

BILL ANALYSIS

Senate Research Center
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S.B. 1349
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 21.003 (Certification Required), Education Code, permits a school district to utilize unlicensed personnel for the performance of marriage and family therapy services.

Currently, Section 21.003, Education Code, sets forth the professional standards for employees operating within the public school system. Specifically, Section 21.003(a) (relating to appropriate certificates) requires that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, or counselor by a school district unless the person holds an appropriate certificate or permit. Similarly Section 21.003(b) (relating to a licensed professional in schools) requires that a person may not be employed by a school district as an audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, associate school psychologist, social worker, or speech language pathologist unless the person is licensed by the state agency that licenses that profession.

S.B. 1349 seeks to improve access to quality mental health care within a school setting by amending Section 21.003, Education Code, to require that only licensed marriage and family therapists may be hired to perform services consistent with their scope of practice.

The chief purpose for this bill is to ensure that any prospective marriage and family therapy employees at any public school, be explicitly required to be licensed in the same manner as an audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, associate school psychologist, social worker, or speech language pathologist.

As proposed, S.B. 1349 amends current law relating to a requirement that a person hold a license issued by the appropriate state agency to be employed as a marriage and family therapist by a school district.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the State Board for Educator Certification is modified in SECTION 3 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 21.003(b), Education Code, as follows:

(b) Prohibits a person, except as otherwise provided by this subsection, from being employed by a school district as an audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, associate school psychologist, marriage and family therapist, social worker, or speech language pathologist unless the person is licensed by the state agency that licenses that profession and may perform specific services within those professions for a school district only if the person holds the appropriate credential from the appropriate state agency. Provides that as long as a person employed by a district before September 1, 2011, to perform marriage and family therapy services is employed by the same district, the person is not required to hold a license as a marriage and family therapist to perform marriage and family therapy services with that district. Makes a nonsubstantive changes.

SECTION 2. Amends Section 502.004, Occupations Code, as follows:

Sec. 502.004. APPLICATION OF CHAPTER. Provides that this chapter does not apply to certain activities, including the activities, within the scope of a person's employment, of a person employed to perform marriage and family therapy by a federal, state, county, or municipal agency or, except as provided by Section 21.003(b), Education Code, by a public or private educational institution, rather than including the activities of a person employed to perform marriage and family therapy, if the activities are within the scope of the person's employment.

SECTION 3. Requires the State Board for Educator Certification, as soon as practicable after the effective date of this Act, to propose rules for the administration of Section 21.003(b), Education, Code, as amended by this Act.

SECTION 4. Effective date: upon passage or September 1, 2011.