

By: Farney

H.B. No. 3809

Substitute the following for H.B. No. 3809:

By: J. Davis of Harris

C.S.H.B. No. 3809

A BILL TO BE ENTITLED

1

AN ACT

2 relating to counselors employed by school districts, including the
3 use of consistent terminology in the Education Code to refer to
4 school counselors and a license requirement for licensed
5 professional counselors employed by school districts.

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

7 SECTION 1. Section 7.055(b)(18), Education Code, is amended
8 to read as follows:

9 (18) The commissioner shall adopt a recommended
10 appraisal process and criteria on which to appraise the performance
11 of teachers, a recommended appraisal process and criteria on which
12 to appraise the performance of administrators, and a job
13 description and evaluation form for use in evaluating school
14 counselors, as provided by Subchapter H, Chapter 21.

15 SECTION 2. Section 11.252(a), Education Code, is amended to
16 read as follows:

17 (a) Each school district shall have a district improvement
18 plan that is developed, evaluated, and revised annually, in
19 accordance with district policy, by the superintendent with the
20 assistance of the district-level committee established under
21 Section 11.251. The purpose of the district improvement plan is to
22 guide district and campus staff in the improvement of student
23 performance for all student groups in order to attain state
24 standards in respect to the student achievement indicators adopted

1 under Section 39.053. The district improvement plan must include
2 provisions for:

3 (1) a comprehensive needs assessment addressing
4 district student performance on the student achievement
5 indicators, and other appropriate measures of performance, that are
6 disaggregated by all student groups served by the district,
7 including categories of ethnicity, socioeconomic status, sex, and
8 populations served by special programs, including students in
9 special education programs under Subchapter A, Chapter 29;

10 (2) measurable district performance objectives for
11 all appropriate student achievement indicators for all student
12 populations, including students in special education programs
13 under Subchapter A, Chapter 29, and other measures of student
14 performance that may be identified through the comprehensive needs
15 assessment;

16 (3) strategies for improvement of student performance
17 that include:

18 (A) instructional methods for addressing the
19 needs of student groups not achieving their full potential;

20 (B) methods for addressing the needs of students
21 for special programs, including:

22 (i) suicide prevention programs, in
23 accordance with Subchapter O-1, Chapter 161, Health and Safety
24 Code, which includes a parental or guardian notification procedure;

25 (ii) conflict resolution programs;

26 (iii) violence prevention programs; and

27 (iv) dyslexia treatment programs;

- 1 (C) dropout reduction;
- 2 (D) integration of technology in instructional
3 and administrative programs;
- 4 (E) discipline management;
- 5 (F) staff development for professional staff of
6 the district;
- 7 (G) career education to assist students in
8 developing the knowledge, skills, and competencies necessary for a
9 broad range of career opportunities; and
- 10 (H) accelerated education;
- 11 (4) strategies for providing to middle school, junior
12 high school, and high school students, those students' teachers and
13 school counselors, and those students' parents information about:
- 14 (A) higher education admissions and financial
15 aid opportunities;
- 16 (B) the TEXAS grant program and the Teach for
17 Texas grant program established under Chapter 56;
- 18 (C) the need for students to make informed
19 curriculum choices to be prepared for success beyond high school;
20 and
- 21 (D) sources of information on higher education
22 admissions and financial aid;
- 23 (5) resources needed to implement identified
24 strategies;
- 25 (6) staff responsible for ensuring the accomplishment
26 of each strategy;
- 27 (7) timelines for ongoing monitoring of the

1 implementation of each improvement strategy;

2 (8) formative evaluation criteria for determining
3 periodically whether strategies are resulting in intended
4 improvement of student performance; and

5 (9) the policy under Section 38.0041 addressing sexual
6 abuse and other maltreatment of children.

7 SECTION 3. Section 12.1059, Education Code, is amended to
8 read as follows:

9 Sec. 12.1059. AGENCY APPROVAL REQUIRED FOR CERTAIN
10 EMPLOYEES. A person may not be employed by or serve as a teacher,
11 librarian, educational aide, administrator, or school counselor
12 for an open-enrollment charter school unless the person has been
13 approved by the agency following a review of the person's national
14 criminal history record information as provided by Section 22.0832.

