

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES
GOVERNING SCHOOL COUNSELING PROGRAMS**

PUBLIC COMMENTS AND RESPONSES

Commenter Name: Lucas Harder, Arkansas School Boards Association (11/28/22)

Comments:

- 3.01.1.2: I would recommend changing “one” to “single.”
- 3.01.2.1: The word “contact” appears to be missing from between “student” and “days.”
- 5.01: There is an extra period after “seq” here.
- 5.02: For consistency, the “DESE” here should be “Division.”

Division Response: Comment considered. **Non-substantive changes made.**

Commenter Name: Becky Rosburg, Asst. Superintendent, Hot Springs School District (12/1/22)

Comment (1): Section 3.01.2.3 .1 - Administrative activities provided by a school counselor in collaboration with other school personnel include, without limitation. In section 3.01.2.3.1.3 Monitoring students in common areas such as the cafeteria, hallway, playground, and bus lines. This should be listed as a direct student interaction. One of the best ways for a school counselor to provide Direct Services (multi-tiered services through face-to-face contact with students) is by being present and monitoring students in the hallway, cafeteria, playground, and bus lines. Those are the places they can observe student social interactions, behaviors, attitudes when students are not in their classroom. When they are present in those places, the counselor can provide face-to-face counseling services immediately and/or formulate a support plan to help students become successful in all areas of the school.

Division Response: Section 3.01.2.3.1 mirrors the wording of Ark. Code Ann. § 6-18-2004(c)(2)(D). The suggested modification would require a legislative change. **No changes made.**

Comment (2): Section 3.01.2.3.2 Administrative activities do not include. In section 3.01.2.3.2.1 Professional learning, professional networking, or professional conferences that are directly related to or aligned with the comprehensive school counseling programs. This does not fit in the definition of Direct Services (2.05 “Direct services” means multi-tiered services provided through face-to-face contact with students.) or Indirect Services (2.07 “Indirect services” means services that are on behalf of a student that include referral, collaboration, and consultation with a parent or legal guardian, school staff, or community agencies concerning a student’s academic, career, and social-emotional needs.) Since it doesn't fit within those two definitions, it needs to be listed as an administrative task.

Division Response: Commentor correctly recognizes that professional learning, networking, and conferences do not fall squarely within any specific definition under Ark. Code Ann. 6-18-2002. Still, “[a]dministrative activities,” are defined as “activities *that are not directly related to the comprehensive school counseling plan* and are absent of any direct student services or interaction.” See Ark. Code Ann. § 6-18-2002(1)(emphasis added). Professional learning, networking, and conferences *are* directly related to quality comprehensive school counseling plans and thus are not “administrative activities.” This conclusion is consistent with the undivided opinion of the counselor stakeholders groups formed in response to Senator Breanne Davis’s request that such stakeholders be involved in considering and developing these rules. **No changes made.**

Commenter Name: Melissa Wiggins, CHS Counselor, Clarksville School District (12/1/22)

Comment: I noticed that the previous counselor: student ratio (1:450) was not included in the new rules. Will that still be in effect?

Division Response: Yes, it will. The requirement that each public school district shall have a student/counselor ratio of no more than one to 450 students is in the DESE Rule Governing the Standards for Accreditation of Arkansas Public Schools and School Districts (*see* Standard 4-E.2). **No changes made.**

Commenter Name: Jeremy Lasiter, Director of HR and Legal Affairs, Bryant School District (12/13/22)

Comment: Section 3.01.2.3 of the rules tracks the statutory language in stating that counselors may not spend more than ten percent (10%) of their time working on administrative activities, including state testing. This limitation could impose a burden on school districts when it comes to the administration of state tests to students. We respectfully request that the rules include a clarification of the time period upon which the 10% requirement is calculated (for instance, daily, weekly, monthly, yearly, etc.).

Division Response: Ark. Code Ann. § 6-18-2004(c)(1) states: “(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,” and the proposed rules mirror that language. The law is silent as to the time period for which the percentages are calculated and the proposed rules intentionally do not specify a time period to afford maximum flexibility in the comprehensive school counseling plans. **No changes made.**

Commenter Name: Sarah Gheen, Elementary School Counselor, Fayetteville School District (12/15/22)

Comment (1): Mental Health First Aid was meant for paraprofessional level personnel, for example, those without direct mental health training. While not all school counselors have a master in counseling, I do. To be required to sit through an eight-hour training on something I could teach is the worst use of my time, not what is best for kids, and insulting to me. Please include an option to opt out if you are a school counselor with a masters degree in counseling.

Division Response: This language mirrors the requirement set forth in Ark. Code Ann. § 6-18-2004(d). Such an exemption would require a legislative change. **No changes made.**

Comment (2): It is absurd to think that a school counselor can spend 90% of their time in direct and indirect services to students and be the testing coordinator, coordinate 504's, PBIS and RTI, ELL programs, and parent engagement. While you can make the case that those are services on behalf of students, they are dominated by administrative work and not direct work with students. I am fortunate to work for a district who values my expertise and protects my time to work directly with students but if you get an administrator who does not, they have a mandate from DESE to put the school counselor in charge of all these things, rendering the counselor unable to do their job which it to work with students.

Division Response: The administrative activities listed are *not* mandated for counselors but rather are a list of activities that are administrative, and those activities shall not exceed more than 10% of the school counselor's time spent working during student contact days. *See* Ark. Code Ann. § 6-18-2004(c)(1). **No changes made.**

Comment (3): Something that has yet to be put in writing (that I am aware of) is the expectation of duty for school counselors. It is quite clear for teachers but not school counselors. Again, if you get an administrator who does not value the job of the school counselor, they can put the counselor on duty before, during, and after school every day. DESE does not give school counselors support or clear guidance in this area.

Division Response: Arkansas Code Annotated § 6-18-2004(c)(2)(D) lists "Monitoring students in common areas such as the cafeteria, hallway, playground, and bus lines" as administrative activities. Again, Ark. Code Ann. § 6-18-2004(c)(1) provides that administrative activities of a school counselor are not to exceed 10% of the school counselors time spent working during student contact days. **No changes made.**