

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 199

5 By: Senator B. Davis
6 By: Representative Vaught
7

For An Act To Be Entitled

9 AN ACT TO REPEAL THE PUBLIC SCHOOL STUDENT SERVICES
10 ACT; TO CREATE THE SCHOOL COUNSELING IMPROVEMENT ACT
11 OF 2019; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 TO REPEAL THE PUBLIC SCHOOL STUDENT
16 SERVICES ACT; AND TO CREATE THE SCHOOL
17 COUNSELING IMPROVEMENT ACT OF 2019.
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 6-15-202(f)(42), concerning the development
23 of accreditation regulations and standards, is amended to read as follows:

24 (42) Section ~~6-18-1005~~ 6-18-2003 concerning a ~~student-services~~
25 comprehensive school counseling program;
26

27 SECTION 2. Arkansas Code § 6-18-707(c)(2)(B)(iii), concerning
28 definitions regarding prescription asthma inhalers or auto-injectable
29 epinephrine, is amended to read as follows:

30 (iii) A copy of an individualized healthcare plan
31 for the student ~~prepared in accordance with § 6-18-1005 and any related rules~~
32 ~~of the department.~~
33

34 SECTION 3. Arkansas Code Title 6, Chapter 18, Subchapter 10, is
35 repealed.
36

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



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~~6-18-1001. Title.~~

~~This subchapter shall be known and may be cited as the "Public School Student Services Act".~~

~~6-18-1002. Purpose.~~

~~It is the intent of the General Assembly to articulate the functions served by each of the components of a program of student services. It is further the intent of the General Assembly that each school district develop and implement a plan for providing student services to all students in the public school system, including area vocational-technical schools. Such plan shall be implemented no later than the 1991-1992 school year. It is the intent of the General Assembly that student services coordinators be given time to fulfill their responsibilities under this subchapter.~~

~~6-18-1003. Rules.~~

~~The State Board of Education is authorized to adopt rules to carry out the intent of this legislation; such rules shall include, but need not be limited to:~~

~~(1) A description of the student services program at all educational levels for which the school district board of directors is responsible;~~

~~(2) Criteria for the development by each school of a building-based student services plan which reflects input from parents, teachers, principals, students, and other agencies;~~

~~(3) Identification of alternative student services personnel who do not meet traditional graduate school requirements and who may be used by the school district board of directors in providing the recommended student services, including, but not limited to, paraprofessionals, teachers, parents, and representatives of business and industry; and~~

~~(4) Establishment of minimum standards for all areas of student services personnel.~~

~~6-18-1004. School district plan.~~

~~(a)(1) Each school district shall develop and implement a plan that ensures that individual student services are coordinated in a manner~~

1 ~~utilizing such techniques as differentiated staffing so as to make maximum~~
 2 ~~use of the contribution of each service.~~

3 ~~(2) Only those trained and certified in the appropriate~~
 4 ~~specialty or following a Department of Education's deficiency removal plan~~
 5 ~~will be assigned to carry out the duties of each service.~~

6 ~~(b) Each school district plan shall reflect the use of alternative~~
 7 ~~methods of classroom management. Such methods may include, but are not~~
 8 ~~limited to, the following:~~

9 ~~(1) Behavioral contracting;~~

10 ~~(2) Dispute resolution;~~

11 ~~(3) Classroom meetings;~~

12 ~~(4) Logical consequences;~~

13 ~~(5) Assertive discipline;~~

14 ~~(6) Behavior modification; and~~

15 ~~(7) Career and academic counseling.~~

16 ~~(c)(1) Each school district plan shall provide for a district-level~~
 17 ~~tracking system for school dropouts and for students who fail to reach~~
 18 ~~proficiency on state-mandated assessments.~~

19 ~~(2) The tracking system shall include provisions for student~~
 20 ~~services personnel in all schools to conduct exit interviews of students who~~
 21 ~~are dropping out of school and for follow-up of such students when possible.~~

22 ~~(d) The superintendent of a school district not in substantial~~
 23 ~~compliance with the terms of its plan may be requested to appear before the~~
 24 ~~Senate Committee on Education and the House Committee on Education.~~

25
 26 ~~6-18-1005. Student services program defined.~~

27 ~~(a) "Student services program" means a coordinated effort, which shall~~
 28 ~~include, but is not limited to:~~

29 ~~(1) Guidance and counseling services, which shall include, but~~
 30 ~~are not limited to:~~

31 ~~(A) The availability of individual and group counseling to~~
 32 ~~all students;~~