15 SECTION 4. Sections 12.133(b), (c), (d), and (e), Education
16 Code, are amended to read as follows:

17 (b) Each school year, using state funds received by the
18 charter holder for that purpose under Subsection (d), a charter
19 holder that participated in the program under Chapter 1579,
20 Insurance Code, for the 2005-2006 school year shall provide
21 employees of the charter holder, other than administrators,
22 compensation in the form of annual salaries, incentives, or other
23 compensation determined appropriate by the charter holder that
24 results in an average compensation increase for classroom teachers,
25 full-time librarians, full-time school counselors, and full-time
26 school nurses who are employed by the charter holder and who would
27 be entitled to a minimum salary under Section 21.402 if employed by

1 a school district, in an amount at least equal to \$2,500.

2 (c) Each school year, using state funds received by the
3 charter holder for that purpose under Subsection (e), a charter
4 holder that did not participate in the program under Chapter 1579,
5 Insurance Code, for the 2005-2006 school year shall provide
6 employees of the charter holder, other than administrators,
7 compensation in the form of annual salaries, incentives, or other
8 compensation determined appropriate by the charter holder that
9 results in an average compensation increase for classroom teachers,
10 full-time librarians, full-time school counselors, and full-time
11 school nurses who are employed by the charter holder and who would
12 be entitled to a minimum salary under Section 21.402 if employed by
13 a school district, in an amount at least equal to \$2,000.

14 (d) Each school year, in addition to any amounts to which a
15 charter holder is entitled under this chapter, a charter holder
16 that participated in the program under Chapter 1579, Insurance
17 Code, for the 2005-2006 school year is entitled to state aid in an
18 amount, as determined by the commissioner, equal to the product of
19 \$2,500 multiplied by the number of classroom teachers, full-time
20 librarians, full-time school counselors, and full-time school
21 nurses employed by the charter holder at an open-enrollment charter
22 school.

23 (e) Each school year, in addition to any amounts to which a
24 charter holder is entitled under this chapter, a charter holder
25 that did not participate in the program under Chapter 1579,
26 Insurance Code, for the 2005-2006 school year is entitled to state
27 aid in an amount, as determined by the commissioner, equal to the

1 product of \$2,000 multiplied by the number of classroom teachers,
2 full-time librarians, full-time school counselors, and full-time
3 school nurses employed by the charter holder at an open-enrollment
4 charter school.

5 SECTION 5. Section 19.007(f), Education Code, is amended to
6 read as follows:

7 (f) In addition to other amounts received by the district
8 under this section, the district is entitled to state aid in an
9 amount equal to the product of \$2,000 multiplied by the number of
10 classroom teachers, full-time librarians, full-time school
11 counselors certified under Subchapter B, Chapter 21, and full-time
12 school nurses who are employed by the district and who would be
13 entitled to a minimum salary under Section 21.402 if employed by a
14 school district operating under Chapter 11.

15 SECTION 6. Sections 19.009(d-1) and (d-2), Education Code,
16 are amended to read as follows:

17 (d-1) Each school year, the district shall pay an amount at
18 least equal to \$2,000 to each classroom teacher, full-time
19 librarian, full-time school counselor certified under Subchapter
20 B, Chapter 21, and full-time school nurse who is employed by the
21 district and who would be entitled to a minimum salary under Section
22 21.402 if employed by a school district operating under Chapter
23 11. A payment under this section is in addition to wages the
24 district would otherwise pay the employee during the school year.

25 (d-2) Beginning with the 2009-2010 school year, the
26 district shall increase the monthly salary of each classroom
27 teacher, full-time speech pathologist, full-time librarian,

1 full-time school counselor certified under Subchapter B, Chapter
2 21, and full-time school nurse employed by the district by the
3 greater of:

4 (1) \$80; or

5 (2) the maximum uniform amount that, when combined
6 with any resulting increases in the amount of contributions made by
7 the district for social security coverage for the specified
8 employees or by the district on behalf of the specified employees
9 under Section 825.405, Government Code, may be provided using an
10 amount equal to the product of \$60 multiplied by the number of
11 students in weighted average daily attendance in the district
12 during the 2009-2010 school year.

13 SECTION 7. Section 21.002(a), Education Code, is amended to
14 read as follows:

15 (a) A school district shall employ each classroom teacher,
16 principal, librarian, nurse, or school counselor under:

17 (1) a probationary contract, as provided by Subchapter
18 C;

19 (2) a continuing contract, as provided by Subchapter
20 D; or

21 (3) a term contract, as provided by Subchapter E.

