

School Counseling, Equity, Prevention

Prepared by Lillian Tsosie-Jensen

The Legislature has requested the Board to make a report to the Public Education Appropriations Subcommittee on the programs and regulatory functions performed by Board staff during the upcoming 2016-17 school year. The Board is required to include an evaluation of which service functions could be passed on to local education agencies, regional service centers, or provided by the Board for a fee, and which service functions should remain at the state level.

On or before July 1, please send your Section's completed form to Cybil Prideaux by e-mail (Cybil.Prideaux@schools.utah.gov).

Short Description of Program or Initiative	Who is Mandating the program or Initiative? (Federal law, State law, Board rule, or Internal staff decision/LEA request)	Federal Citation, Utah Code Section, or Board Rule	Is the Program or Initiative considered Regulatory or Service Oriented
<p><u>Equity</u></p> <ul style="list-style-type: none"> • Education Programs and Activities Covered by Title IX Programs and activities which receive ED funds must operate in a nondiscriminatory manner. (http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html) • Title VI of the Civil Rights Act of 1964 protects people from discrimination based on race, color or national origin in programs or activities that receive Federal financial assistance. Title VI states that: No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. • SECTION 504 OF THE REHABILITATION ACT OF 1973 This policy interpretation applies to any public or private institution, person, or other entity that receives or benefits from HEW financial assistance. For further information, see definition of "recipient" at 45 CFR section 84.3(f). <i>Authority:</i> Regulation issued under section 504 of the Rehabilitation Act of 1973, 45 CFR §84.22 and appendix A. (http://www2.ed.gov/policy/rights/reg/ocr/frn-1978-08-14.html) 	<p>State law, Federal law</p>	<ul style="list-style-type: none"> • Education Programs and Activities Covered by Title IX • Title VI of the Civil Rights Act of 1964 • SECTION 504 OF THE REHABILITATION ACT OF 1973 	<p>Regulatory and Service Oriented</p>

<p>As the federally mandated SEA, the Utah State Office of Education, is required to have staff (the Education Equity Section), to address Title VI (Race, National Origin, Sex) issues/concerns, and serve as the state Title IX Coordinator and Section 504 Monitoring Officers, who respond to all K-12 civil rights inquiries and complaints, and route them accordingly.</p>			
<p>Prevention</p> <ul style="list-style-type: none"> • 53A-13-102. Instruction on the harmful effects of alcohol, tobacco, and controlled substance. Rulemaking authority -- Assistance from the Division of Substance Abuse and Mental Health • 51-9-405. (c) The State Office of Education shall use the allocation in public school programs for: <ul style="list-style-type: none"> i. substance abuse prevention and education; ii. substance abuse prevention training for teachers and administrators; and district and school programs to supplement, not supplant, existing local prevention efforts in cooperation with local substance abuse authorities. • R277-613 LEA Bullying, Cyber Bullying, Hazing and Harassment Policies and Training LGBTQ • R277-620 Suicide Prevention Programs • R277-436 Gang Prevention and Intervention Programs in the Schools • R277-401 Child Abuse-Neglect Reporting by Education Personnel • R277-460 Distribution of Substance Abuse Prevention Account • R277-411 School District Sponsored School Seminars on Youth Protection-Related <ul style="list-style-type: none"> ○ Substance Abuse (illegal drugs, prescription drugs) ○ Bullying ○ Student Mental Health 	<p>State law, Board rule</p>	<ul style="list-style-type: none"> • 53A-13-102 • 51-9-405 • R277-613 LEA Bullying, Cyber Bullying, Hazing and Harassment Policies and Training LGBTQ • R277-620 Suicide Prevention Programs • R277-436 Gang Prevention and Intervention Programs in the Schools • R277-401 Child Abuse-Neglect Reporting by Education Personnel • R277-460 Distribution of Substance Abuse Prevention Account • R277-411 School District Sponsored School Seminars on Youth Protection-Related 	<p>Regulatory and Service Oriented</p>

<ul style="list-style-type: none"> ○ Depression ○ Student Suicide Awareness ○ Internet Safety for Students (pornography addiction) ○ Other student-health related problems or issues (identified by LEA) 			
<p><u>School Counseling</u></p> <p>53A-1a-106. School district and individual school powers -- Student education/occupation plan (SEOP)/Plan for College and Career Readiness definition.</p> <p>(1) In order to acquire and develop the characteristics listed in Section 53A-1a-104, each school district and each public school within its respective district shall implement a comprehensive system of accountability in which students advance through public schools by demonstrating competency in required skills and mastery of required knowledge through the use of diverse assessment instruments such as authentic and criterion referenced tests, projects, and portfolios.</p> <p>(iv) establish strategic planning at both the district and school level and site-based decision making programs at the school level;</p> <p>(v) provide opportunities for each student to acquire and develop academic and occupational knowledge, skills, and abilities;</p> <p>(vii) involve business and industry in the education process through the establishment of partnerships with the business community at the district and school level.</p> <p>(b) (i) As used in this title, "student education/occupation plan" or "SEOP"/Plan for College and Career Readiness means a plan developed by a student and the student's parent or guardian, in consultation with school counselors, teachers, and administrators that: (A) is initiated at the beginning of grade 7; (B) identifies a student's skills and objectives; (C) maps out a strategy to guide a student's course selection; and (D) links a student to post-secondary options, including higher education and careers.</p>	<p>State law, Board rule</p>	<ul style="list-style-type: none"> • 53A-1a-106 	<p>Regulatory and Service Oriented</p>

