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## MEMORANDUM

**TO:** Members, Utah State Board of Education

**FROM:** Martell Menlove, Ph.D.  
Chief Executive Officer

**DATE:** May 9, 2014

**ACTION:** R277-462 *Comprehensive Counseling and Guidance Program* (Continuation and Amendment)

### **Background:**

1. R277-462 *Comprehensive Counseling and Guidance Program* is due for a five-year review and continuation consistent with the Utah Administrative Rulemaking Act. The rule must be approved for continuation by the Board or it will expire on September 3, 2014. Staff has reviewed R277-462 and determined that the rule continues to be necessary.
2. R277-462 *Comprehensive Counseling and Guidance Program* was last reviewed and updated in 2009. The rule is amended to provide necessary program changes, new accreditation standards, legislative action and funding changes.

### **Key Points:**

1. R277-462 continues to be necessary because it provides standards and procedures for entities applying for state CTE funds appropriated for Comprehensive Counseling and Guidance Programs administered by the Board.
2. Amendments include:
  - Updates in terminology of AdvancEd Accreditation from Northwest Accreditation
  - Adding key phrase of "college and career ready dropout prevention"
  - Updates on Comprehensive Counseling and Guidance Program on-site review process
  - Updates on funding and funding formula
  - Deadlines for LEA on ratio reports
  - Plan for College and Career Ready (individual planning) outline

### **Anticipated Action:**

1. It is proposed that the Law and Licensing Committee consider approving R277-462 for continuation on first reading, and if approved by the Committee, the Board consider approving R277-462 for continuation on second reading.
2. It is proposed that the Law and Licensing Committee consider approving R277-462, as amended, on first reading, and if approved by the Committee, the Board consider approving R277-462, as amended, on second reading.

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1 **R277. Education, Administration.**

2 **R277-462. Comprehensive Counseling and Guidance Program.**

3 **R277-462-1. Definitions.**

4 A. "Board" means the Utah State Board of Education.

5 B. "Comprehensive Counseling and Guidance Program" or  
6 "Program" means the organization of resources to meet the  
7 priority needs of students and inform and involve parents or  
8 guardians through four delivery system components:

9 (1) school guidance curriculum which means providing  
10 guidance content to all students in a systematic way;

11 (2) individual student planning which means  
12 individualized education and career planning, including  
13 student ~~[educational and occupational]~~college and career  
14 planning with all students;

15 (3) responsive services and dropout prevention component  
16 designed to meet the immediate concerns of certain students;  
17 and

18 (4) system support component which addresses management  
19 of the Program and the needs of the school system itself.

20 C. "Comprehensive Counseling and Guidance Steering and  
21 Advisory Committee" means representatives designated by the  
22 USOE comprised of school district counseling supervisors,  
23 school district career and technical education directors, PTA,  
24 the school counselor professional association, practicing  
25 school counselors, and others designated by the USOE.

26 D. "Counselor to student ratio" means licensed school  
27 counselors full time equivalent (FTE), or percentage thereof,  
28 who by license and assignment are identified as school  
29 counselors for secondary students on October 1 of each year  
30 compared to the secondary student enrollment on October 1 of  
31 each year.

32 E. "Direct services" means time spent on the school  
33 guidance curriculum, individual student planning, including  
34 SEOP/Plan for College and Career Readiness, and responsive  
35 services/dropout prevention activities meeting students'  
36 identified needs as discerned by students, school personnel  
37 and parents or guardians consistent with ~~[school district and~~

38 ~~charter school]~~LEA policy.

39 F. "LEA" means a local education agency, including local  
40 school boards/public school districts and charter schools.

41 [~~F~~]G. "School counselor" means an educator licensed as a  
42 school counselor in the state of Utah consistent with R277-506  
43 and assigned to provide counseling [~~services~~]and information  
44 to students to make appropriate educational and career  
45 choices.

46 [~~G~~]H. "Secondary school" means a school providing  
47 services to students in grades 7-12.

48 [~~H~~]I. "Secondary student" means a student in grades 7-12.