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

24 Sec. 21.003. CERTIFICATION REQUIRED. (a) A person may not
25 be employed as a teacher, teacher intern or teacher trainee,
26 librarian, educational aide, administrator, educational
27 diagnostician, or school counselor by a school district unless the

1 person holds an appropriate certificate or permit issued as
2 provided by Subchapter B.

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

18 SECTION 9. Section 21.101, Education Code, is amended to
19 read as follows:

20 Sec. 21.101. DEFINITION. In this subchapter, "teacher"
21 means a principal, supervisor, classroom teacher, school
22 counselor, or other full-time professional employee who is required
23 to hold a certificate issued under Subchapter B or a nurse. The
24 term does not include a superintendent or a person who is not
25 entitled to a probationary, continuing, or term contract under
26 Section 21.002, an existing contract, or district policy.

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

1 to read as follows:

2 (1) "Teacher" means a superintendent, principal,
3 supervisor, classroom teacher, school counselor, or other
4 full-time professional employee who is required to hold a
5 certificate issued under Subchapter B or a nurse. The term does
6 not include a person who is not entitled to a probationary,
7 continuing, or term contract under Section 21.002, an existing
8 contract, or district policy.

9 SECTION 11. Section 21.402(a), Education Code, as effective
10 until September 1, 2017, is amended to read as follows:

11 (a) Except as provided by Subsection (f), a school district
12 must pay each classroom teacher, full-time librarian, full-time
13 school counselor certified under Subchapter B, or full-time school
14 nurse not less than the minimum monthly salary, based on the
15 employee's level of experience in addition to other factors, as
16 determined by commissioner rule, determined by the following
17 formula:

$$18 \qquad \qquad \qquad MS = SF \times FS$$

19 where:

20 "MS" is the minimum monthly salary;

21 "SF" is the applicable salary factor specified by Subsection
22 (c); and

23 "FS" is the amount, as determined by the commissioner under
24 Subsection (b), of the basic allotment as provided by Section
25 42.101(a) or (b) for a school district with a maintenance and
26 operations tax rate at least equal to the state maximum compressed
27 tax rate, as defined by Section 42.101(a).

1 SECTION 12. Section 21.402(a), Education Code, as effective
2 September 1, 2017, is amended to read as follows:

3 (a) Except as provided by Subsection (e-1) or (f), a school
4 district must pay each classroom teacher, full-time librarian,
5 full-time school counselor certified under Subchapter B, or
6 full-time school nurse not less than the minimum monthly salary,
7 based on the employee's level of experience in addition to other
8 factors, as determined by commissioner rule, determined by the
9 following formula:

$$10 \quad MS = SF \times FS$$

11 where:

12 "MS" is the minimum monthly salary;

13 "SF" is the applicable salary factor specified by Subsection
14 (c); and

15 "FS" is the amount, as determined by the commissioner under
16 Subsection (b), of the basic allotment as provided by Section
17 42.101(a) or (b) for a school district with a maintenance and
18 operations tax rate at least equal to the state maximum compressed
19 tax rate, as defined by Section 42.101(a).

20 SECTION 13. Section 21.402(c-1), Education Code, is amended
21 to read as follows:

22 (c-1) Notwithstanding Subsections (a) and (b), each school
23 district shall pay a monthly salary to each classroom teacher,
24 full-time speech pathologist, full-time librarian, full-time
25 school counselor certified under Subchapter B, and full-time school
26 nurse that is at least equal to the following monthly salary or the
27 monthly salary determined by the commissioner under Subsections (a)

1 and (b), whichever is greater:

2	Years of	Monthly
3	Experience	Salary
4	0	2,732
5	1	2,791
6	2	2,849
7	3	2,908
8	4	3,032
9	5	3,156
10	6	3,280
11	7	3,395
12	8	3,504
13	9	3,607
14	10	3,704
15	11	3,796
16	12	3,884
17	13	3,965
18	14	4,043
19	15	4,116
20	16	4,186
21	17	4,251
22	18	4,313
23	19	4,372
24	20 & Over	4,427

25 SECTION 14. Sections 21.403(a) and (c), Education Code, are
26 amended to read as follows:

27 (a) A teacher, librarian, school counselor, or nurse shall

1 advance one step on the minimum salary schedule under Section
2 21.402 for each year of experience as a teacher, librarian, school
3 counselor, or nurse until step 20 is reached.

