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**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

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WEST VIRGINIA SECRETARY OF STATE

**FORM 5 -- NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR  
A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY **Education**

RULE TYPE **Legislative Exempt** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **126-**

RULE NAME **Comprehensive School Counseling Programs (2315)** **067**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

RULE IS LEGISLATIVE EXEMPT

**Yes**

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

**W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE EFFECTIVE DATE OF THIS RULE IS

**Monday, August 14, 2017**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Yes**

**Mary C Tuckwiller -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 126-067



Rule Id: 16458



Document: 49580

**TITLE 126  
LEGISLATIVE RULE  
BOARD OF EDUCATION**

**SERIES 67  
Comprehensive School Counseling Program (2315)**

**§126-67-1. General.**

1.1. Scope. -- W. Va. 126CSR67, West Virginia Board of Education (hereinafter WVBE) Policy 2315, Comprehensive School Counseling Programs (hereinafter Policy 2315), sets forth requirements for Pre-K-12 Comprehensive School Counseling Programs (hereinafter CSCP) in West Virginia schools. This policy outlines a comprehensive system to enhance academic and learning development, career development and life planning, personal and social development, and to build global citizenship skills for all students.

1.2. Authority. -- W. Va. Constitution, Article XII, §2 and W. Va. Code §§18-2-5 and 18-5-18b.

1.3. Filing Date. -- July 13, 2017.

1.4. Effective Date. -- August 14, 2017.

1.5. Repeal of Former Rule. -- This legislative rule amends W. Va. 126CSR67, Policy 2315, Comprehensive School Counseling Program filed April 10, 2014 and effective July 1, 2014.

**§126-67-2. Purpose.**

2.1. Policy 2315 defines the core components of the CSCP in West Virginia schools, establishes the West Virginia Standards for Student Success (hereinafter WVSSS) as the foundational standards for the CSCP, and outlines both county board and school responsibilities for implementing the CSCP.

**§126-67-3. Comprehensive School Counseling Program Description.**

3.1. The CSCP is an integral part of the total school program and is aligned with the school's mission. The CSCP is a proactive, systemic approach to assist students with the acquisition of attitudes, knowledge, skills, and behaviors necessary to maximize student success and preparation for a variety of postsecondary options. The CSCP provides universal prevention for all students, targeted interventions for at-risk students, and intensive interventions for the most at-risk students. The CSCP is standards-based and designed to developmentally and sequentially address the WVSSS within each programmatic level. The CSCP utilizes school and community data to identify student needs in relation to the CSCP and to set annual priorities for the WVSSS. A certified school counselor, in collaboration with school and community stakeholders, will develop an Annual CSCP Plan in order to coordinate and implement a CSCP designed to address student needs. The CSCP contains four distinct delivery systems.

**§126-67-4. County Board Responsibilities.**

4.1. Each county board of education shall ensure that the CSCP:

4.1.a. is proactive and preventive, comprehensive in scope, and developmental in nature, and

enhances opportunities for every student to achieve school success through academic, career, and personal and social development experiences, preparing all students to become globally responsible citizens;

4.1.b. provides all Pre-K-12 students opportunities to achieve the foundational standards established in the WVSSS;

4.1.c. provides an organized, integrated, and planned approach that is sequential, needs-based, and integral to the educational process;

4.1.d. utilizes student, school, and community data to identify student needs and implement evidence-based practices to address identified needs;

4.1.e. is aligned with the West Virginia School Counseling Model, a three-tiered system of student support that provides universal prevention, targeted interventions, and intensive interventions;

4.1.f. is aligned with applicable WVBE policies [W. Va. 126CSR114, WVBE Policy 5100, Approval of Educator Preparation Programs (hereinafter Policy 5100); W. Va. 126CSR142, WVBE Policy 5310, Performance Evaluation of School Personnel (hereinafter Policy 5310); W. Va. 126CSR99, Policy 4373, Expected Behavior in Safe and Supportive Schools (hereinafter Policy 4373); W. Va. 126CSR0444, Policy 2520.19, West Virginia College- and Career-Readiness Dispositions and Standards for Student Success for Grades K-12 (hereinafter Policy 2520.19), and W. Va. 126CSR42, Policy 2510, Assuring the Quality of Education: Regulations for Education Programs (hereinafter Policy 2510)];

4.1.g. is coordinated by a certified school counselor as defined in W. Va. 126CSR136, WVBE Policy 5202, Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (hereinafter Policy 5202) and delivered collaboratively with school and community professionals;

4.1.h. includes the four program delivery components identified in Section 5 of this policy;

4.1.i. adheres to the Family Educational Rights and Privacy Act (20 U.S.C. §1232g, 34 CFR Part 99) (hereinafter FERPA), guidelines, the American School Counselor Association Ethical Standards, confidentiality laws/guidelines, and informed consent as defined in Section 10: Glossary; and

4.1.j. is supported and monitored by the principal who ensures that the school counselor and leadership team develop an Annual CSCP Plan that is aligned with requirements set forth in this policy.

