

## **BILL ANALYSIS**

C.S.H.B. 2074  
By: Wu  
Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have been raised that the role of public school counselors has been obscured, as counselors are sometimes tasked with duties that do not fall under their primary responsibility of counseling students to fully develop the student's academic, career, personal, and social abilities. C.S.H.B. 2074 seeks to address these concerns by establishing a prohibition on requiring a school counselor to act in a disciplinary capacity in certain circumstances.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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. 2074 amends the Education Code to establish a prohibition on requiring a public school counselor to assume a disciplinary role at a school or otherwise assigning such a counselor a duty involving student discipline that is inconsistent with the counselor's primary or general responsibilities. The bill includes the following among a school counselor's responsibilities:

- serving on a placement review committee;
- serving on a committee to review a student's placement in an alternative education program (AEP); and
- assisting with a student placed into a disciplinary alternative education program (DAEP).

The bill expressly does not prohibit a school counselor from serving on a placement review committee or a committee to review a student's AEP placement.

C.S.H.B. 2074 requires the minimum standards adopted by the Texas Education Agency for the operation of DAEPs to require a public school district to consult with the district's school counselor in developing a plan for a student's transition from a DAEP to a regular campus. The bill applies beginning with the 2019-2020 school year.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2074 may differ from the original in minor or nonsubstantive ways, the

following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute adds school counselor duties relating to serving on a placement review committee and an AEP placement review committee and assisting with a student placed in a DAEP. The substitute includes a provision that expressly does not prohibit a school counselor from serving on the placement review committees.

The substitute includes a requirement that the minimum standards for the operation of DAEPs require a district to consult with the district's school counselor as applicable.