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TO: Commissioner MaryEllen Elia

FROM: Dr. Joseph S. Famularo, President, Nassau County Council of School Superintendents and NCCSS Legislative Committee Co-Chairperson
Dr. Charles T. Russo, President, Suffolk County School Superintendents Association
John Lorentz, NCCSS Legislative Committee Co-Chairperson
Dr. Julie Lutz, SCSSA Legislative Committee Co-Chairperson
Dr. Walter F. Schartner, SCSSA Legislative Committee Co-Chairperson

DATE: December 15, 2016

RE: Proposed regulatory changes related to school counseling

We are writing on behalf of the 125 school districts in Nassau and Suffolk counties regarding proposed changes to Sections 52.21, 100.2(j) and Part 80 of the Commissioner's Regulation relating to school counseling. On February 25, 2016, our two organizations wrote Deputy Commissioner John D'Agati regarding the earlier draft of the proposed regulation changes (see attached).

After reviewing the most recent proposals to the Board of Regents, the Nassau County Council of School Superintendents and the Suffolk County School Superintendents Association are concerned about:

1. The expansion of the K-6 guidance program and the requirement that this program must be designed by a certified school counselor;
2. The requirement that school counseling/guidance core curriculum instruction must be provided by a certified school counselor instead of the current provision that instruction may be provided by a classroom teacher;
3. The provision that district and building level plans must be developed under the direction of certified school counselor(s);
4. The requirement that sixth-grade students be provided an annual individual progress and career plan by a certified school counselor; and
5. Non-regulatory guidance that "the Department will continue to encourage the use of the American School Counselor Association standards in guidance."

Across Long Island, we consistently produce some of the highest student outcomes in New York State and the nation as a whole. At the elementary level, our schools generally do not employ certified school counselors. Moreover, in the region, there are 20 school districts that only serve students in kindergarten through sixth grade. In these districts, students' mental health and counseling needs are being met effectively through combinations of instruction and interventions by teachers, administrators, school social workers and school psychologists, without the need for dedicated guidance counselors on staff.

These proposed amendments expand the role of school counselors and create new requirements that are unnecessary. This shift would represent an unfunded mandate that places a significant financial burden on our districts.

We ask that the provisions listed above be eliminated from the proposed regulations and that the Department refrain from providing non-regulatory guidance that suggests optimal school counselor-to-student ratios or make reference to specific recommendations of professional associations such as ASCA.

We welcome you to contact us if you have any questions about our concerns and recommendations.



February 25, 2016

John D'Agati
New York State Education Department
Office of Higher Education
Room 977 EBA
Albany, NY 12234

Re: Comment pertaining to proposed amendment to the Regulations of the Commissioner of Education 100.2(j)

Dear Deputy Commissioner John D'Agati:

We are representing the school districts of Nassau County and Suffolk County, Long Island. In this time of increasing financial pressure as a result of the property tax cap, we seek the flexibility to continue providing a comprehensive developmental school counseling program at the prekindergarten through grade six level utilizing the resources of trained professionals such as social workers, psychologists, academic specialists and other pupil personnel service providers. Should it be enacted as it is currently written, we believe the proposed amendment to the Regulations of the Commissioner of Education, as it refers to public school guidance programs at the elementary level, will place an undue burden on our school districts. We appreciate the opportunity to comment on it and offer what we deem urgent and pertinent suggestions.

As evidenced by the success of many of our present programs, we strongly believe that a certified guidance counselor at the elementary level is only one of several possible avenues for achieving the important positive student outcomes the spirit of the proposed amendment demands. We strongly believe that the same goal can be accomplished through our continued use of other key professional resources. In fact, we state concern that due to limited financial resources, the proposed requirement for an elementary guidance counselor to be involved in developing and delivering student programs would in fact diminish the opportunities presently available for our students. Due to financial constraints, employing the services of an elementary guidance counselor would most likely necessitate the loss of one of our present service providers in counseling models that are currently well-calibrated to achieve the successful academic and social/emotional development of our youngest students.

Please note our input on the specific proposed amendment to the regulations as follows:

13. Subdivision (j) of Section 100.2 of the Regulations of the Commissioner of Education (2)(i):
 - (a) Provide an annual individual progress review plan for each student, which shall reflect each student's educational progress and career plans...

Change: Add: For students in prekindergarten through six, such plans shall be developed and reviewed by a certified school counselor or by another appropriate pupil personnel service provider and/or academic specialist or combination thereof.



(b) School counseling core curriculum instruction aimed at addressing student competencies...

Change: Add: in prekindergarten through six by a certified school counselor or another appropriate pupil personnel service provider and/or academic specialist or combination thereof.

In addition to the suggested changes above, in all instances in the amendment to the regulations where it calls for the cooperation or consultation of, or access to a certified guidance counselor, let it be understood that for prekindergarten through grade six, the guidance counselor does not need to be employed on staff, but can be a BOCES or other licensed guidance consultant. Twenty-one of our Long Island school districts are elementary districts. Unlike our K-12 districts, these solely elementary districts do not have access to district-employed certified guidance counselors at the secondary level for consultation purposes as those in K-12 districts do.

If you have questions or require further clarification on the above recommendations, please do not hesitate to contact us as listed below. We appreciate the opportunity to contribute an important district-level focus to the discussion.

Sincerely,

Lorna Lewis, Ed.D.
President
Nassau County Council of
School Superintendents

Elaine Kanas, Ed.D.
Chair Curriculum Committee
Nassau County Council of
School Superintendents

Susan A. Schnebel
President
Suffolk County School
Superintendents Association

c: MaryEllen Elia, Commissioner
Jhone Ebert, Senior Deputy Commissioner
Angelica Infante, Deputy Commissioner