#### **§126-67-5. Delivery Components of Comprehensive School Counseling Programs.**

5.1. This section defines components of a standards-focused and evidence-based CSCP to be addressed by county policy and monitored by county and school leadership. Delivery components include:

5.1.a. *Personalized Student Planning* includes providing opportunities for students to discover their interest in emerging careers. Ongoing opportunities at all programmatic levels are provided during the school day for career exploration and self-discovery. Personalized planning allows student to develop academic skills, identify interests, maximize strengths, minimize weaknesses, set and reach personal/educational goals, and realize their career aspirations. A Personalized Education Plan

(hereinafter PEP) is developed collaboratively, involving students, parents/guardians, and school staff.

5.1.a.1. During the 8<sup>th</sup> grade year, each student's PEP is developed to identify course selections for the 9<sup>th</sup> and 10<sup>th</sup> grade based on each student's identified career aspirations. Prior to development of the PEP, the school shall provide ongoing opportunities during the school day for career exploration and self-discovery involving student needs assessments, career and interest inventories, learning style inventories, self-reflections, and career inquiry. When finalizing the PEP, the counselor and/or student advisor will meet with the student and parents/guardians to secure signatures documenting involvement. The student and parents/guardians shall be provided a copy of the PEP.

5.1.a.2. During the 9<sup>th</sup> grade year and each subsequent year, each student reviews and updates his or her PEP in collaboration with the school counselor, teachers, advisors, and parents/guardians. Review of the PEP will include academic offerings, career plans, review of various interests, learning styles, career and academic assessments, interest inventories, and learning styles inventories, aptitude tests, and multiple intelligence inventories to guide changes to course selections.

5.1.a.3. During the 10<sup>th</sup> grade year, the second phase of the PEP is developed. Students identify course selections for grades 11-12 and postsecondary plans for the first year after high school. To assist with development of the three-year PEP, the school will provide ongoing opportunities during the school day for career exploration and self-discovery involving completing student needs assessments, career and interest inventories, learning style inventories, self-reflections, and multi-faceted opportunities for career inquiry. Each student's individual assessments will be reviewed to ensure academic planning maximizes individual strengths and interests. Career exploration and planning and the development of the PEP is a shared responsibility between the student, school counselor, teachers, advisors, and parents/guardians.

5.1.a.4. The PEP is reviewed annually in grades 9-12 with the student and his or her parents/guardians, and is signed and dated during each annual review conference. Students may amend their PEP at the end of any semester as long as it does not interfere with the completion of graduation requirements based on availability of courses.

5.1.b. *Integrated Delivery of WV Standards for Student Success* is coordinated by the school leadership team, the school counselor, and teachers. The WVSSS (see Policy 2520.19), describe the attitudes, knowledge, skills, and behaviors all students shall develop in relation to *academic and learning development, career development and life planning, personal and social development, and global citizenship*. The WVSSS are critical to the holistic development of all students and require integration into all aspects of each student's educational experience utilizing all school staff and key community stakeholders through a variety of delivery modalities. The WVSSS are the foundational standards for each CSCP.

5.1.c. *Responsive Services* are provided when events and situations in students' lives or in the school climate and culture impedes student success. Responsive services offer preventive activities and programs to address the identified needs of students in each school, as well as evidence-based interventions to address targeted student needs. The services include working with at-risk students to provide the help and support needed to ensure grade level success. Usually short-term in nature, responsive services include individual and small group counseling, academic and behavior intervention plans, crisis prevention and response, consultation with parents/guardians and other school staff, and referrals to school and community resources. Some students may require an immediate and expert response to assist with an academic, emotional, or behavioral crisis. In cases where students require

ongoing support or therapy, the counselor makes appropriate referrals and works with families to secure appropriate resources within the school or community. Schools identify who will coordinate and follow-up on each referral. The school counselor collaborates with stakeholders to create a school-wide, prevention-based approach to individual and school crises and has a crisis plan in place to address the mental health component of common school-wide crises. The school crisis team educates other stakeholders to assist with school-wide crisis preparedness, prevention, intervention, and response, outlining responsibilities and best practices in the school crisis planning and response.

