

## **BILL ANALYSIS**

C.S.S.B. 426  
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Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been reported that school counselors often have conflicting demands on their time, with much of their counseling time redirected to help with school administrative tasks, such as test proctoring and lunch duty. C.S.S.B. 426 seeks to address this issue by requiring districts to adopt policies regarding the percentage of work time for school counselors to spend on duties relating to counseling programs.

### **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.S.B. 426 amends the Education Code to require the board of trustees of each public school district to adopt a policy that specifies a percentage of a school counselor's total work time that the school counselor is required to spend on duties that are components of the developmental guidance and counseling program planned, implemented, and evaluated by the school counselor. For such purposes, time spent in administering or providing other assistance in connection with tests, except time spent in interpreting test data, is not considered time spent on counseling. The bill requires the following:

- each district to implement such a policy beginning with the 2019-2020 school year;
- each school in a district to implement the district's policy; and
- a copy of the policy to be maintained in the office of each district school and made available on request during regular school hours to district employees, parents of district students, and the public.

C.S.S.B. 426 prohibits a district from including a provision in an employment contract with a school counselor that conflicts with that policy or that has the effect of authorizing a principal or district superintendent to require a school counselor to generally perform duties that are not primarily related to a counseling function.

### **EFFECTIVE DATE**

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

## **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 426 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute does not include a specification that a policy adopted by a district board of trustees must require a school counselor to spend at least 80 percent of the counselor's total work time on duties that are components of the developmental guidance and counseling program. The substitute requires the district policy instead to specify a percentage of a counselor's total work time required to be spent on those duties.

The substitute does not include the following provisions:

- additional content requirements for a district policy relating to a school counselor's work time if the district board of trustees determines on the basis of certain staffing needs that a school counselor must spend less than 80 percent of total work time on duties that are components of a certain counseling program;
- an exception to the prohibition against a district including in a school counselor's employment contract a provision that has the effect of requiring the counselor to generally perform a duty that is not primarily related to a counseling function for a district that determines based on staffing needs a counselor must spend less than 80 percent of total work time on duties that are components of a certain counseling program; and

provisions relating to compliance monitoring with regard to the district policy prescribed by the bill and requiring the commissioner to adopt related rules.