

By: Wu, Talarico

H.B. No. 2074

Substitute the following for H.B. No. 2074:

By: Allen

C.S.H.B. No. 2074

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the duties of a public school counselor regarding
3 student discipline.

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

5 SECTION 1. Section 33.006, Education Code, is amended by
6 amending Subsection (b) and adding Subsection (d) to read as
7 follows:

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

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

13 (A) who are at risk of dropping out of school,
14 becoming substance abusers, participating in gang activity, or
15 committing suicide;

16 (B) who are in need of modified instructional
17 strategies; or

18 (C) who are gifted and talented, with emphasis on
19 identifying and serving gifted and talented students who are
20 educationally disadvantaged;

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

24 (3) consult with school staff, parents, and other

1 community members to help them increase the effectiveness of
2 student education and promote student success;

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

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

8 (6) deliver classroom guidance activities or serve as
9 a consultant to teachers conducting lessons based on the school's
10 guidance curriculum; ~~and~~

11 (7) serve as an impartial, nonreporting resource for
12 interpersonal conflicts and discord involving two or more students,
13 including accusations of bullying under Section [37.0832](#);

14 (8) serve on a placement review committee under
15 Section [37.003](#);

16 (9) assist with a student placed into a disciplinary
17 alternative education program as provided by Section [37.008](#); and

18 (10) serve on a committee to review a student's
19 placement in an alternative education program under Section [37.306](#).

20 (d) A school counselor may not be required to assume a
21 disciplinary role at a school, or to otherwise be assigned a duty
22 involving student discipline that is inconsistent with the
23 counselor's primary responsibility under Subsection (a) and
24 additional responsibilities under this section. This subsection
25 does not prohibit a school counselor from serving on:

26 (1) a placement review committee under Section [37.003](#);

27 or

1 (2) a committee to review a student's placement in an
2 alternative education program under Section 37.306.

3 SECTION 2. Section 37.008, Education Code, is amended by
4 amending Subsection (a) and adding Subsection (a-2) to read as
5 follows:

6 (a) Each school district shall provide a disciplinary
7 alternative education program that:

8 (1) is provided in a setting other than a student's
9 regular classroom;

10 (2) is located on or off of a regular school campus;

11 (3) provides for the students who are assigned to the
12 disciplinary alternative education program to be separated from
13 students who are not assigned to the program;

14 (4) focuses on English language arts, mathematics,
15 science, history, and self-discipline;

16 (5) provides for students' educational and behavioral
17 needs;

18 (6) provides supervision and counseling from a school
19 counselor employed by the district; and

20 (7) employs only teachers who meet all certification
21 requirements established under Subchapter B, Chapter 21.

22 (a-2) The minimum standards adopted by the agency under
23 Subsection (a-1) must require a school district to consult with the
24 district's school counselor in developing a plan for a student's
25 transition from a disciplinary alternative education program to a
26 regular campus.

27 SECTION 3. This Act applies beginning with the 2019-2020

1 school year.

2 SECTION 4. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2019.