5.1.d. *Student Supports* consists of a systemic, coordinated approach of developing and implementing programs and activities within the school and community aimed at supporting the success of all students. High quality education programs provide well-designed student support systems, ensuring that the learning environment is safe and supportive and that the academic, social and emotional, and career development needs of students are identified and addressed. The school counselor collaborates with stakeholders to ensure school-wide coordination of the CSCP and other student support programs. Schools design and identify programs and resources that address identified student needs and enhance the success of each child. Additionally, students and families may seek support to address their unique academic, career and personal-social needs.

#### **§126-67-6. Counselor Qualifications, Use of Time, and Program Monitoring.**

6.1. School counselor qualifications are defined in Policy 5202.

6.2. School counselors spend their time planning, designing, managing, facilitating, delivering, and evaluating a comprehensive school counseling program that benefits all students in accordance with the West Virginia School Counseling Model, Policy 5100, and W. Va. Code §18-5-18b.

6.3. The CSCP is monitored by the county board of education, and each school's principal evaluates the school counselor in accordance with Policy 5310.

#### **§126-67-7. Responsibility.**

7.1. The WVDE shall ensure that professional learning opportunities are provided for counselors and principals. WVDE and its designees shall provide technical assistance and other support to each county board of education with policy revisions and with the development and implementation of the CSCP upon request.

7.2. The WVDE shall be responsible for the development and distribution of the school counseling program model and the school counseling program audit template to be utilized by counties as resources in professional development and program planning.

7.3. Each county board of education shall revise and submit for approval to the WVDE a CSCP policy for schools aligned with requirements set forth in this policy. The initial and subsequent revisions will be submitted to the WVDE by October 1 of each school year.

#### **§126-67-8. Incorporation of the West Virginia Standards for Student Success (WVSSS) by Reference.**

8.1. The WVSSS, found in Policy 2520.19, serve as foundational standards for all West Virginia Comprehensive School Counseling Programs. Copies of these standards can be obtained from the Office of the Secretary of State and on the WVDE website under State Board Policies.

**§126-67-9. Summary of West Virginia Standards for Student Success.**

9.1. The WVBE has the responsibility to establish high quality standards pertaining to all education programs. The WVSSS outline the attitudes, knowledge, skills, and behaviors essential to support all students in achieving everyday school success and in being college and career ready. The principal and school staff must utilize an intentional process to engage all school staff and ensure the WVSSS are integrated within each programmatic level through the use of the developmentally appropriate methods. Policy 2520.19 includes the WVSSS in three programmatic levels: Early Learning Programming, Middle Level Programming, and Adolescent Level Programming, to assist with developmentally appropriate implementation within each programmatic level.

9.2. The WVSSS are foundational standards for all students and shall be collaboratively delivered, using a coordinated approach, in both the PreK-12 comprehensive school counseling program and the teacher-led student advisory system in all West Virginia middle and high schools, as per Policy 2510.

9.3. The WVSSS have been developed with the goal of preparing students for school success and a wide range of high-quality post-secondary opportunities. Specifically, college- and career-readiness refers to the knowledge, skills, and dispositions needed to be successful in higher education and/or training that lead to gainful employment. The WVSSS establish a set of knowledge and skills that all individuals need to transition into higher education or into the workplace, as both realms share many expectations. All students, throughout their educational experience, should develop emotional and social competence and a full understanding of the career opportunities available, the education necessary to be successful in their chosen pathway, and a plan to achieve their goals.

**§126-67-10. Glossary.**

10.1. *Annual CSCP Plan* – Each school annually develops a CSCP plan to outline priority goals and strategies to attain goals. The counselor(s), school leadership, and school counseling advisory council members review relevant data to guide development of the annual plan. This data will include results of the CSCP Audit, the school counselor self-reflection completed by the counselor as part of the performance evaluation, student and staff needs assessments, other school data (various student assessments, attendance, discipline, dropout rates, etc.) and community data (disasters, crime, poverty, domestic violence rates, etc.). The annual plan addresses the five school counselor performance standards: Program Planning, Design and Management, Program Delivery, Data Driven Accountability and Program Evaluation, Leadership and Advocacy, and Professional Growth and Responsibilities. The CSCP Plan identifies priority student WVSSS objectives to be addressed in each of the four program delivery systems described in Section 5.

10.2. *Collaboration* – Collaboration is a partnership in which two or more individuals or organizations actively work together on a project or problem. School counselors collaborate with various educational stakeholders to develop and deliver the CSCP to support the success of all students.

10.3. *Confidentiality* – Each student and family has the right to privacy and the expectation that the school counselor/student relationship complies with all laws, policies, and ethical standards pertaining to confidentiality in the school setting. The counselor has a duty to ensure that personal information shared by the student and/or parents/guardians with the counselor remains confidential unless the information pertains to harm to self or others. School counselors are required to adhere to FERPA guidelines and the ASCA Code of Ethics to protect confidential student information.