4 (c) The commissioner shall adopt rules for determining the
5 experience for which a teacher, librarian, school counselor, or
6 nurse is to be given credit in placing the teacher, librarian,
7 school counselor, or nurse on the minimum salary schedule. A
8 district shall credit the teacher, librarian, school counselor, or
9 nurse for each year of experience without regard to whether the
10 years are consecutive.

11 SECTION 15. Section 21.4031(a)(2), Education Code, is
12 amended to read as follows:

13 (2) "Service record" means a school district
14 document that indicates the total years of service provided to the
15 district by a classroom teacher, librarian, school counselor, or
16 nurse.

17 SECTION 16. Section 21.4031(b), Education Code, is amended
18 to read as follows:

19 (b) On request by a classroom teacher, librarian, school
20 counselor, or nurse or by the school district employing one of those
21 individuals, a school district that previously employed the
22 individual shall provide a copy of the individual's service record
23 to the school district employing the individual. The district must
24 provide the copy not later than the 30th day after the later of:

25 (1) the date the request is made; or

26 (2) the date of the last day of the individual's
27 service to the district.

1 SECTION 17. Section 22.051(a), Education Code, is amended
2 to read as follows:

3 (a) In this subchapter, "professional employee of a school
4 district" includes:

5 (1) a superintendent, principal, teacher, including a
6 substitute teacher, supervisor, social worker, school counselor,
7 nurse, and teacher's aide employed by a school district;

8 (2) a teacher employed by a company that contracts
9 with a school district to provide the teacher's services to the
10 district;

11 (3) a student in an education preparation program
12 participating in a field experience or internship;

13 (4) a school bus driver certified in accordance with
14 standards and qualifications adopted by the Department of Public
15 Safety of the State of Texas;

16 (5) a member of the board of trustees of an independent
17 school district; and

18 (6) any other person employed by a school district
19 whose employment requires certification and the exercise of
20 discretion.

21 SECTION 18. Section 26.004, Education Code, is amended to
22 read as follows:

23 Sec. 26.004. ACCESS TO STUDENT RECORDS. A parent is
24 entitled to access to all written records of a school district
25 concerning the parent's child, including:

26 (1) attendance records;

27 (2) test scores;

- 1 (3) grades;
- 2 (4) disciplinary records;
- 3 (5) counseling records;
- 4 (6) psychological records;
- 5 (7) applications for admission;
- 6 (8) health and immunization information;
- 7 (9) teacher and school counselor evaluations; and
- 8 (10) reports of behavioral patterns.

9 SECTION 19. Section 28.0212(a), Education Code, is amended
10 to read as follows:

11 (a) A principal shall designate a school [~~guidance~~]
12 counselor, teacher, or other appropriate individual to develop and
13 administer a personal graduation plan for each student enrolled in
14 a junior high, middle, or high school who:

15 (1) does not perform satisfactorily on an assessment
16 instrument administered under Subchapter B, Chapter 39; or

17 (2) is not likely to receive a high school diploma
18 before the fifth school year following the student's enrollment in
19 grade level nine, as determined by the district.

20 SECTION 20. Section 28.026(a), Education Code, is amended
21 to read as follows:

22 (a) The board of trustees of a school district shall require
23 each high school in the district to post appropriate signs in each
24 school counselor's office, in each principal's office, and in each
25 administrative building indicating the substance of Section 51.803
26 regarding automatic college admission. To assist in the
27 dissemination of this information, the school district shall:

1 (1) require that each [~~high~~] school counselor and
2 class advisor at a high school be provided a detailed explanation of
3 the substance of Section 51.803;

4 (2) provide each district student, at the time the
5 student first registers for one or more classes required for high
6 school graduation, with a written notification of the substance of
7 Section 51.803;

8 (3) require that each [~~high~~] school counselor and
9 senior class advisor at a high school explain to eligible students
10 the substance of Section 51.803; and

11 (4) not later than the 14th day after the last day of
12 classes for the fall semester or an equivalent date in the case of a
13 school operated on a year-round system under Section 25.084,
14 provide each eligible senior student under Section 51.803 and each
15 student enrolled in the junior year of high school who has a grade
16 point average in the top 10 percent of the student's high school
17 class, and the student's parent or guardian, with a written
18 notification of the student's eligibility with a detailed
19 explanation in plain language of the substance of Section 51.803.

