

Information Advisory On Education Code Section 49600 Concerning Teacher Advisement Programs



Commission on Teacher Credentialing

Ensuring Teacher Quality

October 1996

Notice

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October 1996

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Student Advisory Programs: Educational Context

The middle school movement is, in part, an attempt to bring some of the nurturing, child-centered features of the elementary school to the education of young adolescents who are undergoing critically important developmental changes. Middle school advocates recognize the need to design an educational program that addresses the unique physiological, intellectual, social and psychological needs of these young adolescents.

In most school districts in California the ratio of professionally prepared and credentialed school counselors to students is deplorably high. It is not uncommon to find ratios in high schools which range from one counselor to 500 to 700 students. Middle schools with a population of 1,000 or so students may have as few as one or two fully credentialed counselors. Under such circumstances it is impossible for schools to provide the quality of counseling services that students need. Middle school philosophy, as expressed in *Caught in the Middle*, and by advocates for middle schools, however, emphasize the emotional vulnerability of early adolescents and their need for greater individual attention, not less. As a consequence of these school staffing realities and the real needs of students, middle school organization places teachers in the role of personal and academic advisors.

In the *Glossary of Middle Grade Education Reform Terms* produced by the California Department of Education, an "advisory program" is defined as one in which "a strong risk-trust relationship is nurtured between students and their advisor allowing them to probe sensitive issues and concerns particularly including those associated with the developmental changes accompanying early adolescence." The *Glossary* defines a teacher-based advisor/advisee program as "a supportive ongoing relationship between a student and a caring adult that provides the student with security, advice, affirmation, and a positive role model." Standard 15 of the Commission's *Standards of Program Quality and Effectiveness for Professional Teacher Preparation Programs for Multiple and Single Subject Credentials with an Emphasis on Middle Level Preparation* requires that the new middle school teacher be prepared to serve in the "role of middle level teacher/advisor and to conduct advisor/advisee programs" and to understand "the difference between teacher/advisor and counselor roles."

Advisory programs are based on a *curriculum* designed to promote student development primarily in middle schools.

Statutory Context for Advisory Programs

Education Code Section 49600 establishes the legal responsibilities of school counselors and provides for the adoption of an advisement program. Subsections (a) and (b) define the "educational counseling" responsibilities of the school counselor to include academic counseling, career and vocational counseling, and personal and social counseling. Although subsection (c) provides for the adoption of an advisement program by the governing board of a school district, the duties of the teacher advisor are not identified. The subsection says only that, "Nothing in this section shall be construed as prohibiting persons participating in an organized advisory program approved by the governing board of a school district, and supervised by a school district counselor, from advising pupils pursuant to the organized advisory program."

Education Code Requirements for Advisory Programs

- **The program is approved by the school district governing board**
- **The program is supervised by a credentialed school counselor**

There is no definition in the Education Code of what may or may not be included in an advisory program or whether all or part of the duties described for school counselors may be assumed by teacher advisors. (See Appendix A for the complete text of EC §49600.)

Roles of Counselors and Teacher Advisors

Holders of Pupil Personnel Services Credentials in Counseling have completed a minimum of one year of graduate study in a professional program that includes such subjects as academic assessment, counseling services, program coordination and supervision, consultation services to schools, legal issues in counseling, and professional ethics. An additional requirement of the school counseling program is the completion of a field work assignment in a public school. By granting a Pupil Personnel Services Credential in School Counseling, the Commission confirms that the individual is academically prepared and possesses the training to perform the professional duties of academic counseling, career and vocational counseling, and personal and social counseling as listed in EC §49600.

In contrast, teacher education programs are designed to prepare teachers in subjects that are distinctly different from those that make up counselor preparation. Teacher credential programs are limited to one year of combined course work and student teaching. The professional preparation programs for teachers include the study of methodologies for teaching the subjects authorized by the credential, multicultural education, teaching of reading, child and adolescent development, and second language learning. Additionally, the one-year program must include the equivalent of one semester of full time student teaching.

