

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

SENATE BILL 199

By: Senator B. Davis  
By: Representative Vaught

## For An Act To Be Entitled

AN ACT TO REPEAL THE PUBLIC SCHOOL STUDENT SERVICES ACT; TO CREATE THE SCHOOL COUNSELING IMPROVEMENT ACT OF 2019; AND FOR OTHER PURPOSES.

## Subtitle

TO REPEAL THE PUBLIC SCHOOL STUDENT SERVICES ACT; AND TO CREATE THE SCHOOL COUNSELING IMPROVEMENT ACT OF 2019.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 6-15-202(f)(42), concerning the development of accreditation regulations and standards, is amended to read as follows:

(42) Section ~~6-18-1005~~ 6-18-2003 concerning a ~~student-services comprehensive school counseling~~ program;

SECTION 2. Arkansas Code § 6-18-707(c)(2)(B)(iii), concerning definitions regarding prescription asthma inhalers or auto-injectable epinephrine, is amended to read as follows:

(iii) A copy of an individualized healthcare plan for the student ~~prepared in accordance with § 6-18-1005 and any related rules of the department.~~

SECTION 3. Arkansas Code Title 6, Chapter 18, Subchapter 10, is repealed.

~~Subchapter 10 — Public School Student Services Act~~



~~6-18-1001. Title.~~

~~This subchapter shall be known and may be cited as the "Public School Student Services Act".~~

~~6-18-1002. Purpose.~~

~~It is the intent of the General Assembly to articulate the functions served by each of the components of a program of student services. It is further the intent of the General Assembly that each school district develop and implement a plan for providing student services to all students in the public school system, including area vocational-technical schools. Such plan shall be implemented no later than the 1991-1992 school year. It is the intent of the General Assembly that student services coordinators be given time to fulfill their responsibilities under this subchapter.~~

~~6-18-1003.— Rules.~~

~~The State Board of Education is authorized to adopt rules to carry out the intent of this legislation; such rules shall include, but need not be limited to:~~

~~(1) A description of the student services program at all educational levels for which the school district board of directors is responsible;~~

~~(2) Criteria for the development by each school of a building-based student services plan which reflects input from parents, teachers, principals, students, and other agencies;~~

~~(3) Identification of alternative student services personnel who do not meet traditional graduate school requirements and who may be used by the school district board of directors in providing the recommended student services, including, but not limited to, paraprofessionals, teachers, parents, and representatives of business and industry; and~~

~~(4) Establishment of minimum standards for all areas of student services personnel.~~

~~6-18-1004.— School district plan.~~

~~(a)(1) Each school district shall develop and implement a plan that ensures that individual student services are coordinated in a manner~~

~~utilizing such techniques as differentiated staffing so as to make maximum use of the contribution of each service.~~

~~(2) Only those trained and certified in the appropriate specialty or following a Department of Education's deficiency removal plan will be assigned to carry out the duties of each service.~~

~~(b) Each school district plan shall reflect the use of alternative methods of classroom management. Such methods may include, but are not limited to, the following:~~

- ~~(1) Behavioral contracting;~~
- ~~(2) Dispute resolution;~~
- ~~(3) Classroom meetings;~~
- ~~(4) Logical consequences;~~
- ~~(5) Assertive discipline;~~
- ~~(6) Behavior modification; and~~
- ~~(7) Career and academic counseling.~~

~~(c)(1) Each school district plan shall provide for a district-level tracking system for school dropouts and for students who fail to reach proficiency on state-mandated assessments.~~

~~(2) The tracking system shall include provisions for student services personnel in all schools to conduct exit interviews of students who are dropping out of school and for follow-up of such students when possible.~~

~~(d) The superintendent of a school district not in substantial compliance with the terms of its plan may be requested to appear before the Senate Committee on Education and the House Committee on Education.~~

~~6-18-1005. Student services program defined.~~

~~(a) "Student services program" means a coordinated effort, which shall include, but is not limited to:~~

~~(1) Guidance and counseling services, which shall include, but are not limited to:~~

~~(A) The availability of individual and group counseling to all students;~~

~~(B) Orientation programs for new students at each level of education and for transferring students;~~

~~(C) Academic advisement for class selection by establishing academic goals in elementary, middle, and high school;~~

~~(D) Consultation with parents, faculty, and out-of-school agencies concerning student problems and needs;~~

~~(E) Utilization of student records and files;~~

~~(F) Interpretation of augmented, criterion-referenced, or norm-referenced assessments and dissemination of results to the school, students, parents, and community;~~

