant services through the local BOCES or adjacent districts. K-6 districts with <u>250 or more</u> students are encouraged to consider adding the appropriate staff as indicated by student needs data.</p> <p>See also the requirements for Core Curriculum Instruction provided to all students K-12 by a certified school counselor.</p>
<p><i>The program shall be 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.</i></p>	<p>The focus of the program is to provide the services required for students to be successful now and in their future. The program is related to preparation for college and careers, but it must also be designed to include other skills as the foundation for educational success.</p>	<p>It is important that certified school counselors be involved in developing and reviewing the success of the program to ensure that the program is serving all students. It will be an important tool to assist school districts in identifying and addressing unmet student need and program gaps.</p>

Guidance Programs and Comprehensive Developmental School Counseling/Guidance Programs Commissioner’s Regulation §100.2(j)

<p>100.2(j)(2)(i)(a) (cont’d.) <i>The program shall also where appropriate make a referral to a properly licensed professional and/or certified pupil personnel service provider, as appropriate, for more targeted supports.</i></p>	<p>The program needs to specifically address referral procedures, which are important to ensure that students receive the necessary services from certified pupil personnel service providers and/or properly licensed professionals.</p>	<p>Program data should reveal unmet student need best addressed by the specialized services of a school social worker and/or a school psychologist. This refers to targeted assessments and interventions services and supports for students identified as needing more than the broad program is providing, as in Tier 2 and Tier 3 services.</p>
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<p style="text-align: center;">For All Students in Grades 6-12</p>		
<p>Regulation</p>	<p>Related information</p>	<p>Ideas for implementation</p>
<p>100.2(j)(2)(i)(b) <i>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.</i></p>	<p>The requirement of an annual progress review is a carryover from the previous version of this regulation. What is new is the extension to grade 6, which includes these students in the middle school programming; and the requirement that the progress review be provided individually so that at least once a year each student in grades 6-12 has an individual meeting with a certified school counselor.</p>	<p>Many program activities address aspects of the annual progress review, such as lessons on the importance of good attendance, small groups on building academic skills, and large group presentations on the college search and application process. What the annual individual progress review plan needs to address with each individual student in grades 6-12 is how well he/she is benefiting from these activities and whether there are needs that still require addressing. It provides the opportunity to reflect on each student’s educational progress, including achievement, behavior, social/emotional development, and college/career knowledge and planning.</p> <p>See Appendix C: Annual Progress Review Guidelines</p>
<p>100.2(j)(2)(i)(b) (cont’d.) <i>For a student with disability, the plan shall be consistent with the student’s individualized education program.</i></p>	<p>The “annual individual progress review” should not be confused with or replace the requirement for a Committee on Special Education (CSE) to review a student with a disability’s individualized education program (IEP) at least once a year (i.e., “annual review”). While both reviews are required for a student with a disability, these reviews do not serve the same</p>	<p>The annual individual progress review is separate from the student’s IEP annual review meeting and serves to provide all students, including those with a disability, the opportunity to review of their educational progress in relation to their career goals and to develop a plan for attaining those career goals. It is recommended that the annual individual progress review occur before the IEP annual review so that the student’s educational progress and career plans can be shared with the CSE. At each annual review meeting for students with</p>

Guidance Programs and Comprehensive Developmental School Counseling/Guidance Programs Commissioner’s Regulation §100.2(j)