20 SECTION 21. Section 28.054(b), Education Code, is amended
21 to read as follows:

22 (b) To obtain a subsidy under this section, a student must:

23 (1) pay the fee for each test or examination for which
24 the student seeks a subsidy; and

25 (2) submit to the board through the student's school
26 [~~guidance~~] counselor a written application on a form prescribed by
27 the commissioner demonstrating financial need and the amount of the

1 fee paid by the student for each test or examination.

2 SECTION 22. Section 29.082(e), Education Code, is amended
3 to read as follows:

4 (e) A student who attends at least 90 percent of the program
5 days of a program under this section and who satisfies the
6 requirements for promotion prescribed by Section 28.021 shall be
7 promoted to the next grade level at the beginning of the next school
8 year unless a parent of the student presents a written request to
9 the school principal that the student not be promoted to the next
10 grade level. As soon as practicable after receiving the request
11 from a parent, the principal shall hold a formal meeting with the
12 student's parent, extended year program teacher, and school
13 counselor. During the meeting, the principal, teacher, or school
14 counselor shall explain the longitudinal statistics on the academic
15 performance of students who are not promoted to the next grade level
16 and provide information on the effect of retention on a student's
17 self-esteem and on the likelihood of a student dropping out of
18 school. After the meeting, the parent may withdraw the request that
19 the student not be promoted to the next grade level. If the parent
20 of a student eligible for promotion under this subsection withdraws
21 the request, the student shall be promoted. If a student is
22 promoted under this subsection, the school district shall continue
23 to use innovative practices to ensure that the student is
24 successful in school in succeeding years.

25 SECTION 23. Section 29.911(b), Education Code, is amended
26 to read as follows:

27 (b) During the designated week, each middle school, junior

1 high school, and high school shall provide students with
2 comprehensive grade-appropriate information regarding the pursuit
3 of higher education. The information provided must include
4 information regarding:

5 (1) higher education options available to students;

6 (2) standard admission requirements for institutions
7 of higher education, including:

8 (A) overall high school grade point average;

9 (B) required curriculum;

10 (C) college readiness standards and expectations
11 as determined under Section 28.008; and

12 (D) scores necessary on generally recognized
13 tests or assessment instruments used in admissions determinations,
14 including the Scholastic Assessment Test and the American College
15 Test;

16 (3) automatic admission of certain students to general
17 academic teaching institutions as provided by Section 51.803; and

18 (4) financial aid availability and requirements,
19 including the financial aid information provided by school
20 counselors under Section 33.007(b).

21 SECTION 24. Section 30.024(a), Education Code, is amended
22 to read as follows:

23 (a) In this section, "teacher" means a principal,
24 supervisor, classroom teacher, school counselor, or other
25 full-time professional employee who is required to hold a
26 certificate issued under Subchapter B, Chapter 21, except the term
27 does not include a superintendent or any employee who does not

1 provide direct and regular services to students at the school.

2 SECTION 25. Section 30.055(a), Education Code, is amended
3 to read as follows:

4 (a) In this section, "teacher" means a principal,
5 supervisor, classroom teacher, school counselor, or other
6 full-time professional employee who is required to hold a
7 certificate issued under Subchapter B, Chapter 21, except the term
8 does not include a superintendent.

9 SECTION 26. Section 30.102(b), Education Code, is amended
10 to read as follows:

11 (b) A classroom teacher, full-time librarian, full-time
12 school counselor certified under Subchapter B, Chapter 21, or
13 full-time school nurse employed by the commission is entitled to
14 receive as a minimum salary the monthly salary specified by Section
15 21.402. A classroom teacher, full-time librarian, full-time school
16 counselor, or full-time school nurse may be paid, from funds
17 appropriated to the commission, a salary in excess of the minimum
18 specified by that section, but the salary may not exceed the rate of
19 pay for a similar position in the public schools of an adjacent
20 school district.

21 SECTION 27. The heading to Section 33.002, Education Code,
22 is amended to read as follows:

23 Sec. 33.002. CERTIFIED SCHOOL COUNSELOR.

24 SECTION 28. Sections 33.002(b) and (c), Education Code, are
25 amended to read as follows:

26 (b) A school district with 500 or more students enrolled in
27 elementary school grades shall employ a school counselor certified

1 under the rules of the State Board for Educator Certification for
2 each elementary school in the district. A school district shall
3 employ at least one school counselor for every 500 elementary
4 school students in the district.