49 [~~I~~]J. "SEOP/Plan for College and Career Readiness" means  
50 a student education occupation plan. An SEOP/Plan for College  
51 and Career Readiness is a developmentally organized  
52 intervention process that includes:

53 (1) a written plan, updated annually, for a secondary  
54 student's (grade [~~9~~]7-12[~~, at a minimum~~]) education and  
55 occupational preparation;

56 (2) all Board, local board and local charter board  
57 graduation requirements;

58 (3) evidence of parent or guardian, student, and school  
59 representative involvement annually;

60 (4) attainment of approved workplace skill competencies,  
61 including job placement when appropriate; and

62 (5) identification of post secondary goals and approved  
63 sequence of courses.

64 [~~J~~]K. "Student achievement" means academic performance,  
65 career development, multi cultural/global citizenship,  
66 personal/social development, continued student engagement in  
67 learning, attendance, SEOP/Plan for College and Career  
68 Readiness outcomes and other measures of adequate yearly  
69 progress.

70 [~~K~~]L. "USOE" means the Utah State Office of Education.

71 [~~L~~]M. "Utah Career and Technical Education Consortium"  
72 means representatives of nine Career and Technical Education  
73 Regional Planning Areas.

74 [~~M~~]N. "WPU" means weighted pupil unit, the basic unit

75 used to calculate the amount of state funds for which an  
76 [~~school district or charter school~~]LEA is eligible.

77 **R277-462-2. Authority and Purpose.**

78 A. This rule is authorized by Utah Constitution Article  
79 X, Section 3 which vests general control and authority over  
80 public education in the Board, by Section 53A-1a-106(2)(b)  
81 which directs local boards to develop policies for the  
82 implementation of student[~~education plans (SEP) or~~]  
83 SEOP[~~s~~]/Plan for College and Career Readiness, and by Section  
84 53A-1-401(3) which allows the Board to adopt rules in  
85 accordance with its responsibilities.

86 B. This rule establishes standards and procedures for  
87 entities applying for funds appropriated for Comprehensive  
88 Counseling and Guidance Programs administered by the Board.

89 C. This rule establishes counselor to student ratios as  
90 a requirement for all secondary schools.

91 D. This rule establishes provisions for [~~school districts~~  
92 ~~and charter schools~~]LEAs not meeting the minimum counselor to  
93 student ratios.

94 E. This rule directs that [~~local school district, charter~~  
95 ~~school~~]LEA and building level policies and practices shall  
96 free licensed school counselors for appropriate identified  
97 activities with secondary students.[~~School counselors shall~~  
98 ~~not devote significant time to non-school counseling~~  
99 ~~activities, including test coordination and assessment and~~  
100 ~~other activities inconsistent with the Program.~~]

101 **R277-462-3. Comprehensive Counseling and Guidance Program**  
102 **Approval and Qualifying Criteria.**

103 A. Comprehensive Counseling and Guidance disbursement  
104 criteria:

105 (1) In order to qualify for Comprehensive Counseling and  
106 Guidance Program funds, secondary schools shall implement  
107 SEOP/Plan for College and Career Readiness policies and  
108 practices, consistent with Section 53A-1a-106(2)(b), local  
109 board or charter school governing board policies, and the

110 school improvement plans developed for [~~Northwest~~] Advanced  
111 Accreditation and required under Section 53A-1a-108.5.

112 (2) Consistent with the Utah Model for Comprehensive  
113 Counseling and Guidance: K-12 Programs, the USOE shall  
114 designate to each [~~school district and charter school~~] LEA  
115 secondary school, [~~which~~] that has a USOE-approved school  
116 counseling program [~~shall receive~~], a WPU base for the first  
117 400 students as determined by the October 1 enrollment of the  
118 previous fiscal year [~~, and~~]. The USOE shall also designate a  
119 per student allotment, as funds are available, for each  
120 additional student beyond 400, capping at a maximum 1200  
121 students, if the local Program maintains Program criteria and  
122 ratios required in R277-462-5.

123 (3) The USOE shall give [~~P~~] priority for funding [~~shall be~~  
124 ~~given~~] to grades nine through twelve for career and technical  
125 education programs including the Comprehensive Counseling and  
126 Guidance Program and any remaining funds [~~shall be allocated~~]  
127 to grades seven and eight for the schools which meet  
128 Comprehensive Counseling and Guidance Program standards. The  
129 USOE shall distribute [~~F~~] funds directed to grades seven and  
130 eight [~~shall be distributed~~] according to the formula under  
131 R277-462-3A(2) following the distribution of funds for grades  
132 nine through twelve.

