

By: McClendon

H.B. No. 1434

A BILL TO BE ENTITLED

AN ACT

relating to the assignment of certain behavioral health professionals and school counselors to a public school campus.

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

SECTION 1. Subchapter Z, Chapter 33, Education Code, is amended by adding Section 33.906 to read as follows:

Sec. 33.906. SCHOOL PSYCHOLOGIST, LICENSED PROFESSIONAL COUNSELOR, LICENSED CLINICAL SOCIAL WORKER OR SCHOOL COUNSELOR.

(a) A school district with a campus that has an Average Daily Attendance of 250 or more that receives additional state aid under Section 42.25192 shall assign, at each campus in the district with an enrollment of 250 students or more, at least one full-time:

(1) school psychologist licensed under Chapter 501, Occupations Code;

(2) licensed professional counselor licensed under Chapter 503, Occupations Code;

(3) licensed clinical social worker licensed under Chapter 505, Occupations Code; or

(4) a school counselor certified under the rules of the State Board for Educator Certification.

(b) In addition to other duties, the duties of a school psychologist, licensed professional counselor, licensed clinical social worker, or school counselor assigned under this section must include the following:

1 (1) assisting students in confidential counseling
2 matters;

3 (2) advising students and parents regarding
4 graduation requirements in accordance with Section 28.025; or

5 (3) both (1) and (2).

6 (c) A school counselor assigned under this section shall
7 fulfill all the requirements for a school counselor imposed by
8 statute including:

9 (1) duties assigned under Subchapter A, Chapter 33,

10 (2) duties assigned under 28.0212 and 28.02121.

11 (d) A school psychologist, licensed professional counselor,
12 licensed clinical social worker, or school counselor assigned under
13 this section may not consult with a student without the permission
14 of the student's parent or guardian unless:

15 (1) the safety of the student is at issue;

16 (2) the student is potentially at risk of being
17 involved in domestic violence; or

18 (3) a court order allows or requires the consultation
19 without the permission.

20 (e) A school district may not require a school psychologist,
21 licensed professional counselor, licensed clinical social worker,
22 or school counselor funded or partially funded from funds received
23 by the district under 42.451 to spend time administering assessment
24 instruments or providing other assistance in connection with
25 assessment instruments, except for time spent in interpreting data
26 from assessment instruments.

27 (f) A person assigned to a campus under subsection (a)(1)

1 may serve more than one campus of the district except that the
2 average ratio of students to a person described by subsection
3 (a)(1) may not exceed 250 to 1.

4 (g) A district that receives additional state aide under
5 Section 42.25192 shall periodically report the ratio described by
6 subsection (f) to the commissioner.

7 (h) A district must use funds received under Section
8 42.25192 to assign full-time personnel described by Subsection (a)
9 at each campus in accordance with subsection (f). Each of the
10 personnel used to satisfy subsection (f) is subject to the
11 provisions of Subsections (b), (c), (d), (e) and (f).

12 (i) A school district satisfying the requirements of
13 subsection (f) may use funds received under Section 42.25192 for
14 training or other purposes related to implementing this enactment.

15 (j) Alternatively, a school district satisfying the
16 requirements of subsection (f) may reserve any unexpended balance
17 from funds received under Section 42.25192 for use in fulfilling
18 this enactment in the following school year.

19 (k) A school district is required to comply with Subsection
20 (a) only to the extent that:

21 (1) the legislature has appropriated money to the
22 Texas Education Agency for the purpose of reimbursing school
23 districts for the expenses incurred in complying with Subsection
24 (a), pursuant to Section 2 of this enactment; and

25 (2) out of the funds described in Subchapter E,
26 Chapter 42, Section 42.25192, Education Code, the Texas Education
27 Agency pays or commits to pay the district for the expenses incurred

1 in complying with Subsection (a), pursuant to Section 2 of this
2 enactment.

3 SECTION 2. Subchapter E, Chapter 42, Education Code is
4 amended by adding Section 42.25192 to read as follows:

5 Sec. 42.25192. ADDITIONAL STATE AID FOR SCHOOL
6 PSYCHOLOGISTS, LICENSED PROFESSIONAL COUNSELORS, LICENSED CLINICAL
7 SOCIAL WORKERS OR SCHOOL COUNSELOR. (a) Each school year, from
8 funds available under Subsection (b) and Subsection (e) of this
9 section, the commissioner shall distribute additional state aid in
10 an amount determined by the commissioner under this enactment to
11 eligible school districts as provided by Subsection (d) to assist
12 the districts in employing the number of school psychologists,
13 licensed professional counselors, licensed clinical social
14 workers, or schools counselors described by Section 33.906.

