

## **BILL ANALYSIS**

Senate Research Center  
85R1231 KKA-D

S.B. 196  
By: Garcia  
Education  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Many parents and children just assume that there is always a nurse and/or counselor and/or librarian on staff at the school during school hours to help children with their emotional and physical needs outside the classroom, but that is not the case. S.B. 196 requires that parents receive notification if their child's school does not have a full-time nurse, school counselor, or librarian, or the equivalent of a full-time nurse, counselor, or librarian. This notice will likely be posted on the school's website, and efforts must be made to make the notice bilingual. (To clarify, the bill does not mandate schools hire a full-time nurse, librarian or counselor, just that the school notify parents if there is not a full-time/equivalent of a full-time nurse, librarian, or counselor).

Supporters of the bill include: 1) Texas Counseling Association, 2) Texas Association of Libraries, and 3) Texas Nurses Association, just to name a few.

We plan on submitting a committee substitute to define "librarian" and "school counselor," clarify the "full time equivalent" definition, and strike out a provision to exempt small schools, per the suggestion of our supporters.

We are aware of one group which represents smaller Texas schools, Texas Association of Community Schools, who are not in opposition to the bill, but are not in support of it either.

As proposed, S.B. 196 amends current law relating to a notification requirement if a public school, including an open-enrollment charter school, does not have a nurse, school counselor, or librarian assigned to the school during all instructional hours.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter C, Chapter 25, Education Code, by adding Section 25.097, as follows:

Sec. 25.097. PARENTAL NOTIFICATION CONCERNING NURSES, SCHOOL COUNSELORS, AND LIBRARIANS. (a) Defines "nurse."

(b) Requires a public school, including an open-enrollment charter school, that does not have a full-time nurse, school counselor, or librarian, or the equivalent of a full-time nurse, school counselor, or librarian assigned to be present at the school for more than 30 consecutive instructional days during the same school year to provide written notice of the absence to the parent of or other person standing in parental relation to each student enrolled in the school.

(c) Provides that a school has the equivalent of a full-time nurse, school counselor, or librarian under Subsection (b) if the school has two or more nurses, school counselors, or librarians, as applicable, assigned to the school and the

combined presence of the nurses, school counselors, or librarians, as applicable, covers all regular student instructional hours at a campus during the regular school year.

(d) Requires the principal of the school to provide the notice required by Subsection (b) not later than the 30th instructional day after the first day the school does not have a full-time nurse, school counselor, or librarian assigned to be present at the school.

(e) Requires the school to make a good faith effort to ensure that the notice required is provided in a bilingual form to any parent or other person standing in parental relation whose primary language is not English and to retain a copy of any notice provided under this section.

(f) Provides that a school may satisfy the notice requirement under Subsection (d) by posting the notice on the school's Internet website. Requires that the notice posted be accessible from the home page of the Internet website by use of not more than three links.

(g) Exempts a school district that is located in a county with a population of less than 100,000 from being required to provide notice.

SECTION 2. Provides that this Act applies beginning with the 2017-2018 school year.

SECTION 3. Effective date: upon passage or September 1, 2017.