133 (4) The [~~charter school or school district~~] USOE shall  
134 integrate the LEA Comprehensive Counseling and Guidance  
135 Program [~~shall be integrated~~] into the mission of the schools  
136 [~~and be~~] consistently with the [~~Northwest~~] Advanced  
137 Accreditation process as defined in R277-41[~~3~~]0, Accreditation  
138 of [~~Secondary Schools, Alternative or Special Purpose~~  
139 ]Schools. School counselors shall provide evidence that the  
140 Comprehensive Counseling and Guidance Program contributes to  
141 student achievement included in the local school improvement  
142 plan.

143 (5) Secondary schools shall qualify for Comprehensive  
144 Counseling and Guidance Program funds through participation in  
145 a regular schedule of on-site reviews by the USOE  
146 Comprehensive Counseling and Guidance Program specialist in

147 the formal process and team members determined by the [~~school~~  
148 ~~district or the charter school~~]LEA's authorizing agency during  
149 the interim review process. The USOE shall [~~Scheduling~~  
150 ~~of~~]schedule the on-site review process[~~shall be coordinated~~  
151 ~~with the Northwest Accreditation process~~] for secondary  
152 schools as defined in R277-41[3]0 [~~and~~]which shall[~~, at a~~  
153 ~~minimum,~~] take place at a minimum every six years with three  
154 year interim reviews, in a format determined by the [~~school~~  
155 ~~district or charter school~~]LEA authorizing agency. Successful  
156 on-site reviews of the Comprehensive Counseling and Guidance  
157 Program shall indicate a balance of activities consistent with  
158 Program models and goals in individual student planning,  
159 guidance curriculum, responsive services and system support.

160 (6) If a charter school requires assistance from a school  
161 district in conducting the charter school's on-site review,  
162 the charter school shall [~~compensate the school district in a~~  
163 ~~reasonable amount agreed upon between the school district and~~  
164 ~~the charter school~~]negotiate that payment.

165 [~~(7) Consistent with Section 53A-17a-113(5), of the~~  
166 ~~monies allocated to Comprehensive Counseling and Guidance~~  
167 ~~Programs, \$1,000,000 in grants shall be awarded to school~~  
168 ~~districts and charter schools that:~~

- 169 ~~— (a) provide an equal amount of matching funds; and~~  
170 ~~— (b) do not supplant other funds used for Comprehensive~~  
171 ~~Counseling and Guidance Programs.]~~

172 ([8]7) The USOE shall distribute Comprehensive Counseling  
173 and Guidance Program funds[~~shall be distributed~~] to [~~school~~  
174 ~~districts and charter schools~~]LEAs for secondary schools that  
175 have completed a regular schedule of on-site reviews and that  
176 meet all of the following criteria:

177 (a) Approval of the Comprehensive Counseling and Guidance  
178 Program by the local board of education or charter school  
179 governing board and on-going communication with the local or  
180 governing board regarding Program goals and outcomes supported  
181 by data;

182 (b) Regular participation of guidance team members in  
183 USOE sponsored Comprehensive Counseling and Guidance training;

184 (c) Adequate resources and support for guidance  
185 facilities, material, equipment, clerical support, and school  
186 improvement processes;

187 (d) Evidence that eighty-five percent of aggregate  
188 counselors' time is devoted to DIRECT service to students  
189 through a balanced program of individual planning, school  
190 guidance curriculum, and responsive services consistent with  
191 the results of the school needs data;

192 (e) Communication, collaboration, and coordination within  
193 the feeder system regarding the Comprehensive Counseling and  
194 Guidance Program;

195 (f) School-wide student/parent/teacher needs assessment  
196 data for the Comprehensive Counseling and Guidance Program  
197 gathered and analyzed at least every three years;

198 (g) Structures and processes to ensure effective Program  
199 management including advisory/steering committees functioning  
200 effectively, school counselors working as Program leaders, and  
201 the Comprehensive Counseling and Guidance Program contributing  
202 to school improvement teams;

203 (h) Available responsive services to address the  
204 immediate concerns and identified needs of students through an  
205 education-oriented and programmatic approach; services should  
206 compliment and coordinate with existing school programs,  
207 families, and school and community resources;