	<p>purpose but should complement one another. The purpose of the annual review conducted by CSE is to review a student’s progress toward his/her annual goals and, if appropriate, revise the student’s IEP. The annual individual progress review provided by a school counselor is a student’s opportunity to meet 1:1 with the school counselor and fully discuss their progress in relation to their future goals and develop a plan that is specific to the comprehensive developmental school counseling program.</p>	<p>disabilities age 15 and over, the annual individual progress review plan should be part of the information considered by the CSE in the development of the student’s postsecondary goals and transition services needed to assist the student in reaching those goals.</p> <p>More information on effective transition planning can be found in the NYSED Policy Brief Transition Planning and Services for Students with Disabilities.</p>
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For All Students in Grades K-12		
School Counseling/Guidance Core Curriculum		
Regulation	Related information	Ideas for implementation
<p><i>100.2(j)(2)(i)(c) School counseling/ guidance core curriculum instruction shall be for the purpose of addressing student competencies related to career/college readiness, academic skills and social/emotional development by a certified school counselor(s).</i></p>	<p>The program must include lessons provided in classes and/or small groups addressing specific and relevant student competencies in career/college readiness, academic skills and social/emotional development. These lessons must be provided by a school counselor.</p>	<p>School counselors need access to students in small and large groups to fulfill this component of the regulation. Therefore, utilizing a co-teaching model with other disciplines is a viable approach. CTE and Health courses have curriculum topics directly related to the student standards for school counseling programs and provide opportunity for a lesson provided in whole or part by a school counselor. Likewise, there are opportunities to interface with the ELA, Math, Science, Social Studies and other curriculum areas in a similar fashion. Some districts have developed short courses taught in whole or in part by school counselors to provide relevant curriculum lessons. Districts will need to look at availability of staff, master scheduling restrictions, and other practical issues when exploring ways to implement this requirement. At a minimum, consultation on including relevant curriculum topics and material need to be provided to teachers to begin the process of including school counseling/guidance core curriculum instruction.</p> <p>At the middle school level specifically, the Family and Consumer Science’s (FACS) Home and Careers Core Curriculum provides opportunity for lessons on college/career development, as well as social/emotional development and academic skills related to long term success and planning.</p>

Guidance Programs and Comprehensive Developmental School Counseling/Guidance Programs Commissioner’s Regulation §100.2(j)

Direct Student Services		
Regulation	Related information	Ideas for implementation
<p><i>100.2(j)(2)(i)(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.</i></p>	<p>The comprehensive developmental school counseling/guidance program includes both broad and targeted services for students. Direct services are in-person interactions with students, individually or in groups.</p>	<p>Direct services are the heart of the school counseling/ guidance program. They form much of what a school counselor does each day. The purpose of a comprehensive program approach is to assess student need and implement evidence-based approaches to address those needs to insure the approaches being utilized are having the desired impact.</p>
	<p>The purpose of these services is to help students access their education by removing barriers to learning. It includes the development of long-term planning including post-secondary education and career plans, as well as consideration for ways to encourage parental involvement.</p>	<p>Student needs vary considerably from school to school, grade to grade, student to student. Districts need to determine unmet student need and address these needs through the school counseling/guidance program direct services. Where student need is being met, those program activities need to collect and report data to demonstrate their continued positive impact.</p> <p>ASCA sample data set to inform student needs can be found here: https://www.schoolcounselor.org/asca/media/asca/ASCA%20National%20Model%20Templates/SchoolDataProfile.xls</p>
	<p>Direct services to address attendance, academic, behavioral or adjustment concerns provide the primary outcomes data for the school counseling/guidance program.</p>	<p>Primary outcomes data is important when developing your annual report to your Board of Education.</p> <p>See section (2)(ii)(b) on Annual Report to Board of Education</p>

Guidance Programs and Comprehensive Developmental School Counseling/Guidance Programs Commissioner’s Regulation §100.2(j)

<p><i>100.2(j)(2)(i)(d) (cont.) 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.</i></p>	<p>This regulation recognizes that direct student services are provided by school counselors as well as other certified or licensed professionals such as school psychologists and school social workers. This sentence further clarifies that there are services that can and should be provided by certified or licensed professionals beyond the scope of the comprehensive developmental school counseling/guidance program, and such scope of practice should not be diminished by this regulation.</p>	<p>While it is vital that pupil personnel service providers all work together to support student success, school districts should ensure that job titles should match with job responsibilities and the appropriate certification/licensure, which ensures appropriate training. To achieve these goals, all professionals need to be working within their scope of practice.</p>
	<p>In general, the program is designed for school counselors to provide the broad comprehensive developmental school counseling/guidance program for all students and initial targeted services as needed. Where appropriate to meet student need, referral for the additional support of a school psychologist or school social worker can be provided through the indirect student services of consultation and referral. (see next section)</p>	<p>Where these professionals are not available, school counselors are often put in a position of providing all direct student services, which can limit the broad preventive program for all students. A balance needs to be found to ensure that all students have access to the services they need.</p>