<p>(ii) Each local school board, in consultation with school personnel, parents, and school community councils or similar entities shall establish policies to provide for the effective implementation of a personalized student education plan (SEP) or student education/occupation plan (SEOP)/Plan for College and Career Readiness for each student at the school site.</p> <p>(iii) The policies shall include guidelines and expectations for: (A) recognizing the student's accomplishments, strengths, and progress towards meeting student achievement standards (B) planning, monitoring, and managing education and career development; and (C) involving students, parents, and school personnel in preparing and implementing SEPs and SEOPs/Plan for College and Career Readiness.</p> <p>(iv) A parent may request conferences with school personnel in addition to SEP or SEOP/Plan for College and Career Readiness conferences established by local school board policy.</p> <p>(v) Time spent during the school day to implement SEPs and SEOPs/ Plan for College and Career Readiness is considered part of the school term referred to in Subsection 53A-17a-103(4).</p> <ul style="list-style-type: none"> • R277-464. Comprehensive Counseling and Guidance Program. R277-462-4. Student Education Occupation Planning in a Plan for College and Career Readiness. Schools shall implement students' SEOP/Plan for College and Career Readiness process consistent with the policies and goals of the LEAs' Comprehensive Counseling and Guidance Program models. The student, student's parent/guardian and school personnel shall cooperatively develop the SEOP/Plan for College and Career Readiness during the first two years in which the student is enrolled in grades 7-12 in the LEA. The implementation for the SEOP/Plan for College and Career Readiness shall include the following conferences: <ol style="list-style-type: none"> (1) 7th and 8th grades: minimally one individual and one group conference during the two years; (2) 9th and 10th grades: minimally one individual conference and one group conference during the two years; 		<ul style="list-style-type: none"> • R277-464 Comprehensive Counseling and Guidance Program. R277-462-4. Student Education Occupation Planning in a Plan for College and Career Readiness. 	
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<p>(3) 11th and 12th grades: minimally one individual conference and one group conference during the two years; and</p> <p>(4) other meetings, as necessary.</p> <ul style="list-style-type: none"> • CTE Maintenance of Effort As part of the CTE maintenance of effort, school counseling program support CTE programs/Perkins maintenance of effort • R277-530 Educator effectiveness/School Counselor Standards In addition to meeting the Effective Teaching Standards described in Section R277-530-5 and the Educational Leadership Standards described in Section R277-530-6, an educational school counselor shall demonstrate the following traits, skills, and work functions designated in the following seven standards: <ol style="list-style-type: none"> 1. Collaboration, Leadership and Advocacy 2. Collaborative Classroom Instruction 3. The Plan for College and Career Readiness Process 4. Systemic Approach to Dropout Prevention with Social and Emotional Supports 5. Data-Driven Accountability and Program Evaluation 6. Systemic School Counseling Program Management 7. Professional and Ethical Behavior • R277-921. Strengthening College and Career Readiness Program. HB198 2015 session HB198 creates the Strengthening College and Career Readiness Program, a grant program for local education agencies, to improve students' college and career readiness through enhancing the skill level of school counselors to provide college and career counseling. The bill directs the Utah State Office of Education (USOE) to develop a certificate for school counselors that certifies that a school counselor is highly skilled at providing college and career counseling. The funding from this bill awards grants to local education agencies (LEAs), on a competitive basis, for payment of course fees for coursework 		<ul style="list-style-type: none"> • CTE Maintenance of Effort/R277-911 • R277-530 Educator effectiveness/School Counselor Standards • R277-921. Strengthening College and Career Readiness Program. HB198 2015 session 	
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<p>toward the certificate. The certificate program is comprised of 3 components: SREB coursework, USOE PD, and Career Literacy PD.</p> <ul style="list-style-type: none"> • FERPA is a Federal law that is administered by the Family Policy Compliance Office (Office) in the U.S. Department of Education (Department). 20 U.S.C. § 1232g; 34 CFR Part 99. FERPA applies to all educational agencies and institutions (e.g., schools) that receive funding under any program administered by the Department. Once a student reaches 18 years of age or attends a postsecondary institution, he or she becomes an "eligible student," and all rights formerly given to parents under FERPA transfer to the student. FERPA generally prohibits the improper disclosure of personally identifiable information derived from education records. Thus, information that an official obtained through personal knowledge or observation, or has heard orally from others, is not protected under FERPA. This remains applicable even if education records exist which contain that information, unless the official had an official role in making a determination that generated a protected education record. • PPRA 53a-13-301 & 302 The Protection of Pupil Rights Act was passed in 1978 (20 U.S.C. § 1232h; 34 CFR Part 98) and was recently amended. The new regulations became effective January 3, 2012. Parents or students who believe their rights under PPRA may have been violated may file a formal complaint with the local school district. PPRA is intended to protect the rights of parents and students. PPRA seeks to ensure that schools make instructional materials available for inspection by parents if those materials will be used in connection with an education-funded survey, analysis, or evaluation in which their children participate, and it seeks to 		<ul style="list-style-type: none"> • FERPA is a Federal law that is administered by the Family Policy Compliance Office (Office) in the U.S. Department of Education (Department). 20 U.S.C. § 1232g; 34 CFR Part 99. • PPRA 53a-13-301 & 302 The Protection of Pupil Rights Act was passed in 1978 (20 U.S.C. § 1232h; 34 CFR Part 98) and was recently amended. The new regulations became effective January 3, 2012. 	
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ensure that schools obtain written parental consent before minor students are required to participate in any education-funded survey, analysis, or evaluation that reveals information concerning:

