

## **Title 6. Education**

### **Chapter I. Division of Elementary and Secondary Education**

#### **Subchapter H. School Districts**

#### **Part 248. Rules Governing School Counseling Programs**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"1.00 REGULATORY AUTHORITY AND PURPOSE

1.02 These rules are enacted pursuant to the Arkansas State Board of Education's authority under Ark. Code Ann. §§ 6-18-2005 and 25-15-201, et seq."

"Effective August 3, 2023"

#### **Subpart 1. Generally**

##### **6 CAR § 248-101. Title.**

This part shall be known as the Department of Education's Division of Elementary and Secondary Education "Rules Governing School Counseling Programs".

**Authority.** Arkansas Code §§ 6-11-105, 6-18-2005.

##### **6 CAR § 248-102. Purpose.**

The purpose of this part is to:

(1) Implement the School Counseling Improvement Act of 2019, Arkansas Code § 6-18-2001 et seq.; and

(2) Establish rules for comprehensive school counseling programs.

**Authority.** Arkansas Code §§ 6-11-105, 6-18-2005.

## **6 CAR § 248-103. Definitions.**

As used in this part:

(1) "Accelerated learning" means advanced level coursework or academic opportunities in correlation with the student's success plan developed per Arkansas Code § 6-15-2911;

(2) "Administrative activities" means activities that:

(A) Are not directly related to the comprehensive school counseling program; and

(B) Are absent of any direct or indirect student services or interaction;

(3) "Administrative conference" means a meeting during which the school counselor and administration discuss and agree upon the comprehensive school counseling program;

(4) "Advisory council" means a representative group of stakeholders that:

(A) Reviews the comprehensive school counseling program; and

(B) Provides feedback and recommendations to the school:

(i) Counseling staff;

(ii) Administration; and

(iii) District;

(5) "Direct services" means multi-tiered services provided through face-to-face contact with students;

(6) "Division" means Division of Elementary and Secondary Education;

(7) "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; and

(8)(A) "Multi-tiered services" means a structured responsive framework of multi-level supports for academic, career, and emotional development.

(B) The tiers of the framework are as follows:

(i) Tier I — Foundational preventative instruction, programming, and initiatives to promote the well-being of all students;

(ii) Tier II — Targeted interventions for individual group needs; and

(iii) Tier III — Most intensive and individualized interventions for specific student needs.

**Authority.** Arkansas Code §§ 6-11-105, 6-18-2005.

**6 CAR § 248-104. Program implementation.**

Each public school district shall:

(1) Develop and implement a comprehensive school counseling program that:

(A) Is implemented by:

(i) An Arkansas-certified school counselor;

(ii) A counselor serving under an additional licensure plan; or

(iii) A school employee acting as a school counselor under a waiver

granted under Arkansas Code § 6-15-103(c);

(B) Is a single school district plan that:

(i) Is systematically aligned to kindergarten through grade twelve (K-12); and

(ii) Contains the four (4) components to provide direct and indirect services for all students as outlined in 6 CAR § 248-105;

(C) Utilizes state-recognized and nationally recognized counselor frameworks; and

(D) Is updated and posted on the district's website under "State-Required Information" by August 1 of each year;

(2)(A) Allot sufficient time for the school counselor to carry out the duties stated in the comprehensive school counseling plan required under Arkansas Code § 6-18-2003.

(B)(i) During student contact days, a school counselor shall spend at least ninety percent (90%) of his or her working time providing direct and indirect services to students.

(ii) Services may be provided in collaboration with other school personnel.

(C) Regularly scheduled classroom guidance shall be limited to forty-minute class sessions, not to exceed:

- (i) Three (3) class sessions per day; and
- (ii) Ten (10) class sessions per week.

(D)(i) Administrative activities shall not exceed more than ten percent (10%) of the school counselor's time spent working during student contact days.

(ii) Administrative activities provided by a school counselor in collaboration with other school personnel include, without limitation:

*(a)* Coordinating:

- (1)* State assessments;
- (2)* Cognitive achievement assessments;
- (3)* Advanced Placement programs; and
- (4)* Language acquisition testing programs;

*(b)* Developing master schedules;

*(c)* Coordinating of:

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

- (2)* Response-to-intervention teams;
- (3)* English language learner programs;
- (4)* Parental involvement or family engagement programs;
- (5)* Positive behavioral intervention support programs;
- (6)* Data entry; and
- (7)* Advanced Placement and gifted and talented programs;

and

*(d)* Monitoring students in common areas such as the:

- (1)* Cafeteria;
- (2)* Hallway;
- (3)* Playground; and
- (4)* Bus lines.

(iii) Administrative activities do not include:

(a) Professional learning, professional networking, or professional conferences that are directly related to or aligned with the comprehensive school counseling program; or

(b) Facilitation of administrative conferences or advisory council meetings.