Indirect Student Services		
Regulation	Related information	Ideas for implementation
<p><i>100.(j)(2)(i)(e) Indirect student services may include but need not be limited to, referrals to appropriately licensed or certified individuals, consultation, collaboration, leadership, advocacy, and teaming.</i></p>	<p>Indirect services are those services provided on behalf of students.</p>	<p>It is important for this component of the program to be developed with input from qualified providers (in addition to school counselors) who are responsible for providing direct and/or indirect services to students so that the program is able to help coordinate those services to better address student need. Nothing precludes more than one provider from working directly and/or indirectly with the same student, although the services need to be coordinated.</p> <p>Schools utilizing a multi-tiered support system provide a formal framework for these indirect services. Child study teams, pupil study teams, and instructional support teams are all examples of collaborative and consultative teams where student needs can be reviewed, and a plan developed.</p>

Guidance Programs and Comprehensive Developmental School Counseling/Guidance Programs Commissioner’s Regulation §100.2(j)

The Plan		
Regulation	Related information	Ideas for implementation
<p><i>100.2(j)(2)(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.</i></p>	<p>This requirement remains in effect from the previous version of the regulation.</p> <p>Districts are required to develop a plan regarding how they will comply with the regulation.</p>	<p>A team approach is recommended as the approach for developing this plan, and it must include a certified school counselor.</p>
<p><i>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, for the High School Division and for the Special Education Division.</i></p>	<p>Acknowledging the structure of the City School District of the City of New York, plans for each community school district, for the high school division and for the special education division are required instead of a plan for each school.</p>	<p>Each school in New York City will still need to address how they will implement the program in the school insuring all students have access to a certified school counselor and the comprehensive developmental school counseling/guidance program as outlined in other sections of this document.</p>
<p><i>100.2(j)(2)(ii) (cont.) 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.</i></p>	<p>Annual review and update of the guidance program remains in effect from the previous version of the regulation.</p> <p>Including a certified school counselor(s) in the development of the district and building level plans is a new requirement and intended to ensure that their expertise is included in the process of school counseling program development.</p> <p>Making the plan available on the district website provides an accountability measure.</p>	<p>Districts need to establish a process of program development, review, and update that includes a school counselor, and occurs annually.</p>

Guidance Programs and Comprehensive Developmental School Counseling/Guidance Programs Commissioner’s Regulation §100.2(j)

<p><i>100.2(j)(2)(ii) (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.</i></p>	<p>The district and school plans must include the following items:</p> <ul style="list-style-type: none"> • Program objectives • Activities • Program development & maintenance planning • School counseling curriculum • Professional development planning • Evaluation methods • Data analysis of program results • Closing the gap analysis reports • Assessment of resources 	<p>Though these components relate to one another, they can be organized into two sections to facilitate development of a written plan:</p> <p>Program delivery:</p> <ul style="list-style-type: none"> • Program objectives • Activities • School counseling curriculum • Evaluation methods <p>Program development:</p> <ul style="list-style-type: none"> • Program development & maintenance planning • Professional development planning • Data analysis of program results • Closing the gap analysis reports • Assessment of resources <p>See Appendix D: Sample Program Delivery Map.</p>
<p><i>100.2(j)(2)(ii) (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.</i></p>	<p>The program outcomes report focuses on attendance, academic, behavioral and/or adjustment services program data as well as other specific district, building or program goals addressed by the comprehensive developmental school counseling/guidance program.</p> <p>This is an accountability measure to help the district determine how well the program is able to address student need and will inform the board of education on the need for additional resources, program development, and professional development.</p>	<p>As the comprehensive program is developed and revised, the data generated will assist the district with important feedback on where services are insufficient and/or continued development is needed.</p> <p>What’s most important is that an annual process of gathering data, reviewing data and responding to the data is established allowing ongoing program development that is directly responsive to student need. This process needs to be shared with the Board of Education to help inform their decisions.</p> <p>See Appendix E: Program Outcomes Report Guidelines</p>
<p><i>In the case of the City School District of the</i></p>	<p>Acknowledging the complex structure of the City</p>	<p>Intermediary reports may be a reasonable</p>

