

**SUBJECT:** Requiring school board policies on use of school counselors' time

**COMMITTEE:** Public Education — favorable, without amendment

**VOTE:** 8 ayes — Dutton, Lozano, Allen, Allison, Bernal, Buckley, K. King, Talarico

1 nay — K. Bell

4 absent — M. González, Huberty, Meza, VanDeaver

**SENATE VOTE:** On final passage, April 13 — 20-11 (Birdwell, Buckingham, Creighton, Hall, Hancock, Hughes, Nelson, Nichols, Perry, Schwertner, Springer)

**WITNESSES:** For — Gabriella Zeidan, Excellence and Advancement Foundation; Marisa Cano and LaShanda Lewis, Lone Star State School Counselor Association; Andrew Hairston, Texas Appleseed; Amanda Afifi, Texas Association of School Psychologists; Jan Friese, Texas Counseling Association; Lesa Pritchard, Texas School Counselor Association; Alison Fernandez; Aryana Mosaffa; (*Registered, but did not testify:* Andrea Chevalier, Association of Texas Professional Educators; Jason Sabo, Children at Risk; Jennifer Toon, Coalition of Texans with Disabilities; Steven Aleman, Disability Rights Texas; Vanessa Beltran, Girls Empowerment Network; Ana Ramon, Intercultural Development Research Association; Eddie Conger, International Leadership Of Texas Public Schools; Christine Yanas, Methodist Healthcare Ministries of South Texas, Inc.; Matthew Lovitt, National Alliance on Mental Illness Texas; Alison Mohr Boleware, National Association of Social Workers-Texas Chapter; David Feigen, Texans Care for Children; Dena Donaldson, Texas American Federation of Teachers; Paige Williams, Texas Classroom Teachers Association; Suzi Kennon, Texas PTA; Laura Atlas Kravitz, Texas State Teachers Association; Jonathan Feinstein, The Education Trust in Texas; Ashley Harris, United Ways of Texas; Arati Singh; Alexandra Wagner)

Against — Mark Terry, Texas Elementary Principals and Supervisors

Association; (*Registered, but did not testify*: Colby Nichols, Texas Association of Community Schools; Casey McCreary, Texas Association of School Administrators; Mark Tilley, Texas Association of School Boards)

On — Cory Vessa; (*Registered, but did not testify*: Eric Marin and Monica Martinez, Texas Education Agency)

**BACKGROUND:** Education Code sec. 33.006 establishes that the primary responsibility of a school counselor is to counsel students to fully develop their academic, career, personal, and social abilities, and also lists additional requirements for school counselors. Sec. 33.005 requires a school counselor to work with the school faculty and staff, students, parents, and the community to plan, implement, and evaluate a comprehensive school counseling program that conforms to the most recent edition of the Texas Model for Comprehensive School Counseling Programs developed by the Texas Counseling Association.

**DIGEST:** SB 179 would require each school district board of trustees to adopt a policy that requires a school counselor to spend at least 80 percent of the counselor's total work time on duties included in the school's comprehensive school counseling program. Time spent administering or providing other assistance in connection with state testing, except time spent interpreting test data, would not be considered time spent on counseling.

Each school in the district would have to implement the policy beginning with the 2021-2022 school year and maintain a copy of it in the school office available on request to district employees, parents, and the public.

If a school board determined that, because of staffing needs in the district or at a campus, a counselor could not meet the 80 percent threshold, the policy would have to:

- include the reasons why the counselor could not meet the 80 percent threshold;

- list the duties the counselor was expected to perform that were not components of the counseling program; and
- set the percentage of work time that the counselor was required to spend on components of the counseling program.

A district could not include a provision in a school counselor's employment contract that conflicted with the board policy as specified in the bill. Each district would have to annually assess its compliance with the policy and, on request by the education commissioner, provide a written copy of the assessment on or before a specified date. The commissioner would have to adopt rules to implement the compliance policy.

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, 2021.

**SUPPORTERS  
SAY:**

SB 179 would support school counselors in their primary function of guiding students academically and emotionally by requiring that each school district adopt a policy requiring counselors to spend at least 80 percent of their time performing the core duties documented in their district's counseling program. Ensuring that school counselors have time to work directly with students and identify mental health warning signs is especially needed in the wake of the past year's pandemic.

Too often, school counselors are pulled away from their core duties to coordinate and oversee STAAR testing, monitor students in common areas, and perform other non-counseling duties. By recognizing that counselors, who are often understaffed and overburdened, need sufficient time to focus on their counseling duties, the bill would promote collaboration between principals and counselors about the counselor's work schedule.

SB 179 would provide flexibility to smaller school districts that rely on counselors to perform non-counseling duties by allowing a district to adopt a policy that specifies why the counselor could not meet the 80

percent threshold.

CRITICS  
SAY:

SB 179 could increase costs to school districts by requiring that school counselors were not assigned to spend more than 20 percent of their work time on duties not related to counseling and guidance. The bill could disrupt the climate of collaboration at campuses, especially in smaller school districts that depend on every employee to adequately supervise and observe children throughout the school day. Under the bill, only a small portion of a counselor's day could be spent on unscripted time, even though students often benefit from having a counselor observe their interactions with others in different school settings.