10.4. *Consultation* – Consultation refers to a process in which parents/guardians, teachers, other educators, and community agencies receive information regarding strategies and resources to help students and families. Counselors exchange strategies, information and resources with stakeholders to meet individual student needs. During the consultation process, school counselors serve as advocates for students to promote well-being and success in school.

10.5. *Crisis Response* – Crisis response provides prevention, intervention, and follow-up to individual and school-wide crises that impact students, staff, or families. Crisis response is normally temporary in nature and includes a variety of research-based interventions to support individuals or group needs. School counselors should adhere to W. Va. Code §18-9F-1, et seq. in relation to the school crisis plan. Long term reactions to a crisis may result in a referral to appropriate community or school-based resources and follow-up interventions.

10.6. *Early Identification* – A systemic, structured process in which schools use various data points to identify at-risk students early in order to refer for screening or support services.

10.7. *Equity and Access* – A process to ensure that all students have equal access to relevant programs, courses, resources and activities regardless of ethnicity, social class, family background, ability, sexual orientation, or gender.

10.8. *Ethical Standards* – School counselors are bound to behave ethically, exhibiting the highest standards of practice. West Virginia school counselors must align their practices with the American School Counselor Association ethical standards.

10.9. *Family Educational Rights and Privacy Act (FERPA)* – FERPA provides legal guidance for disclosure of personally identifiable student information, including education records. Individuals, including school officials, without a “legitimate educational interest” may not access student records without parental consent. School Counselors shall be knowledgeable of and follow federal guidelines of the Family Policy Compliance Office in the U.S. Department of Education; 20 U.S.C.; §1232g; 34 CRF Part 99.

10.10. *Global Citizenship* – Global citizenship is a voluntary association with the global community that identifies with the universalities of the human experience. It promotes intercultural competency, principled decision-making, and responsible participation in various types of communities. Global citizens act in the spirit of understanding that all individuals and groups have equal rights to freedom, privileges, respect and resources without regard to such distinctions as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, sexual orientation, gender, or other status. The global citizen standard in this policy describes attitudes, knowledge, skills and behaviors students need to succeed in a global society.

10.11. *Group Counseling* – Counseling is provided for small groups of students experiencing similar difficulties that impede school success and may include relationships or other personal concerns, behavioral issues, school adjustment issues, attendance problems, academic concerns, or developmental issues. Small-group counseling is skills-based, aimed at helping students with similar concerns develop strategies that improve personal and school success. Small group counseling normally occurs during non-instructional time or is staggered between class periods, minimizing absences during instruction while building coping and school success skills. Group counseling in schools is short term in nature and normally occurs for 30-50 minutes once a week for 4-7 weeks. Students needing more intensive therapeutic

counseling should be referred to school and/or community mental health professionals.

10.12. *Individual Counseling* – Individual counseling refers to a helping process implemented by a professional with a certification in counseling who uses a variety of evidence-based techniques and strategies to help individual students explore academic, career, and personal/social issues impeding healthy development or academic progress. Individual counseling aims to assist students with addressing barriers and improving school success, home, and community living. Individual counseling in the school setting is short term in nature. Students requiring more frequent or intensive counseling should be referred to appropriate mental health professionals.

10.13. *Informed Consent* – Informed consent involves seeking written permission from parents of minors for services typically not provided by certified school staff and is required when students receive services from non-school employees. Students under the age of consent may assent to school counseling services without parent permission because the comprehensive school counseling program is a required school component of Policy 2510. Therefore, school counselors are not required to seek parental permission for students to benefit from any component of the school counseling program as defined in this policy. As best practice, counselors may inform parents if students will be missing significant, ongoing instructional time for such activities as group counseling, educational programs outside the school, or peer helping training programs.

10.14. *Postsecondary* – Postsecondary includes options available to students after high school (e.g., two and four-year colleges, certificate programs, employment, on-the-job training, apprenticeship programs, and the military).

10.15. *Stakeholders* – Any person who assists with or benefits from the school counseling program and may include students, school staff and leadership, parents, community members, higher education, and workforce leaders.

10.16. *Certified School Counselor* – West Virginia school counselors hold a master's degree in school counseling from an accredited university and certification in school counseling from the WVDE per Policy 5202.

10.17. *West Virginia School Counselor Performance Standards (hereinafter WVSCPS)* – The WVSCPS describe the essential skills, knowledge, dispositions, and behaviors all West Virginia school counselors must possess. These performance standards describe evidence-based best practices and guide school counselors to improve program effectiveness, student success, and career readiness. The standards include performance level rubrics that guide school counselors in becoming accomplished in all the major facets of effective school counseling practice.

**§126-67-11. Severability.**

11.1. If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.