Guidance Programs and Comprehensive Developmental School Counseling/Guidance Programs Commissioner’s Regulation §100.2(j)

<p><i>City of New York, the program outcomes report shall be annually presented to 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.</i></p>	<p>School District of the City of New York, the report that goes to the Chancellor or board of education will encompass a very large number of schools.</p>	<p>approach to assist groups of schools to benefit from the outcomes data included in the report.</p>
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Advisory Council		
Regulation	Related information	Ideas for implementation
<p><i>100.2(j)(2)(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).</i></p>	<p>The role of the advisory council is to provide stakeholders with the opportunity to review, advise on, and support implementation of the program.</p> <p>Membership on the advisory council is determined by the district.</p>	<p>Districts determine which stakeholders are needed to form the advisory council.</p> <p>Only one advisory council per district is required. Depending on the size of the district, there may be an interest in developing several advisories by school or level (elementary, middle, high).</p>
<p><i>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.</i></p>	<p>Acknowledging the needs of the City School District of New York, several advisories are needed using the community school district structure.</p>	
<p><i>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</i></p>	<p>Advisory councils must meet at least twice each year. Additional meetings may be desired or needed and are at the discretion of the school district. The advisory council’s role in reviewing implementation of the program provides an</p>	<p>The interval between the two meetings may be calculated to provide feedback at optimal times in the school year. For example, one meeting held at the end of the year to review the annual program data and suggest revisions for the</p>

Guidance Programs and Comprehensive Developmental School Counseling/Guidance Programs Commissioner’s Regulation §100.2(j)

<i>school counseling/guidance program.</i>	important link in the annual program development, review and revision process.	coming year, and then the next meeting held near the start of the school year to become familiar with new initiatives and services.
<i>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.</i>	As with all meetings, it is important to have an agenda and meeting minutes. These minutes can form the annual report to the board of education.	This report needs to be provided to the Board of Education as a complement to the annual program outcomes report to help inform their decisions.

Certification/Titles		
Regulation	Related information	Ideas for implementation
<i>100.2(j)(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.</i>	The comprehensive developmental school counseling/guidance program, while primarily provided by school counselors, often includes the services of other certified and/or licensed individuals including school psychologists, school social workers and classroom teachers. This section further ensures that school counselors continue to be assigned duties within the scope of their certification, and not beyond.	As previously mentioned, it is important that job titles, responsibilities and certifications match to ensure providers are within their scope of practice, to support role clarity, and to reduce role confusion.

Appendix A

§100.2(j) School Counseling

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

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, 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 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.

