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Contact Information:

Dr. Lee Clark

(850) 245-0478

Lee.Clark@fldoe.org

K12: 2005-77

MEMORANDUM

TO: District School Superintendents

FROM: Jim Warford

DATE: June 13, 2005

SUBJECT: Differentiating Counseling and Psychological Counseling as a Related Service

Educators and service providers throughout Florida are working collaboratively to ensure that schools and school districts make counseling services available to special education students. This is done in an effort to meet the Department's goal of providing "Quality Efficient Services" and increase the quantity and improve the quality of educational outcomes.

While counseling comes in many forms, the provision of counseling as a related service for students with disabilities has become an issue for districts. The purpose of this memorandum and attachments is to clarify the difference between psychological counseling and counseling services as a related service and who can provide each.

If you have additional questions regarding this information, please contact Dr. Lee Clark, Program Specialist for Students with Emotional Disabilities, by telephone at 850/245-0478 or via electronic mail at Lee.Clark@fldoe.org.

JW/lcr

Attachments

cc: Exceptional Student Education Directors
Student Services Administrators

JIM WARFORD
K-12 CHANCELLOR

Attachment I

Differentiating Counseling and Psychological Counseling as a Related Service

Counseling comes in many forms. There is often confusion as to who can provide counseling as a related service. In addition, individual educational plan (IEP) teams may not consistently designate counseling services to severely emotionally disturbed (SED) students who required those services to benefit from special education. When the services *were* provided, IEP teams may not consistently document the provision of those services on the IEP forms.

Counseling for SED students (and other students in need of this related service) in the state of Florida can be provided *either* as a **counseling service** or as a **psychological service**. The provision of counseling through two types of related service options increases the number of mental health professionals available to provide these needed activities to support student learning.

In Florida, counseling is available to all students. It may be provided by personnel identified by schools, such as guidance counselors, teachers, and assistant principals. It may take the form of guidance classes, small group sessions, or individual assistance. This is not a related service.

Within the state of Florida, individuals qualified to provide “counseling as a related service” include: licensed psychologists and licensed school psychologists (Chapter 490.003(4), Florida Statutes (F.S.), licensed clinical social workers (LCSW) and other mental health providers as defined in Chapter 491.003(7), F.S., school psychologists, school social workers (Masters level and higher), and school counselors certified by the Florida Department of Education. Therapeutic services will “include methods of a psychological nature used to evaluate, assess, diagnose, treat, and prevent emotional and mental disorders and dysfunctions (whether cognitive, affective, or behavioral)” may also be provided by those persons licensed under Chapter 491 “**as long as they do not hold themselves out to the public as psychologists or use the title or description of a psychologist,**” pursuant to Section 490.014(1)(b), Florida Statutes.

Consequently, in Florida, individuals qualified to provide “psychological counseling as a related service” for students who need significant therapeutic interventions include: psychologists and school psychologists licensed under Chapter 490, or school psychologists certified through the Department of Education.

Students with disabilities who have emotional and/or behavioral issues which impact their learning may need counseling or psychological counseling as a related service to ensure adequate academic engaged time and a successful learning experience in the least restrictive environment (LRE). Each student’s IEP team should consider the student’s presenting behavior on a case-by-case basis to determine if counseling or psychological counseling is required. IEP teams need to have the flexibility to provide both. If counseling or psychological counseling is determined to be necessary as a related service in order for the student to benefit from special education, it should be included on the student’s IEP and documented as a related service. The type of counseling a student receives, including the nature of the counseling itself, the frequency and duration of the sessions, and the selection of the category of service provider, should be determined by the IEP team in response to the presenting behaviors or issues in question and will vary according to the individual needs of the student.

Attachment II

FEDERAL DEFINITION

In accordance with 34 CFR 300.24, "...related services means transportation and such developmental, corrective, and other supportive services as required to assist a child with a disability to benefit from special education, and includes speech-language pathology, audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic and evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training." Counseling is referenced in two ways under this section, as follows (emphasis added):

- 34 CFR 300.24(b)(2) **Counseling services** means services provided by qualified social worker, psychologists, guidance counselors, or other qualified personnel.
- 34 CFR 300.24(b)(9) **Psychological services** includes (i) administering psychological and educational tests, and other assessment procedures; (ii) interpreting assessment results; (iii) obtaining, integrating, and interpreting information about child behavior and conditions relating to learning; (iv) consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological test, interview, and behavior evaluations; (v) planning and managing a program of psychological services, **including psychological counseling for children and parents**; and (vi) assisting in the development of positive behavioral intervention strategies.

FLORIDA LAW

- Section 490.014(1)(b), Florida Statutes
Exemptions.--No provision of this chapter shall be construed to limit the practice of nursing, clinical social work, marriage and family therapy, mental health counseling, or other recognized businesses or professions, or to prevent qualified members of other professions from doing work of a nature consistent with their training, so long as they do not hold themselves out to the public as psychologists or use a title or description protected by this chapter. Nothing in this subsection shall be construed to exempt any person from the provisions of s. 490.012.