~~(G) The following up of early school dropouts and graduates;~~

~~(H) A school-initiated system of parental involvement;~~

~~(I) An organized system of informational resources on which to base educational and vocational decision-making;~~

~~(J) Educational, academic assessment, and career counseling, including advising students on the national college assessments, workforce opportunities, and alternative programs that could provide successful high school completion and postsecondary opportunities for students;~~

~~(K) Coordinating administration of the Tests of Adult Basic Education or a high school equivalency pretest to students by designating appropriate personnel, other than the school guidance counselor, to administer the tests;~~

~~(L) Classroom guidance, which shall be limited to forty-minute class sessions, not to exceed three (3) per day and not to exceed ten (10) per week; and~~

~~(M) Guidance in understanding the relationship between classroom performance and success in school;~~

~~(2) Psychological services, which shall include, but are not limited to, the following:~~

~~(A) Evaluation of students with learning or adjustment problems;~~

~~(B) Evaluation of students in exceptional child education programs;~~

~~(C) Consultation and counseling with parents, students, and school personnel to ensure that all students are ready to succeed and that all students are preparing for college and work;~~

~~(D) A system for the early identification of learning potential and factors that affect the child's educational performance;~~

~~(E) A system of liaison and referrals, with resources available outside the school; and~~

~~(F) Written policies that assure ethical procedures in psychological activities;~~

~~(3) Visiting teacher and school social work services, which shall include, but are not limited to, the following:~~

~~(A) Providing casework to assist in the prevention and remediation of problems of attendance, behavior, adjustment, and learning; and~~

~~(B) Serving as liaison between the home and school by making home visits and referring students and parents to appropriate school and community agencies for assistance;~~

~~(4) Career services, which shall include, but are not limited to, the dissemination of career education information, appropriate course-taking patterns, and the effect of taking more rigorous courses so that students are better prepared for college and work success;~~

~~(5) Group conflict resolution services, which shall include, but are not limited to, the following:~~

~~(A) Educational and social programs that help students develop skills enabling them to resolve differences and conflicts between groups;~~

~~(B) Programs designed to promote understanding, positive communication, and greater utilization of a race relations specialist or human relations specialist to assist in the development of intergroup skills; and~~

~~(C) Programs designed to prevent bullying;~~

~~(6) Health services, which shall include, but are not limited to, the following:~~

~~(A) Students with special healthcare needs, including the chronically ill, medically fragile, and technology dependent, and students with other health impairments shall have individualized healthcare plans;~~

~~(B)(i) Invasive medical procedures required by students and provided at the school shall be performed by trained, licensed personnel who are licensed to perform the task subject to § 17-87-102(10)(D) or other professional licensure statutes, unless permitted under § 17-87-103(10) and (11).~~

~~(ii) The regular classroom teacher shall not perform these tasks, except that public school employees may volunteer to be trained and administer gluecagon to a student with type 1 diabetes in an emergency situation permitted under § 17-87-103(11); and~~

~~(C) Custodial healthcare services required by students under individualized healthcare plans shall be provided by trained school employees other than the regular classroom teachers; and~~

~~(7) The distribution of a suicide prevention public awareness program developed for distribution by the Arkansas Youth Suicide Prevention Task Force.~~

~~(b) School counselors shall spend at least seventy-five percent (75%) of work time each month during the school year providing direct counseling related to students and shall devote no more than twenty-five percent (25%) of work time each month during the school year to administrative activities provided that the activities relate to the provision of guidance services.~~

~~6-18-1006.—Occupational and placement specialist.~~

~~(a) The occupational and placement specialist shall serve as liaison between employers and the school.~~

~~(b) It is the responsibility of the district placement to make written board recommendations to the superintendent for consideration by the school district board of directors concerning areas of curriculum deficiency having an adverse effect on the employability of job candidates or progress in subsequent education experiences.~~

~~(c) Furthermore, district administrative personnel shall report to the school district board of directors concerning adjustments in program outcomes, curricula, and delivery of instruction as they are made with the use of placement and follow-up information.~~

~~(d) The follow-up studies conducted by occupational and placement services shall be on a statistically valid random-sampling basis when appropriate and shall be stratified to reflect the appropriate vocational programs of students graduating from or leaving the public school system.~~

~~6-18-1007.—School student services status report.~~

~~(a) By January 1, 1994, and each year thereafter, the Department of Education shall compile and present to the Governor, the State Board of~~

~~Education, the Senate Committee on Education, and the House Committee on Education a report outlining monitoring findings and the status of implementing each of the provisions of this subchapter by the various school districts, including which districts are in substantial compliance with the plan required under this subchapter.~~

