

BILL ANALYSIS

C.S.H.B. 3809
By: Farney
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Education Code currently contains inconsistent references to certified school counselors. C.S.H.B. 3809 seeks to make these references uniform and to establish a license requirement for licensed professional counselors employed by school districts.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3809 amends the Education Code to change references to a counselor, guidance counselor, high school counselor, or high school guidance counselor to instead refer to a school counselor. The bill prohibits a person from being employed by a school district as a licensed professional counselor unless the person is licensed by the state agency that licenses that profession and authorizes a person employed as a licensed professional counselor to perform specific services within that profession for a school district only if the person holds the appropriate credential from the appropriate state agency.

C.S.H.B. 3809 amends the Occupations Code to make a conforming change.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3809 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 7.055(b)(18), Education Code, is amended.	SECTION 1. Same as introduced version.
SECTION 2. Section 11.252(a), Education Code, is amended.	SECTION 2. Same as introduced version.
SECTION 3. Section 12.1059, Education Code, is amended.	SECTION 3. Same as introduced version.

SECTION 4. Sections 12.133(b), (c), (d), and (e), Education Code, are amended.

SECTION 5. Section 19.007(f), Education Code, is amended.

SECTION 6. Sections 19.009(d-1) and (d-2), Education Code, are amended.

SECTION 7. Section 21.002(a), Education Code, is amended.

SECTION 8. Section 21.003(a), Education Code, is amended to read as follows:

(a) A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by Subchapter B.

SECTION 9. Section 21.101, Education Code, is amended.

SECTION 10. Section 21.201(1), Education Code, is amended.

SECTION 11. Section 21.402(a), Education Code, as effective until September 1, 2017, is amended.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.

SECTION 6. Same as introduced version.

SECTION 7. Same as introduced version.

SECTION 8. Section 21.003, Education Code, is amended to read as follows:

Sec. 21.003. CERTIFICATION REQUIRED.

(a) A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by Subchapter B.

(b) Except as otherwise provided by this subsection, a person may not be employed by a school district as an audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, associate school psychologist, licensed professional counselor, marriage and family therapist, social worker, or speech language pathologist unless the person is licensed by the state agency that licenses that profession and may perform specific services within those professions for a school district only if the person holds the appropriate credential from the appropriate state agency. As long as a person employed by a district before September 1, 2011, to perform marriage and family therapy, as defined by Section 502.002, Occupations Code, is employed by the same district, the person is not required to hold a license as a marriage and family therapist to perform marriage and family therapy with that district.

SECTION 9. Same as introduced version.

SECTION 10. Same as introduced version.

SECTION 11. Same as introduced version.

SECTION 12. Section 21.402(a), Education Code, as effective September 1, 2017, is amended.	SECTION 12. Same as introduced version.
SECTION 13. Section 21.402(c-1), Education Code, is amended.	SECTION 13. Same as introduced version.
SECTION 14. Sections 21.403(a) and (c), Education Code, are amended.	SECTION 14. Same as introduced version.
SECTION 15. Section 21.4031(a)(2), Education Code, is amended.	SECTION 15. Same as introduced version.
SECTION 16. Section 21.4031(b), Education Code, is amended.	SECTION 16. Same as introduced version.
SECTION 17. Section 22.051(a), Education Code, is amended.	SECTION 17. Same as introduced version.
SECTION 18. Section 26.004, Education Code, is amended.	SECTION 18. Same as introduced version.
SECTION 19. Section 28.0212(a), Education Code, is amended.	SECTION 19. Same as introduced version.
SECTION 20. Section 28.026(a), Education Code, is amended.	SECTION 20. Same as introduced version.
SECTION 21. Section 28.054(b), Education Code, is amended.	SECTION 21. Same as introduced version.
SECTION 22. Section 29.082(e), Education Code, is amended.	SECTION 22. Same as introduced version.
SECTION 23. Section 29.911(b), Education Code, is amended.	SECTION 23. Same as introduced version.
SECTION 24. Section 30.024(a), Education Code, is amended.	SECTION 24. Same as introduced version.
SECTION 25. Section 30.055(a), Education Code, is amended.	SECTION 25. Same as introduced version.
SECTION 26. Section 30.102(b), Education Code, is amended.	SECTION 26. Same as introduced version.
SECTION 27. The heading to Section 33.002, Education Code, is amended.	SECTION 27. Same as introduced version.
SECTION 28. Sections 33.002(b) and (c), Education Code, are amended.	SECTION 28. Same as introduced version.
SECTION 29. Section 33.005, Education Code, is amended.	SECTION 29. Same as introduced version.

SECTION 30. The heading to Section 33.006, Education Code, is amended.

SECTION 30. Same as introduced version.

SECTION 31. Section 33.006(b), Education Code, is amended.

SECTION 31. Same as introduced version.

SECTION 32. Sections 33.007(a) and (b), Education Code, are amended.

SECTION 32. Same as introduced version.

SECTION 33. Section 37.306(a), Education Code, is amended.

SECTION 33. Same as introduced version.

SECTION 34. Section 38.0041(c), Education Code, is amended.

SECTION 34. Same as introduced version.

SECTION 35. Section 51.9355(a), Education Code, is amended.

SECTION 35. Same as introduced version.

SECTION 36. Section 56.308(b), Education Code, is amended.

SECTION 36. Same as introduced version.

SECTION 37. Section 56.460(b), Education Code, is amended.

SECTION 37. Same as introduced version.

SECTION 38. Sections 61.806(c) and (d), Education Code, are amended.

SECTION 38. Same as introduced version.

SECTION 39. Section 61.855(d), Education Code, is amended.

SECTION 39. Same as introduced version.

No equivalent provision.

SECTION 40. Section 503.051, Occupations Code, is amended to read as follows:
Sec. 503.051. COUNSELING FOR GOVERNMENT OR EDUCATIONAL INSTITUTION. This chapter does not apply to an activity, service, or use of an official title by a person employed as a counselor by a federal, state, county, or municipal agency or, except as provided by Section 21.003(b), Education Code, by a public or private educational institution if the person is performing counseling or counseling-related activities within the scope of the person's employment.

SECTION 40. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 41. Same as introduced version.