

BILL ANALYSIS

S.B. 251
By: Lucio
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, school counselors perform clerical and administrative duties that take away time from their counseling activities. S.B. 251 requires school districts to implement policies detailing appropriate use of school counselors' time. This bill adopts a policy on the appropriate use of counselors and defines the role of counselors in the test assessment process. This bill prevents the time spent administering assessment from being included in the time set aside for counseling and guidance activities.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is granted to the commissioner of education in SECTION 1 (Section 33.006, Education Code) and in SECTION 2 (Section 39.074, Education Code) of this bill.

ANALYSIS

S.B. 251 amends the Education Code to require the board of trustees of each school district to adopt a policy in accordance with rules adopted by the commissioner of education (commissioner) establishing the percentage of total work time a counselor is expected to spend on the components of a guidance and counseling program as provided by Section 33.005. The bill specifies the activities that are not considered counseling or guidance. The bill requires each school in the district to implement the policy and to maintain a copy of the policy in the office and to make it available on request during regular school hours to concerned parties.

The bill requires the commissioner, prior to an investigation, to request the district scheduled for investigation to assess and provide a written copy of the assessment of the district's compliance with the adopted policy under Section 33.006 (c). The bill establishes procedures of an investigation for that policy. The bill requires the commissioner to adopt rules for carrying out this subsection.

The bill requires each school district to implement a policy adopted under Section 33.006(c), Education Code, beginning with the 2004-2005 school year. The bill provides that Section 39.074(g), Education Code, as added, applies beginning with the 2004-2005 school year.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