~~(b)(1)(A) By January 1, 1998, the department shall have in place a staffing structure which assures that the department's administration and field service staff are responsible for monitoring the department and local school district implementation and compliance with the provisions of this subchapter.~~

~~(B) The department shall employ one (1) or more persons who shall have a minimum qualification of certification as a school counselor.~~

~~(2) Each school district shall be responsible for submitting an annual report to the Assistant Commissioner of Learning Services of the Department of Education outlining its compliance with and implementation of plans for the provisions of this section.~~

~~(3)(A) The Commissioner of Education, in consultation with the appropriate assistant commissioner, shall designate an individual or individuals who shall have a minimum qualification of certification as a school counselor to be responsible for coordinating the monitoring of compliance with this section.~~

~~(B) The monitoring shall include interviews with administrators, counselors, students, and teachers.~~

~~6-18-1008.—Implementation.~~

~~(a) The State Board of Education shall cause the Commissioner of Education to designate one (1) employee who shall be responsible for overseeing the implementation of this subchapter.~~

~~(b) By January 1, 1994, and each year thereafter, the Department of Education shall compile and present to the Governor, the state board, the House Committee on Education, and the Senate Committee on Education a report outlining the status of implementing each of the provisions of this subchapter by the various school districts.~~

~~6-18-1009.—Career development.~~

~~(a) Each school counselor shall provide a career planning process for each student to include career awareness, employment readiness, career information, and the knowledge and skills necessary to achieve career goals.~~

~~(b) School counselors shall also encourage parents, during regular parent conferences, to support partnerships in their children's learning and career planning processes.~~

SECTION 4. Arkansas Code Title 6, Chapter 18, is amended to add an additional subchapter to read as follows:

Subchapter 20 - School Counseling Improvement Act of 2019

6-18-2001. Title.

This subchapter shall be known and may be cited as the "School Counseling Improvement Act of 2019".

6-18-2002. Definitions.

As used in this subchapter:

(1) "Administrative activities" means activities that are not directly related to the comprehensive school counseling plan and are absent of any direct student services or interaction;

(2) "Direct services" means services that are provided through face-to-face contact with students, including without limitation:

(A) Regular classroom guidance limited to forty-minute class sessions, not to exceed three (3) class sessions per day and not to exceed ten (10) class sessions per week;

(B) Individual and group counseling;

(C) Responsive services on behalf of students whose immediate personal concerns and problems put the student's academic, career, or social and emotional development at risk, including the administration of a risk-assessment; and

(D) Interventions for students that are:

(i) At risk of dropping out of school; or

(ii) Exhibiting dangerous behaviors, such as drug use, self-harm, or gang activity; and

(3) "Indirect services" means consultations between a student, a parent or legal guardian, school staff, and community agencies concerning a

student's academic, career, and social and emotional needs.

6-18-2003. Comprehensive school counseling program and plan framework.

(a) Each public school district shall:

(1) Develop and implement a comprehensive school counseling program that ensures student services are coordinated in a manner that provides comprehensive support to all students; and

(2) Have a written plan for a comprehensive school counseling program that:

(A) Is implemented by an Arkansas-certified school counselor, a counselor serving under an additional licensure plan, or a school employee acting as a school counselor under a waiver granted under § 6-15-103(c);

(B) Utilizes state and nationally recognized counselor frameworks;

(C) Is reviewed annually and updated as needed by the school counselor in collaboration with the building administrator and other stakeholders;

(D) Is systemically aligned to kindergarten through grade twelve (K-12) within the public school district; and

(E) Contains the following four (4) components of a comprehensive school counseling program:

(i) Foundation, which includes without limitation:

(a) Vision statements;

(b) Mission statements; and

(c) Program goals;

(ii) Management, which utilizes assessments and other data to develop, implement, and evaluate a comprehensive school counseling program;

(iii) Delivery, which focuses on direct and indirect services through the implementation of a comprehensive school counseling program; and

(iv) Accountability, which ensures regular analysis of the comprehensive school counseling program that is provided.

(b) The comprehensive school counseling program required under subsection (a) of this section shall:

(1) Guide students in academic pursuits, career planning, and social and emotional learning;

(2) Follow the comprehensive school counseling program guidance provided by the Department of Education;

(3) Include goals that are developed annually based on the vision and mission statements that are shared by stakeholders to ensure equitable access to opportunities for all students; and

(4) Identify student needs through a multilevel school data review that includes without limitation:

(A) Data analysis;

(B) Use-of-time data review;

(C) Program results data; and

(D) Communication and contact with administrators, parents, students, and stakeholders.

