

By: Castro

H.B. No. 1435

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to policies concerning the use of school counselors' work  
3 time.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 33.006, Education Code, is amended by  
6 adding Subsection (d) to read as follows:

7 (d) In accordance with rules adopted by the commissioner,  
8 the board of trustees of each school district shall adopt a policy  
9 that requires a counselor to spend not more than 10 percent of the  
10 counselor's total work time on duties that are not components of a  
11 counseling or guidance program developed under Section 33.005. For  
12 purposes of this subsection, time spent in administering assessment  
13 instruments or providing other assistance in connection with  
14 assessment instruments, except time spent in interpreting data from  
15 assessment instruments, is not considered time spent on counseling  
16 or guidance. Each school in the district shall implement the  
17 policy. A copy of the policy shall be maintained in the office of  
18 each school in the district and made available on request during  
19 regular school hours to district employees, parents of district  
20 students, and the public.

21 SECTION 2. Section 39.074, Education Code, is amended by  
22 adding Subsection (g) to read as follows:

23 (g) Before an investigation, the commissioner shall request  
24 that the district assess the district's compliance with the policy

1 adopted under Section 33.006(d) and provide a written copy of the  
2 assessment to the investigators on or before the date specified by  
3 the commissioner. As part of each investigation, the investigators  
4 shall interview a percentage of district counselors determined by  
5 the commissioner to assess the district's compliance with the  
6 policy adopted under Section 33.006(d). The commissioner shall  
7 adopt rules to implement this subsection.

8         SECTION 3. (a) Each school district shall implement a  
9 policy that complies with Section 33.006(d), Education Code, as  
10 added by this Act, beginning with the 2009-2010 school year.

11         (b) Section 39.074(g), Education Code, as added by this Act,  
12 applies beginning with the 2009-2010 school year.

13         SECTION 4. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2009.