

By: Lucio III

H.B. No. 284

A BILL TO BE ENTITLED

AN ACT

relating to the use of public school counselors' work time.

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

SECTION 1. Section 33.006, Education Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) In accordance with rules adopted by the commissioner, the board of trustees of each school district shall adopt a policy that requires a school counselor to spend not more than 10 percent of the counselor's total work time on duties that are not components of a counseling or guidance program developed under Section 33.005. 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. Each school in the district shall implement the policy. A copy of the policy shall 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) A school district may not include a provision in an employment contract with a school counselor under Chapter 21 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

1 duties that are not primarily related to a counseling function.

2 SECTION 2. Section 39.056, Education Code, is amended by  
3 adding Subsection (d-1) to read as follows:

4 (d-1) Before an investigation, the commissioner shall  
5 request that the school district scheduled for the investigation  
6 assess the district's compliance with the policy adopted under  
7 Section 33.006(c) and provide a written copy of the assessment to  
8 the investigators on or before the date specified by the  
9 commissioner. As part of each investigation, the investigators  
10 shall interview a percentage of district school counselors  
11 determined by the commissioner to assess the district's compliance  
12 with the policy adopted under Section 33.006(c). The commissioner  
13 shall adopt rules to implement this subsection.

14 SECTION 3. (a) Each school district shall implement a  
15 policy adopted under Section 33.006(c), Education Code, as added by  
16 this Act, beginning with the 2011-2012 school year.

17 (b) Section 33.006(d), Education Code, as added by this Act,  
18 applies only to a contract executed on or after the effective date  
19 of this Act. A contract executed before the effective date of this  
20 Act is governed by the law in effect on the date the contract was  
21 executed, and the former law is continued in effect for that  
22 purpose.

23 (c) Section 39.056(d-1), Education Code, as added by this  
24 Act, applies beginning with the 2011-2012 school year.

25 SECTION 4. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2011.