

BILL ANALYSIS

Senate Research Center
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S.B. 165
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Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, there are no statutory guidelines on the amount of time a school counselor may spend on duties that are not components of counseling or guidance programs. School counselors play a vital role in ensuring student success, especially in the light of H.B. 5, 83rd Legislature, Regular Session, 2013. Counselors are not able to fulfill their role if they are required to administer state examinations or partake in other non-counseling assignments.

S.B. 164 enacts a 10 percent cap on the amount of time a counselor may spend on duties that are not part of the above-mentioned programs.

As proposed, S.B. 165 amends current law relating to the use of public school counselors' work time.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 33.006, Education Code) and SECTION 2 (Section 39.056, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 33.006, Education Code, by adding Subsections (c) and (d), as follows:

(c) Requires, in accordance with rules adopted by the commissioner of education (commissioner), the board of trustees of each school district to adopt a policy that requires a school counselor to spend not more than 10 percent of the school counselor's total work time on duties that are not components of a counseling or guidance program developed under Section 33.005 (Developmental Guidance and Counseling Programs). Provides that, for purposes of this subsection, time spent in administering assessment instruments or providing other assistance in connection with assessment instruments, except time spent in interpreting data from assessment instruments, is not considered time spent on counseling or guidance. Requires each school in the district to implement the policy. Requires that a copy of the policy be maintained in the office of each school in the district and made available on request during regular school hours to district employees, parents of district students, and the public.

(d) Prohibits a school district from including a provision in an employment contract with a school counselor under Chapter 21 (Educators) that conflicts with the policy required by Subsection (c) or has the effect of authorizing a school principal or school district superintendent to require a school counselor to generally perform duties that are not primarily related to a counseling or guidance function.

SECTION 2. Amends Section 39.056, Education Code, by adding Subsection (d-1), as follows:

(d-1) Requires the commissioner of education, before an investigation, to request that the school district scheduled for the investigation assess the district's compliance with the

policy adopted under Section 33.006(c) and provide a written copy of the assessment to the investigators on or before the date specified by the commissioner. Requires the investigators, as part of each investigation, to interview a percentage of district school counselors determined by the commissioner to assess the district's compliance with the policy adopted under Section 33.006(c). Requires the commissioner to adopt rules to implement this subsection.

SECTION 3. (a) Requires each school district to implement a policy adopted under Section 33.006(c), Education Code, as added by this Act, beginning with the 2015-2016 school year.

(b) Provides that Section 33.006(d), Education Code, applies only to a contract executed on or after the effective date of this Act. Makes application of this Act prospective.

(c) Provides that Section 39.056(d-1), Education Code, as added by this Act, applies beginning with the 2015-2016 school year.

SECTION 4. Effective date: upon passage or September 1, 2015.