

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

SECTION 3. Arkansas Code Title 6, Chapter 18, Subchapter 10, is 35 repealed.

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

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.

APPROVED: 2/21/19