5 (c) A school district with fewer than 500 students enrolled
6 in elementary school grades shall provide guidance and counseling
7 services to elementary school students by:

8 (1) employing a part-time school counselor certified
9 under the rules of the State Board for Educator Certification;

10 (2) employing a part-time teacher certified as a
11 school counselor under the rules of the State Board for Educator
12 Certification; or

13 (3) entering into a shared services arrangement
14 agreement with one or more school districts to share a school
15 counselor certified under the rules of the State Board for Educator
16 Certification.

17 SECTION 29. Section 33.005, Education Code, is amended to
18 read as follows:

19 Sec. 33.005. DEVELOPMENTAL GUIDANCE AND COUNSELING
20 PROGRAMS. A school counselor shall work with the school faculty and
21 staff, students, parents, and the community to plan, implement, and
22 evaluate a developmental guidance and counseling program. The
23 school counselor shall design the program to include:

24 (1) a guidance curriculum to help students develop
25 their full educational potential, including the student's
26 interests and career objectives;

27 (2) a responsive services component to intervene on

1 behalf of any student whose immediate personal concerns or problems
2 put the student's continued educational, career, personal, or
3 social development at risk;

4 (3) an individual planning system to guide a student
5 as the student plans, monitors, and manages the student's own
6 educational, career, personal, and social development; and

7 (4) system support to support the efforts of teachers,
8 staff, parents, and other members of the community in promoting the
9 educational, career, personal, and social development of students.

10 SECTION 30. The heading to Section 33.006, Education Code,
11 is amended to read as follows:

12 Sec. 33.006. SCHOOL COUNSELORS; GENERAL DUTIES.

13 SECTION 31. Section 33.006(b), Education Code, is amended
14 to read as follows:

15 (b) In addition to a school counselor's responsibility
16 under Subsection (a), the school counselor shall:

17 (1) participate in planning, implementing, and
18 evaluating a comprehensive developmental guidance program to serve
19 all students and to address the special needs of students:

20 (A) who are at risk of dropping out of school,
21 becoming substance abusers, participating in gang activity, or
22 committing suicide;

23 (B) who are in need of modified instructional
24 strategies; or

25 (C) who are gifted and talented, with emphasis on
26 identifying and serving gifted and talented students who are
27 educationally disadvantaged;

1 (2) consult with a student's parent or guardian and
2 make referrals as appropriate in consultation with the student's
3 parent or guardian;

4 (3) consult with school staff, parents, and other
5 community members to help them increase the effectiveness of
6 student education and promote student success;

7 (4) coordinate people and resources in the school,
8 home, and community;

9 (5) with the assistance of school staff, interpret
10 standardized test results and other assessment data that help a
11 student make educational and career plans; and

12 (6) deliver classroom guidance activities or serve as
13 a consultant to teachers conducting lessons based on the school's
14 guidance curriculum.

15 SECTION 32. Sections 33.007(a) and (b), Education Code, are
16 amended to read as follows:

17 (a) Each school counselor at an elementary, middle, or
18 junior high school, including an open-enrollment charter school
19 offering those grades, shall advise students and their parents or
20 guardians regarding the importance of higher education, coursework
21 designed to prepare students for higher education, and financial
22 aid availability and requirements.

23 (b) During the first school year a student is enrolled in a
24 high school or at the high school level in an open-enrollment
25 charter school, and again during a student's senior year, a school
26 counselor shall provide information about higher education to the
27 student and the student's parent or guardian. The information must

1 include information regarding:

2 (1) the importance of higher education;

3 (2) the advantages of completing the recommended or
4 advanced high school program adopted under Section 28.025(a);

5 (3) the disadvantages of taking courses to prepare for
6 a high school equivalency examination relative to the benefits of
7 taking courses leading to a high school diploma;

8 (4) financial aid eligibility;

9 (5) instruction on how to apply for federal financial
10 aid;

11 (6) the center for financial aid information
12 established under Section 61.0776;

13 (7) the automatic admission of certain students to
14 general academic teaching institutions as provided by Section
15 51.803;

16 (8) the eligibility and academic performance
17 requirements for the TEXAS Grant as provided by Subchapter M,
18 Chapter 56; and

19 (9) the availability of programs in the district under
20 which a student may earn college credit, including advanced
21 placement programs, dual credit programs, joint high school and
22 college credit programs, and international baccalaureate programs.