Beyond the legal requirement that advisory programs be supervised by a credentialed school counselor, typically counselors help develop the advisory program, provide program resources and train teachers/advisors in various guidance topics. Within the program, teachers most commonly perform three major roles. They are the experts on the academic abilities of each advisee, the school advocates and guides for each advisee, and the adults in the school most directly responsible for the social and emotional education of advisees. Teachers also have the primary responsibility to refer students for specialized support services when necessary.

When a school district adopts an advisement program for its schools, it is important to be cognizant of the preparation of the credentialed personnel when defining the roles they will play within the program. Teachers should not be expected to assume counseling roles and responsibilities for which they have no formal preparation. Counselors should be expected to provide the professional support that teacher advisors will need.

Cautions

Teacher advisors are not counselors and should not be designated as such. Counselors are professionally prepared and legally authorized to counsel students on a daily basis on such important personal issues as college admissions, school to career preparation, self-esteem, physical and sexual abuse, and suicide. Teachers, who may provide very useful support to students with personal and academic problems at some levels, are not professionally trained to deal with the serious personal and psychological problems faced by many students. Individuals who may be well meaning, but not professionally prepared, may give injurious advice or may not recognize the seriousness of a student's problem. Such failures may result in significant damage being done or problems being unattended.

School advisory programs ought to be explicit as to the functions of teachers within the programs. Teachers in advisory programs should recognize when an issue is beyond their scope and to whom and where to refer the student. School personnel should be cautioned that untrained persons may not appreciate or understand the legal and ethical issues involved in the privacy rights of students. Section

49602 of the Education Code contains a lengthy description of what school counselors must do to protect student privacy, yet make necessary reports when circumstances require it. The complete text of EC §49602 appears in Appendix B. School districts must be alert to the need to protect the privacy rights of students and of the potential for liability when a teacher crosses the line between the performance of duties authorized by his or her credential to engage in practices reserved for other professionals.

The Commission is concerned about reports of the continued use of non-credentialed individuals employed by or contracted with school districts to perform counseling functions in the schools. Some of these individuals may hold a state license to perform specific functions in private practice or other social service agencies, but are not credentialed for school service. The Education Code requires school districts to employ only certificated persons in positions where the state has established a credential (See Sections 44830 and 44831).

Responsibilities

Although EC §49600(c) gives local governing boards the latitude to adopt and approve the content of a teacher advisory program, the policy makers and district administrators should keep in mind their responsibility to ensure that the program meets the statutory requirement. All parts of the advisory program should be presented to the board for approval in a public meeting. School personnel and governing boards should regularly evaluate the adopted teacher advisory program to determine whether or not the program is accomplishing the objectives established by the district.

The school counselor assigned to supervise the teacher advisory program has the responsibility to assist teachers in their roles as advisors. Counselors should assist in the orientation of teacher advisors to ensure that the advisors are aware of the support resources available and understand the professional and legal restraints to their advisement of students within the advisory program.

Resources

Teacher advisory programs are most commonly found in middle schools, but are not limited to this level. Most advisory programs include advisement classes where students engage in planned activities within a curriculum designed to promote student development in academic achievement, personal relations with peers and adults, decision making, and self-esteem.

The California Department of Education Middle Grades Division and the California League of Middle Schools have published materials on the content of a teacher advisory program. The Commission recommends that interested school districts obtain copies of these useful guides. The addresses and phone numbers of the CDE and CLMS are listed below.

California Department of Education
Middle Grades Instructional Resource Networks Office
P. O. Box 94427
Sacramento, CA 94244-2720
(916) 322-1892

California League of Middle Schools
18012 Cowan, Suite 230
Irvine, CA 92714
(714) 261-2567

For more information on this information advisory, call CTC's Assignment Unit at (916) 322-5038.

Appendix A

Education Code §49600

Organized Advisory Programs

- (a) The governing board of any school district may provide a comprehensive educational counseling program for all pupils enrolled in the schools of the district.

For purposes of this section, "educational counseling" means specialized services provided by a school counselor possessing a valid credential with a specialization in pupil personnel services who is assigned specific times to directly counsel pupils.