33 ~~(B) Orientation programs for new students at each level of~~
 34 ~~education and for transferring students;~~

35 ~~(C) Academic advisement for class selection by~~
 36 ~~establishing academic goals in elementary, middle, and high school;~~

1 ~~(D) Consultation with parents, faculty, and out-of-school~~
2 ~~agencies concerning student problems and needs;~~

3 ~~(E) Utilization of student records and files;~~

4 ~~(F) Interpretation of augmented, criterion-referenced, or~~
5 ~~norm-referenced assessments and dissemination of results to the school,~~
6 ~~students, parents, and community;~~

7 ~~(G) The following up of early school dropouts and~~
8 ~~graduates;~~

9 ~~(H) A school-initiated system of parental involvement;~~

10 ~~(I) An organized system of informational resources on~~
11 ~~which to base educational and vocational decision making;~~

12 ~~(J) Educational, academic assessment, and career~~
13 ~~counseling, including advising students on the national college assessments,~~
14 ~~workforce opportunities, and alternative programs that could provide~~
15 ~~successful high school completion and postsecondary opportunities for~~
16 ~~students;~~

17 ~~(K) Coordinating administration of the Tests of Adult~~
18 ~~Basic Education or a high school equivalency pretest to students by~~
19 ~~designating appropriate personnel, other than the school guidance counselor,~~
20 ~~to administer the tests;~~

21 ~~(L) Classroom guidance, which shall be limited to forty-~~
22 ~~minute class sessions, not to exceed three (3) per day and not to exceed ten~~
23 ~~(10) per week; and~~

24 ~~(M) Guidance in understanding the relationship between~~
25 ~~classroom performance and success in school;~~

26 ~~(2) Psychological services, which shall include, but are not~~
27 ~~limited to, the following:~~

28 ~~(A) Evaluation of students with learning or adjustment~~
29 ~~problems;~~

30 ~~(B) Evaluation of students in exceptional child education~~
31 ~~programs;~~

32 ~~(C) Consultation and counseling with parents, students,~~
33 ~~and school personnel to ensure that all students are ready to succeed and~~
34 ~~that all students are preparing for college and work;~~

35 ~~(D) A system for the early identification of learning~~
36 ~~potential and factors that affect the child's educational performance;~~

1 ~~(E) A system of liaison and referrals, with resources~~
2 ~~available outside the school; and~~

3 ~~(F) Written policies that assure ethical procedures in~~
4 ~~psychological activities;~~

5 ~~(3) Visiting teacher and school social work services, which~~
6 ~~shall include, but are not limited to, the following:~~

7 ~~(A) Providing casework to assist in the prevention and~~
8 ~~remediation of problems of attendance, behavior, adjustment, and learning;~~
9 ~~and~~

10 ~~(B) Serving as liaison between the home and school by~~
11 ~~making home visits and referring students and parents to appropriate school~~
12 ~~and community agencies for assistance;~~

13 ~~(4) Career services, which shall include, but are not limited~~
14 ~~to, the dissemination of career education information, appropriate course-~~
15 ~~taking patterns, and the effect of taking more rigorous courses so that~~
16 ~~students are better prepared for college and work success;~~

17 ~~(5) Group conflict resolution services, which shall include, but~~
18 ~~are not limited to, the following:~~

19 ~~(A) Educational and social programs that help students~~
20 ~~develop skills enabling them to resolve differences and conflicts between~~
21 ~~groups;~~

22 ~~(B) Programs designed to promote understanding, positive~~
23 ~~communication, and greater utilization of a race relations specialist or~~
24 ~~human relations specialist to assist in the development of intergroup skills;~~
25 ~~and~~

26 ~~(C) Programs designed to prevent bullying;~~

27 ~~(6) Health services, which shall include, but are not limited~~
28 ~~to, the following:~~

29 ~~(A) Students with special healthcare needs, including the~~
30 ~~chronically ill, medically fragile, and technology dependent, and students~~
31 ~~with other health impairments shall have individualized healthcare plans;~~

32 ~~(B)(i) Invasive medical procedures required by students~~
33 ~~and provided at the school shall be performed by trained, licensed personnel~~
34 ~~who are licensed to perform the task subject to § 17-87-102(10)(D) or other~~
35 ~~professional licensure statutes, unless permitted under § 17-87-103(10) and~~
36 ~~(11).~~

1 ~~(ii)—The regular classroom teacher shall not perform~~
 2 ~~these tasks, except that public school employees may volunteer to be trained~~
 3 ~~and administer glueagon to a student with type 1 diabetes in an emergency~~
 4 ~~situation permitted under § 17-87-103(11); and~~

