

## **AP 5110 COUNSELING**

### **References:**

Education Code Sections 72620 and 72621;  
Title 5 Section 51018

***NOTE:*** This procedure is **legally advised**, since all counseling programs must meet the following legal minimums. Local practice may be inserted, but **must meet the following requirements.**

The counseling services available in the District's counseling program include at least the following:

- Academic counseling, in which the student is assisted in assessing, planning, and implementing his/her immediate and long-range academic goals;
- Career counseling, in which the student is assisted in assessing his/her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;
- Personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education;
- Coordination with the counseling aspects of other services to students which exist on campus, including but not limited to those services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

Confidentiality of Counseling Information: Information of a personal nature disclosed by a student 12 years of age or older in the process of receiving counseling from a counselor is confidential, and shall not become part of the student record without the written consent of the person who disclosed the confidential information. However, the information shall be disclosed when permitted by applicable law, including but not limited to disclosure as necessary to report child abuse or neglect; reporting to the Chancellor or other persons when the counselor has reason to believe that disclosure is necessary to avert a clear and present danger to the health, safety, or welfare of the student or other persons living in the college community; reporting information to the Chancellor or other persons as necessary when the student indicates that a crime involving the likelihood of personal injury or significant or substantial property losses will or has been committed; reporting information to one or more persons specified in a written waiver by the student.

**NOTE:** Insert other local procedures here related to counseling, such as who is required to seek assistance from a counselor.

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**NOTE:** The **red ink** signifies language that is **legally advised** and recommended by the Policy and Procedure Service and its legal counsel. This document was reviewed by the administrative team on June 4, 2013.

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**Date Approved:**

*(This is a new procedure recommended by the Policy and Procedure Service and its legal counsel)*

## Legal Citations for AP 5110

### EDUCATION CODE SECTION 72620

**72620.** The governing board of a community college district may provide in each college within the district an organized and functioning counseling program. Counseling shall include, but not be limited to, all of the following:

(a) Educational counseling in which the student is assisted in planning and implementing his or her immediate and long-range educational program.

(b) Career counseling in which the student is assisted in assessing his or her aptitudes, abilities, and interests in order to make realistic career decisions. The career counseling shall include encouraging students, including women and minorities, to seek apprenticeship training.

(c) Personal counseling in which the student is helped to develop his or her ability to function with social and personal responsibility.

(d) Evaluating and interpreting test data.

(e) Counseling and consultation with parents and staff members on learning problems and guidance programs for students.

For purposes of this section, a person performing counseling services to students shall be qualified as a counselor pursuant to Section 87355 or 87356.

A governing board of a community college district, which offers these counseling services, may contract with the governing boards of any other districts, or private schools, or other public and private agencies or organizations, to render the counseling services. In so contracting, the governing board of a community college district shall not contract at less than cost to a private school, or private agency or organization.

Nothing in this section shall be construed as prohibiting persons participating in an organized advisory program approved by the governing board of a community college district, and supervised by a district counselor, from advising students pursuant to the organized advisory program.

Notwithstanding any provisions of this section to the contrary, any person who is performing these counseling services pursuant to law authorizing the performance thereof in effect before March 4, 1972, shall be authorized to continue to perform such services on and after March 4, 1972, without compliance with the additional requirements imposed by this section.

### EDUCATION CODE SECTION 72621

**72621.** Any information of a personal nature disclosed by a student 12 years of age or older in the process of receiving counseling from a school counselor as specified in Section 72620 is **confidential**.

Any information of a personal nature disclosed to a school counselor by a parent or guardian of a student 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 72620 is **confidential**. The information shall not become part of the student record, as defined in Section 76210, 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 college nurse, for the sole purpose of referring the student 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 chief administrative officer or parents of the student 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 student or the following other persons living in the school community: administrators, teachers, school staff, parents, students, and other school community members.

(d) Reporting information to the chief administrative officer, other persons inside the college, as necessary, the parents of the student, and other persons outside the school when the student indicates that a crime, involving the likelihood of personal injury or significant or substantial property losses, will 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 student and preserved in the student'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 student 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 student.

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 76243.

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

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

Cal. Admin. Code tit. 5, s 51018

TITLE 5. EDUCATION  
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES

CHAPTER 2. COMMUNITY COLLEGE STANDARDS  
SUBCHAPTER 1. MINIMUM CONDITIONS

s 51018. Counseling Programs.

(a) The governing board of a community college district shall adopt regulations and procedures consistent with the provisions of this section. A copy of district regulations and procedures, as well as any amendments, shall be filed with the Chancellor's Office.

(b) The governing board of a community college district shall provide and publicize an organized and functioning counseling program in each college within the district. Counseling programs shall include, but not be limited to, the following:

(1) academic counseling, in which the student is assisted in assessing, planning, and implementing his or her immediate and long-range academic goals;

(2) career counseling, in which the student is assisted in assessing his or her aptitudes, abilities, and interests, and is advised concerning the current and future employment trends;

(3) personal counseling, in which the student is assisted with personal, family, or other social concerns, when that assistance is related to the student's education; and

(4) coordination with the counseling aspects of other services to students which may exist on the campus, including, but not limited to, those services provided in programs for students with special needs, skills testing programs, financial assistance programs, and job placement services.

(c) Counseling services as specified in Subsection (b)(1), (2), and (3) shall be provided to first-time students enrolled for more than six units, students enrolled provisionally, and students on academic or progress probation.