(E) Compliance with requirements of subdivisions (2)(B) and (D) of this section will be assessed based on data:

(i) As reported in:

(a) The school counseling plan; and

(b) The Arkansas Annual Administrative Conference Form; and

(ii) Reported through the Division of Public School Accountability; and

(3) By September 1, 2024, and every four (4) years following, allot time for youth mental health training, as prescribed by the State Board of Education, per Arkansas Code § 6-18-2004(d).

**Authority.** Arkansas Code §§ 6-11-105, 6-18-2005.

**6 CAR § 248-105. Comprehensive school counseling plan components.**

(a) **Foundation.** Foundation includes, but is not limited to, the following:

(1) Belief statements;

(2) Vision statement;

(3) Mission statement; and

(4)(A) Program goal or goals.

(B) Program goals include goals that are developed annually based on multi-level school data and that are aligned with the vision and mission statements that are shared with stakeholders to ensure equitable access to opportunities for all students.

(b) **Management.** Management utilizes assessments, tools, and other data to develop and implement a comprehensive school counseling program, including but not

limited to identification of student needs through a multi-level school data review that includes, without limitation:

- (1) Data analysis;
- (2) Use-of-time data review;
- (3) Communication and contact with:
  - (A) Administrators;
  - (B) Parents;
  - (C) Students; and
  - (D) Stakeholders;
- (4) Advisory council meetings;
- (5) Administrative conferences; and
- (6) Developing school counseling annual calendar.

**(c) Delivery.**

(1) Delivery focuses on direct and indirect services through the implementation of a comprehensive school counseling program.

(2) Direct services include:

(A) Social and emotional learning programs designed to support students, including multi-tiered services, without limitation, that:

(i) Provide orientation programs for new students and transferring students at each level of education;

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

(iii) Promote:

*(a)* Cultural and social awareness;

*(b)* Personal management;

*(c)* Positive communication;

*(d)* Relationship skills;

*(e)* Collaboration with others; and

*(f)* Responsible decision-making;

(iv) Aid students in the development of conflict-resolution skills;

(v) Provide interventions for students who are exhibiting dangerous behaviors such as:

- (a)* Drug use;
- (b)* Self-harm; or
- (c)* Gang activity;

(vi) Provide bullying prevention skills to support students, including, without limitation:

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

- (b)* Strategies that support a student who is being bullied;
- (c)* Strategies that help a bystander speak out against bullying;

and

*(d)* Training programs for school employees regarding how to recognize bullying behaviors; and

(vii) Provide age-appropriate suicide awareness and prevention, including, without limitation:

*(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;

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

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

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

(iii) Guiding a student along the pathways to graduation;

(iv) Promoting 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;

(vii) Providing support to encourage students to reach their full potential so they are more likely to:

(a) Engage in rigorous coursework; and

(b) Take advantage of postsecondary opportunities; and

(viii) Intervening with students who are at risk of dropping out of school; and

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

(i) Assisting students in college and career planning by using age-appropriate resources to help identify career interests and aptitudes;

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

(iii) Providing guidance to students in understanding the advantages of completing career certifications and internships; and

(iv) Following up with high school graduates.

(3) Indirect services include, but are not limited to:

(A) Interpreting augmented, criterion-referenced, or norm-referenced assessments;

(B) Delivering information, such as workshops on preparing for college, financial aid, and career opportunities, to a parent or legal guardian;

(C) Encouraging a parent or legal guardian to support his or her student's learning and career planning processes; and

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

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

(ii) Response-to-intervention and multi-tiered services teams;

(iii) English language learner programs;

(iv) Parental involvement or family engagement programs;

- (v) Positive behavioral intervention and support programs; and
- (vi) Advanced Placement and gifted and talented programs.

**(d) Accountability.**

(1) Accountability ensures regular analysis of the comprehensive school counseling plan.

(2) As needed, the school counselor, in collaboration with the building administrator and other stakeholders, will review the program annually and update as needed using the following tools:

- (A) Program assessment; and
- (B) Program goal results data.

(3) The comprehensive school counseling program shall follow the comprehensive school counseling program guidance provided by the Division of Elementary and Secondary Education.

**Authority.** Arkansas Code §§ 6-11-105, 6-18-2005.

**6 CAR § 248-106. Monitoring and support.**

(a) The Division of Elementary and Secondary Education shall monitor each public school district to ensure implementation and compliance with this part and the School Counseling Improvement Act of 2019, Arkansas Code § 6-18-2001 et seq.

(b) Failure by a public school to comply with this part is a violation of the division's Rules Governing Standards for Accreditation of Arkansas Public Schools and School Districts, 6 CAR pt. 61.

(c) The division shall:

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

(2) Provide a multi-tiered system of support to public school districts to assist in complying with the requirements of this part and Arkansas Code § 6-18-2001 et seq.;

and

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

**Authority.** Arkansas Code §§ 6-11-105, 6-18-2005.