5 ~~(C)—Custodial healthcare services required by students~~
 6 ~~under individualized healthcare plans shall be provided by trained school~~
 7 ~~employees other than the regular classroom teachers; and~~

8 ~~(7)—The distribution of a suicide prevention public awareness~~
 9 ~~program developed for distribution by the Arkansas Youth Suicide Prevention~~
 10 ~~Task Force.~~

11 ~~(b)—School counselors shall spend at least seventy-five percent (75%)~~
 12 ~~of work time each month during the school year providing direct counseling~~
 13 ~~related to students and shall devote no more than twenty-five percent (25%)~~
 14 ~~of work time each month during the school year to administrative activities~~
 15 ~~provided that the activities relate to the provision of guidance services.~~

16
 17 ~~6-18-1006.—Occupational and placement specialist.~~

18 ~~(a)—The occupational and placement specialist shall serve as liaison~~
 19 ~~between employers and the school.~~

20 ~~(b)—It is the responsibility of the district placement to make written~~
 21 ~~board recommendations to the superintendent for consideration by the school~~
 22 ~~district board of directors concerning areas of curriculum deficiency having~~
 23 ~~an adverse effect on the employability of job candidates or progress in~~
 24 ~~subsequent education experiences.~~

25 ~~(c)—Furthermore, district administrative personnel shall report to the~~
 26 ~~school district board of directors concerning adjustments in program~~
 27 ~~outcomes, curricula, and delivery of instruction as they are made with the~~
 28 ~~use of placement and follow-up information.~~

29 ~~(d)—The follow-up studies conducted by occupational and placement~~
 30 ~~services shall be on a statistically valid random sampling basis when~~
 31 ~~appropriate and shall be stratified to reflect the appropriate vocational~~
 32 ~~programs of students graduating from or leaving the public school system.~~

33
 34 ~~6-18-1007.—School student services status report.~~

35 ~~(a)—By January 1, 1994, and each year thereafter, the Department of~~
 36 ~~Education shall compile and present to the Governor, the State Board of~~

1 ~~Education, the Senate Committee on Education, and the House Committee on~~
2 ~~Education a report outlining monitoring findings and the status of~~
3 ~~implementing each of the provisions of this subchapter by the various school~~
4 ~~districts, including which districts are in substantial compliance with the~~
5 ~~plan required under this subchapter.~~

6 ~~(b)(1)(A) By January 1, 1998, the department shall have in place a~~
7 ~~staffing structure which assures that the department's administration and~~
8 ~~field service staff are responsible for monitoring the department and local~~
9 ~~school district implementation and compliance with the provisions of this~~
10 ~~subchapter.~~

11 ~~(B) The department shall employ one (1) or more persons~~
12 ~~who shall have a minimum qualification of certification as a school~~
13 ~~counselor.~~

14 ~~(2) Each school district shall be responsible for submitting an~~
15 ~~annual report to the Assistant Commissioner of Learning Services of the~~
16 ~~Department of Education outlining its compliance with and implementation of~~
17 ~~plans for the provisions of this section.~~

18 ~~(3)(A) The Commissioner of Education, in consultation with the~~
19 ~~appropriate assistant commissioner, shall designate an individual or~~
20 ~~individuals who shall have a minimum qualification of certification as a~~
21 ~~school counselor to be responsible for coordinating the monitoring of~~
22 ~~compliance with this section.~~

23 ~~(B) The monitoring shall include interviews with~~
24 ~~administrators, counselors, students, and teachers.~~

25
26 ~~6-18-1008. Implementation.~~

27 ~~(a) The State Board of Education shall cause the Commissioner of~~
28 ~~Education to designate one (1) employee who shall be responsible for~~
29 ~~overseeing the implementation of this subchapter.~~

30 ~~(b) By January 1, 1994, and each year thereafter, the Department of~~
31 ~~Education shall compile and present to the Governor, the state board, the~~
32 ~~House Committee on Education, and the Senate Committee on Education a report~~
33 ~~outlining the status of implementing each of the provisions of this~~
34 ~~subchapter by the various school districts.~~

35
36 ~~6-18-1009. Career development.~~

1 ~~(a) Each school counselor shall provide a career planning process for~~
 2 ~~each student to include career awareness, employment readiness, career~~
 3 ~~information, and the knowledge and skills necessary to achieve career goals.~~

4 ~~(b) School counselors shall also encourage parents, during regular~~
 5 ~~parent conferences, to support partnerships in their children's learning and~~
 6 ~~career planning processes.~~

7
 8 SECTION 4. Arkansas Code Title 6, Chapter 18, is amended to add an
 9 additional subchapter to read as follows:

10 Subchapter 20 - School Counseling Improvement Act of 2019

11
 12 6-18-2001. Title.