15 (b) Not later than August 31st of each year, the comptroller
16 shall transfer from the general revenue fund to the foundation
17 school fund for purposes of this enactment an amount equal to
18 three-quarters of the net revenue of receipts dedicated from the
19 sale of tax stamps and funds derived from taxes on distilled
20 spirits, wine, beer, and ale and malt liquor deposited to the
21 general revenue fund under Section 205.02, Alcoholic Beverage Code,
22 in accordance with Section 4 of this enactment. Money transferred
23 to the foundation school fund under this subsection may be
24 appropriated only for assistance to school districts for the
25 purpose of the employment by a school district of a school
26 counselor, school psychologist, licensed professional counselor,
27 or licensed clinical social worker, as described by Section 33.906.

1 (c) For every school district, the commissioner shall:

2 (1) Using prior year ADA as defined by Section 42.005,
3 assign each school district a number of units equivalent to
4 dividing the total number of students in average daily attendance
5 by 250, rounding to the nearest whole number;

6 (2) Assign a value of \$80,000, or greater amount by
7 appropriation, for each unit; and

8 (3) Calculate an amount equivalent to multiplying the
9 number of units calculated under (c) (1) by (c) (2).

10 (d) The commissioner shall distribute funds transferred
11 under subsection (b), including any funds from subsection (), as
12 follows:

13 (1) the commissioner shall rank each school district
14 in order of highest percentage of educationally disadvantaged
15 students, as defined by Section 42.25192(b), using prior year
16 numbers for ADA and educationally disadvantaged students; and

17 (2) beginning with the school district with the
18 highest percentage of educationally disadvantaged students, the
19 commissioner shall award the amount calculated for each school
20 district under (c) (3) in descending order of percentage of
21 educationally disadvantaged students until the commissioner may no
22 longer award the full amount calculated for a school district.

23 (e) The commissioner shall reserve any unexpended balance
24 and add it to the annual transfer under subsection (b) for
25 distribution the following year.

26 (f) Funds transferred under subsection (b) or reserved
27 under subsection (e) may only be used for purposes of this section.

1 (g) State aid received by a district under this section is
2 in addition to any entitlements a district receives under Chapter
3 41 or other provisions of Chapter 42.

4 (h) The commissioner may adopt rules as necessary to
5 administer this section.

6 SECTION 3. (a) Except as otherwise provided by this
7 section, Sections 33.906 and 42.25192(a), Education Code, as added
8 by this Act, apply beginning with the 2015-2016 school year.

9 (b) A school district shall employ a school psychologist,
10 licensed professional counselor, licensed clinical social worker,
11 or school counselor as required by Section 33.906, Education Code,
12 as added by this Act, as soon as practicable and not later than 30
13 days after the district receives approval of state aid for that
14 purpose under Section 42.25192, Education Code, as added by this
15 Act.

16 (c) Section 42.25192(b), Education Code, as added by this
17 Act, applies beginning September 1, 2015.

18 SECTION 4. Chapter 205, Section 205.02, Alcoholic Beverage
19 Code is amended to read as follows:

20 Sec. 205.02. DISPOSITION OF RECEIPTS.

21 Text of (a) as amended by Acts 1984, 68th Leg., 2nd C.S., ch. 28,
22 art. II, part B, Sec. 12

23 ~~(a) After allocation of funds to defray administrative~~
24 ~~expenses as provided in the current departmental appropriations~~
25 ~~act, receipts from the sale of tax stamps and funds derived from~~
26 ~~taxes on distilled spirits, wine, beer, and ale and malt liquor~~
27 ~~shall be deposited in the general revenue fund. An amount equal to~~

1 ~~one-fourth of the net revenue shall be transferred to the~~
2 ~~foundation school fund, and an amount equal to three-fourths of the~~
3 ~~net revenue shall be credited to the general revenue fund.~~

4 Text of (a) as amended by Acts 1984, 68th Leg., 2nd C.S., ch. 31,
5 art. 2, Sec. 22

6 (a) After allocation of funds to defray administrative
7 expenses as provided in the current departmental appropriations
8 act, receipts from the sale of tax stamps and funds derived from
9 taxes on distilled spirits, wine, beer, and ale and malt liquor
10 shall be deposited in the general revenue fund. An amount equal to
11 5/24ths of the net revenue shall be transferred to the available
12 school fund, an amount equal to 1/24th of the net revenue shall be
13 transferred to the foundation school fund, and an amount equal to
14 three-fourths of the net revenue shall be ~~credited to the general~~
15 ~~revenue fund.~~ transferred to the foundation school fund
16 specifically for purposes of allocation by the commissioner of
17 education according to Sections 33.906 and 42.25192, Education
18 Code.

19 SECTION 5. This act creates the legislative authority for
20 an appropriation to be made.

21 SECTION 6. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2015.