Appendix B

PROGRAM ASSESSMENT				
<i>This scored list can help assess implementation of the amended Part 100.2(j) of the Commissioner's Regulation with related American School Counselor Association National Model¹ components.</i>				
IMPLEMENTATION RATING	1	2	3	4
<i>None 2 Beginning 3 Developing 4 In Full Practice</i>				
1. FOUNDATION				
a. All students K-5 have access to a certified school counselor and the comprehensive program				
b. All students 6-8 have access to a certified school counselor and the comprehensive program				
c. All students 9-12 have access to a certified school counselor and the comprehensive program				
d. Program vision and mission are developed in alignment with district vision and mission				
e. Program focus and annual goals are developed in alignment with district goals				
f. Relevant student competencies and standards K-12 are adopted to provide measurable knowledge, attitude and skill outcomes				
g. School counselor professional competencies and ethical standards are regularly reviewed and applied				
2. MANAGEMENT				
a. Program delivery is mapped including district goal, activities and services, students served, timeline, student standards, program objectives, staff and resources, evaluation and assessment methods				
b. Program monthly and annual calendars are provided for communicating about the program				
c. Advisory Council meets twice annually to review program goals and results, and provide advisement				
3. DELIVERY				
a. An annual individual progress review is provided to all students 6-12 to review each student's career/college planning and readiness, academic progress and social/emotional development				
b. Core curriculum instruction is provided by a certified school counselor to all students K-5 addressing student competencies in career/college readiness, academic skills and social/emotional development				
c. Core curriculum instruction is provided by a certified school counselor to all students 6-8 addressing student competencies in career/college readiness, academic skills and social/emotional development				
d. Core curriculum instruction is provided by a certified school counselor to all students 9-12 addressing student competencies in career/college readiness, academic skills and social/emotional development				
e. Direct and indirect student services are provided K-5 to assist students with academic, attendance and behavior needs such as individual and group counseling, advisement, consultation, and referral				
f. Direct and indirect student services are provided K-5 to assist students with academic, attendance and behavior needs such as individual and group counseling, advisement, consultation, and referral				
g. Direct and indirect student services are provided 6-8 to assist students with academic, attendance and behavior needs such as individual and group counseling, advisement, consultation, and referral				
h. information on college and careers is provided to all students in grades K-5				
i. information on college and careers is provided to all students in grades 6-8				
j. information on college and careers is provided to all students in grades 9-12				
4. ACCOUNTABILITY				
a. Program data is analyzed annually resulting in gap action plans and program adjustments				
b. A program outcomes report is presented to the district board of education annually				
c. The Advisory Council provides a report to the district board of education annually				
d. The Program is posted on district and school websites				
SUBSCORES				
TOTAL SCORE				

¹see ASCA National Model (2012). Alexandria, VA: American School Counselor Association; or visit: <https://www.schoolcounselor.org/school-counselors-members/asca-national-model>

Appendix C

Annual Individual Progress Review Guidelines

The full scope of the annual progress review includes review of a student’s records, social/emotional development, academic skills, and college/career readiness, with a follow-up plan. Topics listed below each of these areas serve as a reminder of the standards to consider. Topics included or emphasized will vary depending on the developmental stage and individual needs of each student.

School district policies and procedures regarding student records should be followed when developing local documentation of progress review completion. School counselors are also reminded to review professional ethical standards on confidentiality and student records.

The progress review should be conducted individually and by a certified school counselor.

Review of student record:

- | | |
|--|---|
| <ul style="list-style-type: none"> • Attendance • Behavior and discipline • Interim reports and report cards • State assessments | <ul style="list-style-type: none"> • Support services • Academic planning and rigor • Progress towards graduation • Parent/guardian input |
|--|---|

Social/Emotional Development review:¹

- | | |
|--|--|
| <ul style="list-style-type: none"> • Self-awareness • Self-management • Social awareness • Relationship skills | <ul style="list-style-type: none"> • Responsible decision-making • Feeling safe at school and at home • Mental health and wellness • Other needs |
|--|--|

Academic Skills review:²

- | | |
|--|---|
| <ul style="list-style-type: none"> • Goal setting and progress monitoring • Listening and teamwork skills • Cognitive and memory skills | <ul style="list-style-type: none"> • Performing under pressure • Healthy optimism • Time management and organization |
|--|---|

College/Career Readiness review:^{3,4}

- | | |
|---|---|
| <ul style="list-style-type: none"> • Career development • Integrated knowledge • Universal foundation skills • Career major • College and career aspirations • Academic planning for college and career readiness | <ul style="list-style-type: none"> • Enrichment and extracurricular engagement • College and career exploration and selection processes • College and career assessments • College affordability planning • College and career admission processes • Transition to post high school |
|---|---|