13 This subchapter shall be known and may be cited as the "School
 14 Counseling Improvement Act of 2019".

15
 16 6-18-2002. Definitions.

17 As used in this subchapter:

18 (1) "Administrative activities" means activities that are not
 19 directly related to the comprehensive school counseling plan and are absent
 20 of any direct student services or interaction;

21 (2) "Direct services" means services that are provided through
 22 face-to-face contact with students, including without limitation:

23 (A) Regular classroom guidance limited to forty-minute
 24 class sessions, not to exceed three (3) class sessions per day and not to
 25 exceed ten (10) class sessions per week;

26 (B) Individual and group counseling;

27 (C) Responsive services on behalf of students whose
 28 immediate personal concerns and problems put the student's academic, career,
 29 or social and emotional development at risk, including the administration of
 30 a risk-assessment; and

31 (D) Interventions for students that are:

32 (i) At risk of dropping out of school; or

33 (ii) Exhibiting dangerous behaviors, such as drug
 34 use, self-harm, or gang activity; and

35 (3) "Indirect services" means consultations between a student, a
 36 parent or legal guardian, school staff, and community agencies concerning a

1 student's academic, career, and social and emotional needs.

2
3 6-18-2003. Comprehensive school counseling program and plan framework.

4 (a) Each public school district shall:

5 (1) Develop and implement a comprehensive school counseling
6 program that ensures student services are coordinated in a manner that
7 provides comprehensive support to all students; and

8 (2) Have a written plan for a comprehensive school counseling
9 program that:

10 (A) Is implemented by an Arkansas-certified school
11 counselor, a counselor serving under an additional licensure plan, or a
12 school employee acting as a school counselor under a waiver granted under §
13 6-15-103(c);

14 (B) Utilizes state and nationally recognized counselor
15 frameworks;

16 (C) Is reviewed annually and updated as needed by the
17 school counselor in collaboration with the building administrator and other
18 stakeholders;

19 (D) Is systemically aligned to kindergarten through grade
20 twelve (K-12) within the public school district; and

21 (E) Contains the following four (4) components of a
22 comprehensive school counseling program:

23 (i) Foundation, which includes without limitation:

24 (a) Vision statements;

25 (b) Mission statements; and

26 (c) Program goals;

27 (ii) Management, which utilizes assessments and
28 other data to develop, implement, and evaluate a comprehensive school
29 counseling program;

30 (iii) Delivery, which focuses on direct and indirect
31 services through the implementation of a comprehensive school counseling
32 program; and

33 (iv) Accountability, which ensures regular analysis
34 of the comprehensive school counseling program that is provided.

35 (b) The comprehensive school counseling program required under
36 subsection (a) of this section shall:

1 (1) Guide students in academic pursuits, career planning, and
2 social and emotional learning;

3 (2) Follow the comprehensive school counseling program guidance
4 provided by the Department of Education;

5 (3) Include goals that are developed annually based on the
6 vision and mission statements that are shared by stakeholders to ensure
7 equitable access to opportunities for all students; and

8 (4) Identify student needs through a multilevel school data
9 review that includes without limitation:

10 (A) Data analysis;

11 (B) Use-of-time data review;

12 (C) Program results data; and

13 (D) Communication and contact with administrators,
14 parents, students, and stakeholders.

15
16 6-18-2004. Comprehensive student services.

17 (a) Sufficient time at each public school shall be allotted for the
18 school counselor to carry out the duties stated in the comprehensive school
19 counseling plan required under § 6-18-2003.

20 (b)(1) A school counselor shall spend at least ninety percent (90%) of
21 his or her working time during student contact days providing direct and
22 indirect services to students.