23 SECTION 33. Section 37.306(a), Education Code, is amended
24 to read as follows:

25 (a) At the end of the first semester of a student's
26 placement in an alternative education program under Section 37.304
27 or 37.305, the school district board of trustees shall convene a

1 committee to review the student's placement in the alternative
2 education program. The committee must be composed of:

3 (1) a classroom teacher from the campus to which the
4 student would be assigned were the student not placed in an
5 alternative education program;

6 (2) the student's parole or probation officer or, in
7 the case of a student who does not have a parole or probation
8 officer, a representative of the local juvenile probation
9 department;

10 (3) an instructor from the alternative education
11 program to which the student is assigned;

12 (4) a school district designee selected by the board
13 of trustees; and

14 (5) a school counselor employed by the school
15 district.

16 SECTION 34. Section 38.0041(c), Education Code, is amended
17 to read as follows:

18 (c) The methods under Subsection (b)(1) for increasing
19 awareness of issues regarding sexual abuse and other maltreatment
20 of children must include training, as provided by this subsection,
21 concerning prevention techniques for and recognition of sexual
22 abuse and all other maltreatment of children. The training:

23 (1) must be provided, as part of a new employee
24 orientation, to new school district and open-enrollment charter
25 school educators, including school counselors and coaches, and
26 other district and charter school professional staff members;

27 (2) may be provided annually to any district or

1 charter school staff member; and

2 (3) must include training concerning:

3 (A) factors indicating a child is at risk for
4 sexual abuse or other maltreatment;

5 (B) likely warning signs indicating a child may
6 be a victim of sexual abuse or other maltreatment;

7 (C) internal procedures for seeking assistance
8 for a child who is at risk for sexual abuse or other maltreatment,
9 including referral to a school counselor, a social worker, or
10 another mental health professional;

11 (D) techniques for reducing a child's risk of
12 sexual abuse or other maltreatment; and

13 (E) community organizations that have relevant
14 existing research-based programs that are able to provide training
15 or other education for school district or open-enrollment charter
16 school staff members, students, and parents.

17 SECTION 35. Section 51.9355(a), Education Code, is amended
18 to read as follows:

19 (a) The governing board of each general academic teaching
20 institution shall establish an office at the institution to assist
21 applicants, potential applicants, ~~[high]~~ school ~~[guidance]~~
22 counselors at the high school level, and other interested persons
23 requesting assistance relating to:

24 (1) applying for admission to a bachelor's degree
25 program at the institution;

26 (2) applying for financial aid offered by or through
27 the institution or by an office or agency of this state or the

1 United States for attendance as an undergraduate student at the
2 institution;

3 (3) registering for an examination to be taken in
4 connection with admission to a bachelor's degree program at the
5 institution; or

6 (4) registering for an examination that may be taken
7 to receive undergraduate course credit at the institution or to
8 determine the skill or placement level of an applicant to or student
9 enrolled in a bachelor's degree program at the institution.

10 SECTION 36. Section 56.308(b), Education Code, is amended
11 to read as follows:

12 (b) Each school district shall:

13 (1) notify its middle school students, junior high
14 school students, and high school students, those students' teachers
15 and school counselors, and those students' parents of the TEXAS
16 grant and Teach for Texas grant programs, the eligibility
17 requirements of each program, the need for students to make
18 informed curriculum choices to be prepared for success beyond high
19 school, and sources of information on higher education admissions
20 and financial aid in a manner that assists the district in
21 implementing a strategy adopted by the district under Section
22 11.252(a)(4); and

23 (2) ensure that each student's official transcript or
24 diploma indicates whether the student has completed or is on
25 schedule to complete:

26 (A) the recommended or advanced high school
27 curriculum required for grant eligibility under Section 28.002 or

1 28.025; or

2 (B) for a school district covered by Section
3 56.304(f)(1), the required portion of the recommended or advanced
4 high school curriculum in the manner described by Section
5 56.304(f)(2).

6 SECTION 37. Section 56.460(b), Education Code, is amended
7 to read as follows:

8 (b) Each school district shall notify its middle school
9 students, junior high school students, and high school students,
10 those students' teachers and school counselors, and those students'
11 parents or guardians of the Texas B-On-time loan program and the
12 eligibility requirements of the program.

