

- SUBJECT:** Public disclosure of student referrals made by public school counselors
- COMMITTEE:** Public Education — favorable, without amendment
- VOTE:** 7 ayes — Eissler, Zedler, Branch, Hochberg, Mowery, Olivo, Patrick  
0 nays  
2 absent — Delisi, Dutton
- WITNESSES:** For — Corrine Saenz; Jonathan Saenz, Free Market Foundation; Lee Spiller, Citizens Commission on Human Rights; (*Registered, but did not testify:* Jennifer Carr, Texas Catholic Conference; Julie Drenner, Texans for Family Values PAC; Merry Lynn Gerstenschlager, Texas Eagle Forum)  
  
Against — Jan Friese, Texas Counseling Association; Brock Gregg, Association of Texas Professional Educators; Lindsay Gustafson, Texas Classroom Teachers Association; Ted Melina Raab, Texas Federation of Teachers; (*Registered, but did not testify:* Portia Bosse, Texas State Teachers Association, Laura Wolf, Texas Council on Family Violence)
- BACKGROUND:** Education Code, sec. 33.006 states that the primary responsibility of a school counselor is assisting students in developing their academic, career, personal, and social abilities. Counselors may refer students to outside providers to meet the students' special needs.  
  
Education Code, sec. 39.053 requires each board of trustees to publish an annual performance report.
- DIGEST:** HB 2136 would amend sec. 33.006 to require that an aggregated list of referrals made by a counselor during the preceding school year, including the frequency of referrals made to each outside provider, be disclosed in the school district's annual performance report. Only a school district that made at least 20 referrals at the middle school, junior high school, and high school levels would be required to provide the information. The information would be provided in a manner that would not identify the specific students involved.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

**SUPPORTERS  
SAY:**

Publishing a list of referrals made by school counselors would serve as a measure of the social challenges students were facing. It would provide an opportunity for school districts to respond by offering community programs to address these issues. The list also could inform the community about whether certain social problems were becoming more common or more grave or were in decline.

Some counselors already are providing this type of information to their school administrators, and the bill would standardize reporting methods among schools. Uniformity would benefit families transitioning between school districts by providing local information on community resources available to students. With a number of schools already having established administrative procedures for compiling this information, the transition to a standardized reporting method should not be difficult.

**OPPONENTS  
SAY:**

A counselor's recommendations should remain between the student and the student's parents. Disclosing the referrals made by counselors to outside providers could impair a counselor's professional discretion. A school district may not always agree with a counselor's referrals and subsequently pressure the counselor to redirect students to outside providers of which the district approved. This also could cause students to feel reluctant to confide in a counselor for fear that their privacy may be compromised. This is of particular concern in smaller districts where anonymity may be more difficult to achieve. Parents often are consulted by counselors and intimately involved in the referral process. School districts should defer to a counselor's professional opinion and trust that the counselor adequately is serving the student's specific needs.

HB 2136 would increase the administrative responsibilities of counselors and take time away from working with students. When school counselors are not available in their capacity as counselors, the students suffer. Students unable to obtain counseling could be forced to resort to less reliable resources.

NOTES: During floor consideration of HB 2136 on April 19, the bill initially failed to pass on second reading by a verified vote of 62-63. The vote was reconsidered by 73-53, and the bill was postponed until today.