



Frequently Asked Questions about NYSED Revised Regulation Part 100.2(j)

(PLEASE NOTE: This publication will be updated as new information is received; check the revision date.)

The revised regulation was adopted by the NYSED Board of Regents in May 2017 effective July 1, 2017.

What is new or different from the previous version and when are we required to implement them?

This regulation describes what districts must include in their comprehensive developmental school counseling/guidance program beginning September 2019. The key changes are:

- all students K-12 shall have access to a certified school counselor & the comprehensive program;
- the program is developed by certified school counselors along with other constituents;
- information is provided on college and careers for students in grades K-5 as well as 6-12;
- an annual individual progress review is conducted by certified school counselors for students grades 6-12;
- school counseling/guidance core curriculum instruction is provided K-12 by a certified school counselor addressing student competencies in college/career, social/emotional and academic skills development;
- Advisory Council meets at least twice a year and provides an annual report to the board of education;
- a program outcomes report is provided to the board of education annually;
- school and district plans are posted on the district website.

Are school districts required to have an elementary school counseling/guidance program?

The previous version of Part 100.2(j) already required school districts to have an elementary guidance program to address attendance, academic, behavioral or adjustment problems, to educate students concerning avoidance of child sexual abuse, and to encourage parental involvement. What is different in the revised regulation is that a school counselor must be involved in the development of the program and all students must have access to the program and a certified school counselor. Also, college and career information must be provided; and school counseling/guidance core curriculum instruction must be provided by a certified school counselor addressing student competencies in career/college awareness, academic skills and social/emotional development.

The new regulations states that all K-12 students shall have access to a certified school counselor. Does this mean a certified school counselor needs to be on staff in all buildings?

The regulation does not impose a requirement for a fulltime school counselor in every school building or for every level. Districts are expected to determine how to provide all students K-12 with access to a certified school counselor and the school counseling program. The key is using data to ensure the program addresses student needs K-12 and that certified school counselors are available to deliver components of the program.

Can social workers or school psychologists deliver the program?

Some program components are required to be delivered by a certified school counselor. This in no way replaces social workers and psychologists providing similar services; but they are not equivalent to a certified school counselor. It is “and” social workers and school psychologists, not “or”.

Are school districts expected to replace social workers or psychologists who may already be providing components of the program at the elementary level with certified school counselors?

No; social workers and psychologists are important providers of program components. However, each district will need to determine how to add a certified school counselor to the elementary level for some program components to insure all students have access to a certified school counselor and the comprehensive program. The expectation is to increase the services available to students.

Are BOCES required to implement this regulation?

BOCES are not required to implement Part 1001.2(j). All students attending a BOCES program, either part or full time, remain the responsibility of their home district and a district school counselor. However, to insure all students have access to the school counseling/guidance program, districts may need to specify in their contract with BOCES the school counseling/guidance program services that need to be delivered by BOCES as well as what data may need to be provided to the district to be included in districts' annual program outcomes report. We expect details on this will be included in the NYSED guidance document.

Can anyone who provides counseling in a school be called a school counselor?

This regulation does not specifically address the certification title of school counselor. However, the New York State Department of Labor states on its website regarding certification titles, "those who do not meet the requirements specified may not use the certified title." (<https://labor.ny.gov/stats/lstrain.shtm>) Therefore, it is not acceptable practice to use a certification title for someone without that certification. Certifications for school counselor, school social worker and school psychologist each have their own specified training and certification requirements and each title should be used only for the certification earned.

Can the title "guidance counselor" be used in place of "school counselor"?

The title "licensed guidance counselor" is specific to the school districts of the City of New York and the City of Buffalo, pursuant to Part 80 of the commissioner's regulation. Otherwise, "certified school counselor" is the title specified in regulation. What districts choose to use locally is typically dependent upon contract language; we suggest districts consider updating local contracts with the appropriate title at their next opportunity.

If you have additional questions regarding the revised Part 100.2(j) regulation on Comprehensive School Counseling/Guidance Programs, please let us know. You can submit questions through info@NYSSCA.org.