



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
MARGARET M. O'NEILL BUILDING  
410 FEDERAL STREET, SUITE 1  
DOVER, DE 19901

VOICE: (302) 739-3620  
TTY/TDD: (302) 739-3699  
FAX: (302) 739-6704

August 26, 2015

Ms. Tina Shockley, Education Associate  
Department of Education  
401 Federal Street, Suite 2  
Dover, DE 19901

RE: 19 DE Reg. 102 [DOE Proposed School Counseling Program Regulation]

Dear Ms. Shockley:

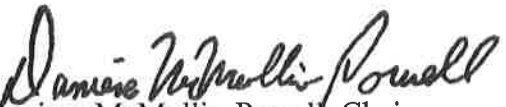
The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE's) proposal to revise its standards covering school counseling programs. The proposed regulation was published as 19 DE Reg. 102 in the August, 2015 issue of the Register of Regulations.

As background, the revisions are intended to achieve alignment with national standards adopted by the American School Counselor Association (ASCA) in 2012. The DOE notes that a group of counselors has been meeting for the past three months to develop user-friendly templates which conform to the national model. Consistent with the attached ASCA position statement, "The School Counselor and Students with Disabilities" (rev. 2013), the ASCA standards address special needs of all students. The proposed standards are straightforward. Each school is required to implement a comprehensive school counseling program aligned with the ASCA model (§2.1). Each school is required to have a written plan with enumerated content (§2.2) which is submitted to the DOE annually (§3.1).

SCPD endorses the initiative subject to one inquiry. The standards literally apply only to district schools (§§2.1, 2.2, and 3.1). The DOE may wish to consider whether the standards should also apply to charter schools.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our position on the proposed regulation.

Sincerely,

  
Daniese McMullin-Powell, Chairperson  
State Council for Persons with Disabilities

cc: The Honorable Mark Murphy, Secretary of Education  
Mr. Chris Kenton, Professional Standards Board  
Dr. Teri Quinn Gray, State Board of Education  
Ms. Mary Ann Mieczkowski, Department of Education  
Ms. Kathleen Geiszler, Esq., Department of Justice  
Ms. Terry Hickey, Esq., Department of Justice  
Ms. Ilona Kirshon, Esq., Department of Justice  
Mr. Brian Hartman, Esq.  
Developmental Disabilities Council  
Governor's Advisory Council for Exceptional Citizens

19reg102 doe-school counseling 8-26-15

## **The School Counselor and Students with Disabilities**

(Adopted 1999; revised 2004, 2010, 2013)

### **American School Counselor Association (ASCA) Position**

School counselors encourage and support the academic, career and social/emotional development for all students through comprehensive school counseling programs. School counselors are committed to helping all students realize their potential and meet or exceed academic standards regardless of challenges resulting from disabilities and other special needs.

### **Rationale**

The Individuals with Disabilities Education Act (IDEA) requires public schools to provide a free, appropriate public education in the least restrictive environment for all students. However, research suggests “students with disabilities have not always received adequate educational services and supports” (Rock & Leff, 2007, p. 314). In addition, Section 504 of the Rehabilitation Act of 1973 protects qualified individuals with disabilities defined as persons with a physical or mental impairment that substantially limits one or more major life activities (caring for one’s self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks and learning). School counselors strive to assist all students in achieving their full potential, including students with disabilities, within the scope of the comprehensive school counseling program.

School counselors recognize their strengths and limitations in working with students with disabilities. School counselors also are aware of current research and seek to implement best practices in working with students presenting any disability category. IDEA defines “child with a disability” as a child with:

- autism
- deaf-blindness
- developmental delay
- emotional disturbance
- hearing impairments (including deafness)
- intellectual disability (formerly mental retardation)
- multiple disabilities
- orthopedic impairments
- other health impairments
- specific learning disabilities
- speech or language impairments
- traumatic brain injury
- visual impairments (including blindness)

and

who, by reason thereof, needs special education and related services.

### **The School Counselor’s Role**

School counselors work with students individually, in group settings, in special education class settings and in the regular classroom. School counselor responsibilities may include but are not limited to:

- providing school counseling curriculum lessons, individual and/or group counseling to students with special needs within the scope of the comprehensive school counseling program
- providing short-term, goal-focused counseling in instances where it is appropriate to include these strategies in the individual educational program (IEP)
- encouraging family involvement in the educational process
- consulting and collaborating with staff and families to understand the special needs of a student and understanding the adaptations and modifications needed to assist the student
- advocating for students with special needs in the school and in the community

- contributing to the school's multidisciplinary team within the scope and practice of the comprehensive school counseling program to identify students who may need to be assessed to determine special education eligibility
- collaborating with related student support professionals (e.g., school psychologists, physical therapists, occupational therapists, special education staff, speech and language pathologists, teachers of deaf and hearing impaired) in the delivery of services
- providing assistance with developing academic and transition plans for students in the IEP as appropriate

Inappropriate administrative or supervisory responsibilities for the school counselor include, but are not limited to:

- making singular decisions regarding placement or retention
- serving in any supervisory capacity related to the implementation of the IDEA
- serving as the school district representative for the team writing the IEP
- coordinating, writing or supervising a specific plan under Section 504 of Public Law 93-112
- coordinating, writing or supervising the implementation of the IEP
- providing long-term therapy

### Summary

The school counselor takes an active role in student achievement by providing a comprehensive school counseling program for all students. As a part of this program, school counselors advocate for students with special needs, encourage family involvement in their child's education and collaborate with other educational professionals to promote academic achievement for all.

### References

Individuals with Disabilities Education Act. Public Law 108-446 108th Congress  
<http://www.gpo.gov/fdsys/pkg/PLAW-108publ446/html/PLAW-108publ446.htm>.

Oesterreich, H. A., & Knight, M. G. (2008). Facilitating transitions to college for students with disabilities from culturally and linguistically diverse backgrounds. *Intervention in School and Clinic, 43*, 300-304.

Redmond, S. M., & Hosp, J. L. (2008). Absentee rates in students receiving services for CDs, LDs, and EDs: A macroscopic view of the consequences of disability. *Language, Speech, and Hearing in the Schools, 39*, 97-103.

Rock, E., & Leff, E. (2007). The professional school counselor and students with disabilities. In B. T. Erford, *Transforming the school counseling profession* (2nd ed.), 314-341.

U.S. Department of Health and Human Services Office for Civil Rights (2006). *Your rights under section 504 of the rehabilitation act*. Washington, DC: Author.