

By: Lucio

S.B. No. 426

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 (d), (e), (f), and (g) to read as follows:

(d) Except as provided by Subsection (e), the board of trustees of each school district shall adopt a policy that requires a school counselor to spend at least 80 percent of the school counselor's total work time on duties that are components of a counseling 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. 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.

(e) If the board of trustees of a school district determines that, because of staffing needs in the district or at a school in the district, a school counselor must spend less than 80 percent of the school counselor's total work time on duties that are components of a counseling program developed under Section 33.005,

1 the policy adopted under Subsection (d) shall:

2 (1) include the reasons why the counselor needs to
3 spend less than 80 percent of the counselor's work time on duties
4 that are components of the counseling program;

5 (2) list the duties the counselor is expected to
6 perform that are not components of the counseling program; and

7 (3) set the percentage of work time that the counselor
8 is required to spend on components of the counseling program.

9 (f) A school district may not include a provision in an
10 employment contract with a school counselor under Chapter 21 that
11 conflicts with the policy required by Subsection (d) or, except as
12 provided by Subsection (g), has the effect of authorizing a school
13 principal or school district superintendent to require a school
14 counselor to generally perform duties that are not primarily
15 related to a counseling function.

16 (g) A school district to which Subsection (e) applies may
17 not include a provision in an employment contract under Chapter 21
18 with an affected school counselor that has the effect of requiring
19 the counselor to generally perform a duty that is not primarily
20 related to a counseling function unless the duty is specified in the
21 district's policy under Subsection (e)(2).

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

24 (a) Except as provided by Section 29.001(5), 29.010(a),
25 39.056(d-1), or 39.057, the agency may monitor compliance with
26 requirements applicable to a process or program provided by a
27 school district, campus, program, or school granted charters under

1 Chapter 12, including the process described by Subchapter F,
2 Chapter 11, or a program described by Subchapter B, C, D, E, F, H, or
3 I, Chapter 29, Subchapter A, Chapter 37, or Section 38.003, and the
4 use of funds provided for such a program under Subchapter C, Chapter
5 42, only as necessary to ensure:

- 6 (1) compliance with federal law and regulations;
- 7 (2) financial accountability, including compliance
8 with grant requirements; and
- 9 (3) data integrity for purposes of:
 - 10 (A) the Public Education Information Management
11 System (PEIMS); and
 - 12 (B) accountability under Chapters 39 and 39A.

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

15 (d-1) Before a monitoring review, the commissioner shall
16 request that the school district scheduled for the review assess
17 the district's compliance with the policy adopted under Section
18 33.006(d) and provide a written copy of the assessment to the agency
19 on or before the date specified by the commissioner. As part of
20 each monitoring review, the agency shall interview a percentage of
21 district school counselors determined by the commissioner to assess
22 the district's compliance with the policy adopted under Section
23 33.006(d). The commissioner shall adopt rules to implement this
24 subsection.

25 SECTION 4. (a) Each school district shall implement a
26 policy adopted under Section 33.006(d), Education Code, as added by
27 this Act, beginning with the 2019-2020 school year.

1 (b) Sections 33.006(f) and (g), Education Code, as added by
2 this Act, apply only to a contract executed on or after the
3 effective date of this Act. A contract executed before the
4 effective date of this Act is governed by the law in effect on the
5 date the contract was executed, and the former law is continued in
6 effect for that purpose.

7 (c) Section 7.028(a), Education Code, as amended by this
8 Act, and Section 39.056(d-1), Education Code, as added by this Act,
9 apply beginning with the 2019-2020 school year.

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