- (b) Educational counseling shall include, but not be limited to, all of the following:
- (1) Academic counseling, in which pupils receive counseling in the following areas:
 - (A) Establishment and implementation with parental involvement of the pupil's immediate and long-range educational plans.
 - (B) Optimizing progress towards achievement of proficiency standards.
 - (C) Completion of the required curriculum in accordance with the pupil's needs, abilities, interests, and aptitudes.
 - (D) Academic planning for access and success in higher education programs including advisement on courses needed for admission to public colleges and universities, standardized admissions tests, and financial aid.
 - (2) Career and vocational counseling, in which pupils are assisted in doing all of the following:
 - (A) Planning for the future.
 - (B) Becoming aware of their career potential.
 - (C) Developing realistic perceptions of work.
 - (D) Relating to the work world.
 - (3) Personal and social counseling, in which pupils receive counseling pertaining to interpersonal relationships for the purpose of promoting the development of their academic abilities, careers and vocations, personalities and social skills.
- (c) Nothing in this section shall be construed as prohibiting persons participating in an organized advisory program approved by the governing board of a school district, and supervised by a school district counselor, from advising pupils pursuant to the organized advisory program.
- (d) Notwithstanding any provisions of this section to the contrary, any person who is performing these counseling services pursuant to law authoring the performance thereof in effect before January 1, 1987, shall be authorized to continue to perform those services on and after that date without compliance with the additional requirements imposed by this section.

Appendix B
Education Code §49602
Confidentiality of Pupil Information

Any information of a personal nature disclosed by a pupil 12 years of age or older in the process of receiving counseling from a school counselor as specified in Section 49600 is confidential. Any information of a personal nature disclosed to a school counselor by a parent or guardian of a pupil who is 12 years of age or older and who is in the process of receiving counseling from a school counselor as specified in Section 49600 is confidential. The information shall not become part of the pupil record, as defined in subdivision (b) of Section 49061, without the written consent of the person who disclosed the confidential information. The information shall not be revealed, released, discussed, or referred to, except as follows:

- (a) Discussion with psychotherapists as defined by Section 1010 of the Evidence Code, other health care providers, or the school nurse, for the sole purpose of referring the pupil for treatment.
- (b) Reporting of child abuse or neglect as required by Article 2.5 (commencing with Section 11165) of Chapter 2 of Title 1 of Part 4 of the Penal Code.
- (c) Reporting information to the principle or parents of the pupil when the school counselor has reasonable cause to believe that disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the pupil or the following other persons living in the school community: administrators, teachers, school staff, parents, pupils, and other school community members.
- (d) Reporting information to the principal, other persons inside the school, as necessary, the parents of the pupil, and other persons outside the school when the pupil indicates that a crime, involving the likelihood of personal injury or significant or substantial property losses, will be or has been committed.
- (e) Reporting information to one or more persons specified in a written waiver after this written waiver of confidence is read and signed by the pupil and preserved in the pupil's file.

Notwithstanding the provisions of this section, a school counselor shall not disclose information deemed to be confidential pursuant to this section to the parents of the pupil when the school counselor has reasonable cause to believe that the disclosure would result in a clear and present danger to the health, safety, or welfare of the pupil.

Notwithstanding the provisions of this section, a school counselor shall disclose information deemed to be confidential pursuant to this section to law enforcement agencies when ordered to do so by order of a court of law, to aid in the investigation of a crime, or when ordered to testify in any administrative or judicial proceeding.

Nothing in this section shall be deemed to limit access to pupil records as provided in Section 49076.

Nothing in this section shall be deemed to limit the counselor from conferring with other school staff, as appropriate, regarding modification of the pupil's academic program.

It is the intent of the Legislature that counselors use the privilege or confidentiality under this section to assist the pupil whenever possible to communicate more effectively with parents, school staff, and others.

No person required by this section to keep information discussed during counseling confidential shall incur any civil or criminal liability as a result of keeping that information confidential.

As used in this section, "information of a personal nature" does not include routine objective information related to academic and career counseling.

Appendix C

Task Force on Teacher Advisement Programs

Members	Representing
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