208 (i) Delivery to students of a developmental and  
209 sequential school guidance curriculum in harmony with content  
210 standards identified in the Utah model for the Comprehensive  
211 Counseling and Guidance Program. A school/LEA shall set  
212 priorities for Guidance curriculum [~~is prioritized according~~  
213 ~~to~~]consistent with the results of the school needs assessment  
214 process;

215 (j) Assistance for students in career development,  
216 including awareness and exploration, job seeking and finding  
217 skills, and post high school placement;

218 (k) Facilitation by school counselors of [~~Student~~  
219 ~~Education Occupation Planning (+)SEOP(+)]/Plan for College and  
220 Career Readiness, both as a process and a product;~~

221 (1) Involvement of parents/guardians in all available  
222 Comprehensive Counseling and Guidance Program  
223 steering/advisory committees; and

224 (m) Program elements that are designed to recognize and  
225 address the needs of diverse students.

226 B. All [~~school districts and local charter~~]LEA governing  
227 boards that receive Comprehensive Counseling and Guidance  
228 Program funds shall provide written certification that all  
229 Program standards are met by each school consistent with USOE  
230 cycles[7] and using USOE forms.

231 (1) All [~~schools and charter schools~~]LEAs receiving  
232 Comprehensive Counseling and Guidance Program funds shall  
233 provide school-based data projects demonstrating program or  
234 intervention effectiveness as required by the USOE.

235 (2) School counselors shall not devote significant time  
236 to non-school counseling activities, including test  
237 coordination and assessment, and other activities inconsistent  
238 with the Program.

239 **R277-462-4. Student Education Occupation Planning in a Plan**  
240 **for College and Career Readiness.**

241 A. [~~School district and charter school s~~]Secondary  
242 schools that receive Comprehensive Counseling and Guidance  
243 funds shall complete a written SEOP[§]/Plan for College and  
244 Career Readiness for all students.

245 B. Parents/guardians shall sign [P]plans[~~shall be signed~~  
246 ~~by parents/guardians~~].

247 C. Students shall complete [F]four year plans[~~shall be~~  
248 ~~completed for students prior to~~at the beginning of their  
249 [ninth]seventh grade year[§].

250 D. Students' schools shall maintain [P]plans[~~shall be~~  
251 ~~maintained by the student's school~~].

252 E. Students' course registration and class changes shall  
253 be consistent with their written SEOP[§]/Plan for College and  
254 Career Readiness.

255 F. Schools shall implement students' [The]SEOP/Plan for  
256 College and Career Readiness process[~~shall be carried out~~]

257 consistent with the policies and goals of the [~~school~~  
258 ~~districts' or charter schools~~]LEAs' Comprehensive Counseling  
259 and Guidance Program models. The student, student's  
260 parent/guardian and school personnel shall cooperatively  
261 develop the SEOP/Plan for College and Career Readiness during  
262 the first two years in which the student is enrolled in grades  
263 7-12 in the LEA. The implementation for the SEOP/Plan for  
264 College and Career Readiness shall include the following  
265 conferences:

266 (1) 7th and 8th grades: minimally one individual and one  
267 group conference during the two years;

268 (2) 9th and 10th grades: minimally one individual  
269 conference and one group conference during the two years;

270 (3) 11th and 12th grades: minimally one individual  
271 conference and one group conference during the two years; and

272 (4) other meetings, as necessary.

273 **R277-462-5. School Counselor to Student Ratios.**

274 A. All [~~school districts and charter schools~~]LEAs shall  
275 certify to the USOE by October 1 annually:

276 (1) the full time equivalent licensed school counselors  
277 employed and assigned to each school;

278 (2) that secondary school counselor to secondary student  
279 ratios at the [~~school district or charter school~~]LEA level are  
280 one (counselor) to 350 (students) or better; and

281 (3) that variations requiring less than a .25 full time  
282 equivalent licensed school counselor shall be permitted at the  
283 school level.

284 B. [~~May~~]June 1 annually, [~~school districts and charter~~  
285 ~~schools~~]LEAs not meeting the ratio required under R277-462-  
286 5A(2), shall submit to the Board a plan to be approved for  
287 meeting established ratios in a reasonable time frame to  
288 continue to receive Comprehensive Counseling and Guidance  
289 Program and Minimum School Program funding.

290 C. [~~School districts and charter schools~~]LEAs that do not  
291 satisfy required counselor to student ratios shall receive  
292 reasonable notice and reasonable time periods and

293 opportunities to explain and remedy the failure to comply.