13 SECTION 38. Sections 61.806(c) and (d), Education Code, are
14 amended to read as follows:

15 (c) An eligible entity must make application to the board to
16 receive financial assistance under this subchapter. An application
17 must demonstrate that the program contains the following elements:

18 (1) involvement of public school officials, teachers,
19 and school counselors in identifying and selecting students in
20 elementary school for participation in the partnership program
21 during the elementary and secondary school grades;

22 (2) criteria for the selection of program participants
23 that include consideration of:

24 (A) whether the student has a high risk of
25 dropping out of school as measured by academic performance,
26 attendance, discipline problems, and other factors affecting
27 school performance, including teenage pregnancy or parenting,

1 substance abuse, child abuse or neglect, or limited English
2 proficiency; and

3 (B) whether the student is a low-income student
4 as defined by board rule;

5 (3) academic and counseling support services for
6 program participants;

7 (4) involvement of parents and community volunteers to
8 the extent possible; and

9 (5) an evaluation component that includes follow-up
10 relating to the academic performance of program participants during
11 secondary school and the program participants' plans concerning
12 college attendance.

13 (d) If financial assistance is awarded to an eligible entity
14 that is not a school district, the application must include a
15 description of the frequency and manner of involvement of the
16 public schools and school personnel, especially teachers and school
17 counselors, with the partnership program.

18 SECTION 39. Section 61.855(d), Education Code, is amended
19 to read as follows:

20 (d) A tech-prep program must:

21 (1) be implemented under an articulation agreement
22 between the participants in the consortium;

23 (2) consist of two to four years of secondary school
24 preceding graduation and:

25 (A) two or more years of higher education; or

26 (B) two or more years of apprenticeship following
27 secondary instruction;

1 (3) have a common core of required proficiency based
2 on the recommended high school program adopted by the State Board of
3 Education under Section 28.025(a), with proficiencies in
4 mathematics, science, reading, writing, communications, and
5 technologies designed to lead to an associate's degree or
6 postsecondary certificate in a specific career field;

7 (4) include the development of tech-prep program
8 curricula for both secondary and postsecondary participants in the
9 consortium that:

10 (A) meets academic standards developed by the
11 state;

12 (B) links secondary schools and two-year
13 postsecondary institutions, and, if practicable, four-year
14 institutions of higher education through nonduplicative sequences
15 of courses in career fields, including the investigation of
16 opportunities for tech-prep students to enroll concurrently in
17 secondary and postsecondary course work;

18 (C) uses, if appropriate and available,
19 work-based or worksite learning in conjunction with business and
20 all aspects of an industry; and

21 (D) uses educational technology and distance
22 learning, as appropriate, to involve each consortium participant
23 more fully in the development and operation of programs;

24 (5) include in-service training for teachers that:

25 (A) is designed to train vocational and technical
26 teachers to effectively implement tech-prep programs;

27 (B) provides for joint training for teachers in

1 the tech-prep consortium;

2 (C) is designed to ensure that teachers and
3 administrators stay current with the needs, expectations, and
4 methods of business and of all aspects of an industry;

5 (D) focuses on training postsecondary education
6 faculty in the use of contextual and applied curricula and
7 instruction; and

8 (E) provides training in the use and application
9 of technology;

10 (6) include training programs for school counselors
11 designed to enable school counselors to more effectively:

12 (A) provide information to students regarding
13 tech-prep programs;

14 (B) support student progress in completing
15 tech-prep programs;

16 (C) provide information on related employment
17 opportunities;

18 (D) ensure that tech-prep students are placed in
19 appropriate employment; and

20 (E) stay current with the needs, expectations,
21 and methods of business and of all aspects of an industry;

22 (7) provide equal access to the full range of
23 tech-prep programs for individuals who are members of special
24 populations, including by the development of tech-prep program
25 services appropriate to the needs of special populations; and

26 (8) provide for preparatory services that assist
27 participants in tech-prep programs.

1 SECTION 40. Section 503.051, Occupations Code, is amended
2 to read as follows:

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

11 SECTION 41. This Act takes effect immediately if it
12 receives a vote of two-thirds of all the members elected to each
13 house, as provided by Section 39, Article III, Texas Constitution.
14 If this Act does not receive the vote necessary for immediate
15 effect, this Act takes effect September 1, 2013.