- Political affiliations.
- Mental and psychological problems potentially embarrassing to the student and his/her family.
- Sex behavior and attitudes.
- Illegal, anti-social, self-incriminating and demeaning behavior.
- Critical appraisals of other individuals with whom respondents have close family relationships.
- Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
- Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Utah Code 53A-13-302 supports federal law and requires school districts to adopt policies that “shall include prohibitions on the administration to a student of any psychological or psychiatric examination, test, or treatment, or any survey, analysis, or evaluation without the prior written consent of the student’s parent or legal guardian.”

The Utah Code includes all the items listed above in federal code and adds:

- Religious affiliations or beliefs.
- Legally recognized privileged

• **R277-506. School Psychologists, School Social Workers, School Counselors, Communication Disorders (Audiologists), Speech-Language Pathologists, and Speech-Language Technicians Licenses and Programs.**

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<ul style="list-style-type: none"> • Over 2400 bills reference SEOP/Plan for College and Career Readiness • 80 state board rules reference SEOP/Plan for College and Career Readiness 			
<p><u>Student Services</u></p> <p>Comprehensive and coordinated student support services are critically important for the social, emotional and character development of students and the development of learning climates that are conducive to student achievement of high academic standards. Student support services foster positive relationships among educators and students, thereby increasing students’ attachment to school, and serve as an essential link between students and, their families and school resources and community-based health and social services.</p>	<p>State law, Board rule</p>	<ul style="list-style-type: none"> • HB286 Child Sexual Abuse Prevention • R277-606. Dropout Recovery Program • School Discipline <ul style="list-style-type: none"> a. Policies & Procedures (LEA & Student Handbook) b. Suspension/Expulsion c. Safe School Services d. Home/Hospital (General & SPED) e. Least Restrictive Behavioral Interventions (LRBI) General Ed. f. UTREx Data – SIS – Incident Data g. Utah Student Health and Risk Prevention (SHARP) h. Multi-Tiered System of Supports (MTSS) i. Continuum of Services & Referral j. School Resource Officers (MOUs – Coordination) • R277-609 Standards for LEA Discipline Plans • R277-607 Truancy Prevention • R277-401 Child Abuse-Neglect Reporting by Education Personnel • R277-400 School Facility Emergency and Safety • R277-483 Persistently Dangerous Schools • R277-437 Student Enrollment Options • R277-608 Prohibition of Corporal Punishment in Utah’s Public Schools 	<p>Regulatory and Service Oriented</p>

		<ul style="list-style-type: none"> • R277-611 Certified Volunteer Instructors and Material Approval Requirements and Process for Firearm Safety in Public Schools • R277-615 Standards and Procedures for Student Searches • R277-616 Education for Homeless and Emancipated Students • R277-710 Intergenerational Poverty Interventions in Public Schools • R277-714 Dissemination of Information About Juvenile Offenders 	
<p><u>Additional Support Systems</u></p> <p>SB232 Rescue Medication in Schools Requires the Department of Health to develop a training program for the administration of seizure rescue medications by a school employee volunteer; requires a public school to provide training for the administration of a seizure rescue medication to a school employee who volunteers to receive training; provides for a trained school employee to administer a seizure rescue medication under certain conditions; and provides certain exemptions from liability.</p>		<ul style="list-style-type: none"> • SB232 – 2016 Session 	<p>Regulatory and Service Oriented</p>