294 D. As additional funds for Comprehensive Counseling and  
295 Guidance Programs become available, the Board may require LEAs  
296 to have lower counselor to student ratios [~~may be required~~  
297 ~~following Board approval and adequate~~], following notice to  
298 [~~schools districts and charter schools~~]LEAs.

299 **R277-462-6. Use of Comprehensive Counseling and Guidance**  
300 **Program Funds.**

301 A. [~~School districts and charter schools~~]LEAs shall  
302 satisfy all provisions of R277-462 including established  
303 counselor to student ratios, in order to receive Comprehensive  
304 Counseling and Guidance Program funds.

305 B. LEAs shall use [~~F~~]funds [~~shall be used~~]for students  
306 in grades 7-12.

307 C. LEAs may use [~~F~~]funds [~~may be used~~]to provide a  
308 school guidance curriculum.

309 D. LEAs may use [~~F~~]funds [~~may be used~~]to provide student  
310 activities that support the SEOP/Plan for College and Career  
311 Readiness process.

312 E. LEAs may use [~~F~~]funds [~~may be used~~]for personnel  
313 costs including clerical positions that support the SEOP/Plan  
314 for College and Career Readiness process.

315 F. LEAs may use [~~F~~]funds [~~may be used~~]for Career Center  
316 equipment or materials such as computers, media equipment,  
317 computer software, occupational information, SEOP/Plan for  
318 College and Career Readiness folders or educational  
319 information.

320 G. LEAs may use [~~F~~]funds [~~may be used~~]for professional  
321 development for personnel involved in the Comprehensive  
322 Counseling and Guidance Program.

323 H. LEAs may use [~~F~~]funds [~~may be used~~]for the expenses  
324 of extended days or years which are required to run the  
325 Program.

326 I. LEAs may use [~~F~~]funds [~~may be used~~]for classroom  
327 guidance curriculum materials [~~for use in classrooms~~].

328 J. LEAs may use [~~F~~]funds [~~may be used at a minimum~~]to pay

329 for at least one secondary school counselor, per school, per  
330 year [~~to pay~~]for membership in the American School Counselor  
331 Association (ASCA) to facilitate accessing research and  
332 resources for effective Program implementation and effective  
333 student interventions and outcomes.

334 K. LEAs shall not use funds to supplant current or  
335 existing personnel or programs.

336 L. The USOE may use no more than two percent of the total  
337 Comprehensive Counseling and Guidance Program funding to  
338 provide SEOP/Plan for College and Career Readiness development  
339 and Program management.

340 **R277-462-7. Variances, Accountability and Reporting.**

341 A. New schools that are created from schools that have  
342 [~~Northwest~~]AdvancED accreditation and USOE Comprehensive  
343 Counseling and Guidance Program approval may qualify for  
344 Comprehensive Counseling and Guidance Program funding under  
345 this rule in the schools' first year of operation.

346 B. [~~Charter schools and other new school district~~]New LEA  
347 schools not meeting the requirements of R277-462-5A may  
348 receive Comprehensive Counseling and Guidance Program funding  
349 following two years of planning, training and Program  
350 implementation.

351 C. USOE Data Gathering

352 (1) The USOE shall gather data annually in October from  
353 [~~school districts and charter schools~~]LEAs regarding the  
354 number and assignments of school counselors.

355 (2) The USOE shall use [~~the~~]the data [~~shall be used~~]to  
356 determine [~~secondary school district and charter school~~]LEA  
357 compliance with this rule, including required ratios.

358 D. The USOE shall monitor the Program statewide and  
359 prepare an annual report for the Legislature and the Board  
360 including data and compliance information.

361 E. [~~School districts or charter schools~~]LEAs shall  
362 certify on an annual basis that previously qualified schools  
363 continue to meet the Program criteria and provide the USOE  
364 with data and information on the Program upon request.

365 **KEY:** public education, counselors  
366 **Date of Enactment or Last Substantive Amendment:** [~~May 8,~~  
367 ~~2009~~]2014  
368 **Notice of Continuation:** [~~September 3, 2009~~]2014  
369 **Authorizing, and Implemented or Interpreted Law:** Art X Sec 3;  
370 53A-15-201; 53A-17a-131.8