23 (2) Direct and indirect services may be provided in
24 collaboration with other school personnel and include without limitation:

25 (A) Intervening with students who are at risk of dropping
26 out of school to determine if there is a way to keep at-risk students in
27 school;

28 (B) Following-up with high school graduates;

29 (C) Providing orientation programs for new students and
30 transferring students at each level of education;

31 (D) Providing academic advisement services, including
32 without limitation:

33 (i) Developing an individual planning system to
34 guide a student to access and monitor the student's own educational, career,
35 and social and emotional progress;

36 (ii) Guiding a student along the pathways to

1 graduation;

2 (iii) Guiding a student in goal-setting experiences
3 and course selection aligned with the student's post-secondary goals;

4 (iv) Addressing accelerated learning opportunities;

5 (v) Addressing academic deficits and the
6 accessibility of resources;

7 (vi) Providing student assessment reviews, interest
8 inventories, or academic results needed to develop, review, and revise a
9 student's plan of study; and

10 (vii) Providing support for students who show
11 potential so they are more likely to engage in rigorous coursework and take
12 advantage of post-secondary opportunities;

13 (E) Providing a career planning process that includes
14 without limitation:

15 (i) Guidance in understanding the relationship
16 between classroom performance and success in school and beyond;

17 (ii) The provision of resources to identify career
18 interests and aptitudes to assist a student in age-appropriate college and
19 career planning;

20 (iii) Guidance in understanding the advantages of
21 completing career certifications and internships;

22 (iv) Interpretation of augmented, criterion-
23 referenced, or norm-referenced assessments for students and parents;

24 (v) The provision of information to a parent or
25 legal guardian, such as through workshops on preparing for college, financial
26 aid, and career opportunities; and

27 (vi) Encouragement to a parent or legal guardian to
28 support partnerships in his or her student's learning and career planning
29 processes;

30 (F) Providing social and emotional skills designed to
31 support students, including without limitation programs:

32 (i) To promote cultural and social awareness,
33 positive communication and relationship skills, collaboration with others,
34 and responsible decision making;

35 (ii) To improve culture and climate in the school so
36 that all students can feel that they are in a safe and supportive

1 environment;

2 (iii) To develop conflict-resolution skills;

3 (iv) To prevent bullying that include without

4 limitation:

5 (a) Training programs for school employees
6 regarding how to recognize bullying behaviors;

7 (b) Protocols for responding to bullying that
8 is occurring in the school;

9 (c) Strategies that support a student who is
10 being bullied; and

11 (d) Strategies that help a bystander speak out
12 against bullying; and

13 (v) To address age-appropriate suicide awareness and
14 prevention through:

15 (a) Strategies that help identify a student
16 who is at risk for suicide;

17 (b) Strategies and protocols that help a
18 student who is at risk for suicide; and

19 (c) Protocols for responding to a suicide
20 death; and

21 (G) Serving as a contributing member of decision-making
22 teams, which include without limitation:

23 (i) Teams that are convened under Section 504 of the
24 Rehabilitation Act of 1973, Pub. L. No. 93-112;

25 (ii) Response-to-intervention teams;

26 (iii) English language learner programs;

27 (iv) Parental involvement or family engagement
28 programs;

29 (v) Positive behavioral intervention support
30 programs; and

31 (vi) Advanced placement and gifted and talented
32 programs.

33 (c)(1) Administrative activities performed by a school counselor shall
34 not exceed more than ten percent (10%) of the school counselor's time spent
35 working during student contact days.

36 (2) Administrative activities provided by a school counselor in

1 collaboration with other school personnel include without limitation:

2 (A) Coordinating state assessments, cognitive achievement
 3 assessments, advanced placement programs, and language acquisition testing
 4 programs;

5 (B) Developing master schedules;

6 (C) Coordinating of:

7 (i) Teams convened under Section 504 of the
 8 Rehabilitation Act of 1973, Pub. L. No. 93-112;

9 (ii) Response-to-intervention teams;

10 (iii) English language learner programs;

11 (iv) Parental involvement or family engagement
 12 programs;

13 (v) Positive behavioral intervention support
 14 programs;

15 (vi) Data entry; and

16 (vii) Advanced placement and gifted and talented
 17 programs; and

18 (D) Monitoring students in common areas such as the
 19 cafeteria, hallway, playground, and bus lines.

20
 21 6-18-2005. Monitoring and support.

22 (a) Each public school district is responsible for posting its annual
 23 comprehensive school counseling plan on the district website under state
 24 required information.

25 (b)(1) Beginning with the 2020-2021 school year, the Department of
 26 Education shall monitor each public school district to ensure implementation
 27 and compliance with this subchapter.

28 (2) Failure by a public school district to comply with this
 29 subchapter is a violation of the Standards for Accreditation of Arkansas
 30 Public Schools and School Districts.

31 (c) The department shall:

32 (1) Employ at least one (1) individual who is certified as a
 33 school counselor;

34 (2) Provide a multilevel system of support to public school
 35 districts to assist in complying with the requirements of this subchapter;
 36 and

1 (3) Provide guidance and technical assistance to public school
2 districts in order to support equitable access to public school counseling
3 services.

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