Follow-up:

- | | |
|---|---|
| <ul style="list-style-type: none"> • Readiness for next level of study • Assessments for additional support | <ul style="list-style-type: none"> • Consultation and/or referral • Other follow-up |
|---|---|

¹see The Collaborative for Academic, Social, and Emotional Learning (CASEL) Core Competencies: <https://casel.org/core-competencies/>

²see Student Success Skills: <http://studentsuccessskills.com/>

³see New York State Career Development and Occupational Studies Standards (CDOS): <http://www.p12.nysed.gov/cte/cdlearn/home.html>

⁴see The College Board National Office for School Counselor Advocacy Eight Components of College and Career Readiness Counseling: https://secure-media.collegeboard.org/digitalServices/pdf/nosca/11b_4416_8_Components_WEB_111107.pdf

Appendix D

Sample Program Delivery Map

ABC School District School Counseling/Guidance Program Delivery Map 2018-2019						
District Goal:						
Grade level(s)	Program activity/service with target students & timeline <i>(Curriculum, small group, individual, planning, appraisal, crisis, consultation, referral, advisement)</i>	Tier <i>(1,2,3)</i>	Student Standards <i>(ASCA Mindsets & Behaviors, CDOS, Health, FACS, SEL)</i>	Program Objectives <i>(Students will be able to___)</i>	Staff & Resources	Assessment & Evaluation Methods <i>(process, perception, outcomes)</i>

Appendix E

Annual Program Outcomes Report Guidelines

Each plan shall include preparation of a program outcomes report that is presented to the Board of Education annually. This report needs to include an analysis of all systematic components of the comprehensive developmental school counseling/guidance program. It provides evaluation of the effectiveness of program activities and informs program improvement decisions. The result is a data-informed comprehensive developmental school counseling/guidance program with focused programming, effective interventions and increased responsiveness.

The program outcomes report focuses on district goals addressed by the comprehensive developmental school counseling/guidance program including attendance, academic, behavioral and/or adjustment program data. It is also important to address ESSA¹ indicators such as school climate, graduation rates, chronic absenteeism, and college/career and civic readiness.

There are different ways to format this report. For ideas, see The American School Counselor Association National Model² which uses a chart format similar to *Appendix B: Program Delivery Map*; or California's Support Personnel Accountability Report Card (SPARC)³ which uses a narrative format.

The Advisory Council also provides an annual report to the Board of Education which serves as a complement to the annual program outcomes report to help inform their decisions.

Below is a list to illustrate the report components to include. This list would be repeated for each outcome addressed by the comprehensive developmental school counseling/guidance program. For more examples, see *Making Data Work: An ASCA National Model Publication*⁴.

Outcome measured

- **Related program goal and objectives**
- **Program activities and services to support program goal**
- **Program data:**
 - **Process** – what you did for whom (*how many*)
 - **Perception** – what people think they know, believe or can do (*pre/post-tests, needs assessments, program evaluations, opinion surveys, achievement of competencies, changes in attitudes or beliefs, gains in knowledge*)
 - **Results/Outcomes** – evidence of impact (*achievement, behavior, attendance*)
- **Analysis of data**
- **Recommendations**

¹ see New York State Board of Regents presentation on ESSA April 9, 2018, <https://www.regents.nysed.gov/common/regents/files/P-12%20-%20ESSA%20Presentation.pdf>

² see Accountability. (2012). In *ASCA National Model* (3rd ed., pp. 99-124). Alexandria, VA: American School Counselor Association; or visit: <https://www.schoolcounselor.org/school-counselors-members/asca-national-model>

³ see SPARC Support Personnel Accountability Report Card examples: <https://www.sparconline.net/Home/Videos>

⁴ see Young, A., & Kaffenberger, C. (2013). *Making data work: An ASCA National Model Publication*. Alexandria, VA: American School Counselor Association.