

By: Lucio III

H.B. No. 181

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 school 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 or guidance
2 function.

3 SECTION 2. Section 7.028(a), Education Code, is amended to
4 read as follows:

5 (a) Except as provided by Section 29.001(5), 29.010(a),
6 39.056(d-1), or 39.057, the agency may monitor compliance with
7 requirements applicable to a process or program provided by a
8 school district, campus, program, or school granted charters under
9 Chapter 12, including the process described by Subchapter F,
10 Chapter 11, or a program described by Subchapter B, C, D, E, F, H, or
11 I, Chapter 29, Subchapter A, Chapter 37, or Section 38.003, and the
12 use of funds provided for such a program under Subchapter C, Chapter
13 42, only as necessary to ensure:

- 14 (1) compliance with federal law and regulations;
- 15 (2) financial accountability, including compliance
16 with grant requirements; and
- 17 (3) data integrity for purposes of:
- 18 (A) the Public Education Information Management
19 System (PEIMS); and
- 20 (B) accountability under Chapter 39.

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

23 (d-1) Before a monitoring review, the commissioner shall
24 request that the school district scheduled for the review assess
25 the district's compliance with the policy adopted under Section
26 33.006(c) and provide a written copy of the assessment to the agency
27 on or before the date specified by the commissioner. As part of

1 each monitoring review, the agency shall interview a percentage of
2 district school counselors determined by the commissioner to assess
3 the district's compliance with the policy adopted under Section
4 33.006(c). The commissioner shall adopt rules to implement this
5 subsection.

6 SECTION 4. (a) Each school district shall implement a
7 policy adopted under Section 33.006(c), Education Code, as added by
8 this Act, beginning with the 2017-2018 school year.

9 (b) Section 33.006(d), Education Code, as added by this Act,
10 applies only to a contract executed on or after the effective date
11 of this Act. A contract executed before the effective date of this
12 Act is governed by the law in effect on the date the contract was
13 executed, and the former law is continued in effect for that
14 purpose.

15 (c) Section 7.028(a), Education Code, as amended by this
16 Act, and Section 39.056(d-1), Education Code, as added by this Act,
17 apply beginning with the 2017-2018 school year.

18 SECTION 5. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2017.