6-18-2004. Comprehensive student services.

(a) Sufficient time at each public school shall be allotted for the school counselor to carry out the duties stated in the comprehensive school counseling plan required under § 6-18-2003.

(b)(1) A school counselor shall spend at least ninety percent (90%) of his or her working time during student contact days providing direct and indirect services to students.

(2) Direct and indirect services may be provided in collaboration with other school personnel and include without limitation:

(A) Intervening with students who are at risk of dropping out of school to determine if there is a way to keep at-risk students in school;

(B) Following-up with high school graduates;

(C) Providing orientation programs for new students and transferring students at each level of education;

(D) Providing academic advisement services, including without limitation:

(i) Developing an individual planning system to guide a student to access and monitor the student's own educational, career, and social and emotional progress;

(ii) Guiding a student along the pathways to

graduation;

(iii) Guiding a student in goal-setting experiences and course selection aligned with the student's post-secondary goals;

(iv) Addressing accelerated learning opportunities;

(v) Addressing academic deficits and the accessibility of resources;

(vi) Providing student assessment reviews, interest inventories, or academic results needed to develop, review, and revise a student's plan of study; and

(vii) Providing support for students who show potential so they are more likely to engage in rigorous coursework and take advantage of post-secondary opportunities;

(E) Providing a career planning process that includes without limitation:

(i) Guidance in understanding the relationship between classroom performance and success in school and beyond;

(ii) The provision of resources to identify career interests and aptitudes to assist a student in age-appropriate college and career planning;

(iii) Guidance in understanding the advantages of completing career certifications and internships;

(iv) Interpretation of augmented, criterion-referenced, or norm-referenced assessments for students and parents;

(v) The provision of information to a parent or legal guardian, such as through workshops on preparing for college, financial aid, and career opportunities; and

(vi) Encouragement to a parent or legal guardian to support partnerships in his or her student's learning and career planning processes;

(F) Providing social and emotional skills designed to support students, including without limitation programs:

(i) To promote cultural and social awareness, positive communication and relationship skills, collaboration with others, and responsible decision making;

(ii) To improve culture and climate in the school so that all students can feel that they are in a safe and supportive

environment;

(iii) To develop conflict-resolution skills;

(iv) To prevent bullying that include without

limitation:

(a) Training programs for school employees regarding how to recognize bullying behaviors;

(b) Protocols for responding to bullying that is occurring in the school;

(c) Strategies that support a student who is being bullied; and

(d) Strategies that help a bystander speak out against bullying; and

(v) To address age-appropriate suicide awareness and prevention through:

(a) Strategies that help identify a student who is at risk for suicide;

(b) Strategies and protocols that help a student who is at risk for suicide; and

(c) Protocols for responding to a suicide death; and

(G) Serving as a contributing member of decision-making teams, which include without limitation:

(i) Teams that are convened under Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112;

(ii) Response-to-intervention teams;

(iii) English language learner programs;

(iv) Parental involvement or family engagement programs;

(v) Positive behavioral intervention support programs; and

(vi) Advanced placement and gifted and talented programs.

(c)(1) Administrative activities performed by a school counselor shall not exceed more than ten percent (10%) of the school counselor's time spent working during student contact days.

(2) Administrative activities provided by a school counselor in

collaboration with other school personnel include without limitation:

(A) Coordinating state assessments, cognitive achievement assessments, advanced placement programs, and language acquisition testing programs;

(B) Developing master schedules;

(C) Coordinating of:

(i) Teams convened under Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112;

(ii) Response-to-intervention teams;

(iii) English language learner programs;

(iv) Parental involvement or family engagement programs;

(v) Positive behavioral intervention support programs;

(vi) Data entry; and

(vii) Advanced placement and gifted and talented programs; and

(D) Monitoring students in common areas such as the cafeteria, hallway, playground, and bus lines.

6-18-2005. Monitoring and support.

(a) Each public school district is responsible for posting its annual comprehensive school counseling plan on the district website under state required information.

(b)(1) Beginning with the 2020-2021 school year, the Department of Education shall monitor each public school district to ensure implementation and compliance with this subchapter.

(2) Failure by a public school district to comply with this subchapter is a violation of the Standards for Accreditation of Arkansas Public Schools and School Districts.

(c) The department shall:

(1) Employ at least one (1) individual who is certified as a school counselor;

(2) Provide a multilevel system of support to public school districts to assist in complying with the requirements of this subchapter; and

(3) Provide guidance and technical assistance to public school districts in order to support equitable access to public school counseling services.