

1-1 By: Lucio S.B. No. 426
 1-2 (In the Senate - Filed January 23, 2019; February 14, 2019,
 1-3 read first time and referred to Committee on Education;
 1-4 April 23, 2019, reported favorably by the following vote: Yeas 9,
 1-5 Nays 2; April 23, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Taylor	X			
1-8 Lucio	X			
1-9 Bettencourt	X			
1-10 Campbell	X			
1-11 Fallon		X		
1-12 Hall		X		
1-13 Hughes	X			
1-14 Paxton	X			
1-15 Powell	X			
1-16 Watson	X			
1-17 West	X			

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the use of public school counselors' work time.
 1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Section 33.006, Education Code, is amended by
 1-24 adding Subsections (d), (e), (f), and (g) to read as follows:
 1-25 (d) Except as provided by Subsection (e), the board of
 1-26 trustees of each school district shall adopt a policy that requires
 1-27 a school counselor to spend at least 80 percent of the school
 1-28 counselor's total work time on duties that are components of a
 1-29 counseling program developed under Section 33.005. For purposes of
 1-30 this subsection, time spent in administering assessment
 1-31 instruments or providing other assistance in connection with
 1-32 assessment instruments, except time spent in interpreting data from
 1-33 assessment instruments, is not considered time spent on counseling.
 1-34 Each school in the district shall implement the policy. A copy of
 1-35 the policy shall be maintained in the office of each school in the
 1-36 district and made available on request during regular school hours
 1-37 to district employees, parents of district students, and the
 1-38 public.
 1-39 (e) If the board of trustees of a school district determines
 1-40 that, because of staffing needs in the district or at a school in
 1-41 the district, a school counselor must spend less than 80 percent of
 1-42 the school counselor's total work time on duties that are
 1-43 components of a counseling program developed under Section 33.005,
 1-44 the policy adopted under Subsection (d) shall:
 1-45 (1) include the reasons why the counselor needs to
 1-46 spend less than 80 percent of the counselor's work time on duties
 1-47 that are components of the counseling program;
 1-48 (2) list the duties the counselor is expected to
 1-49 perform that are not components of the counseling program; and
 1-50 (3) set the percentage of work time that the counselor
 1-51 is required to spend on components of the counseling program.
 1-52 (f) A school district may not include a provision in an
 1-53 employment contract with a school counselor under Chapter 21 that
 1-54 conflicts with the policy required by Subsection (d) or, except as
 1-55 provided by Subsection (g), has the effect of authorizing a school
 1-56 principal or school district superintendent to require a school
 1-57 counselor to generally perform duties that are not primarily
 1-58 related to a counseling function.
 1-59 (g) A school district to which Subsection (e) applies may
 1-60 not include a provision in an employment contract under Chapter 21
 1-61 with an affected school counselor that has the effect of requiring

2-1 the counselor to generally perform a duty that is not primarily
2-2 related to a counseling function unless the duty is specified in the
2-3 district's policy under Subsection (e)(2).

2-4 SECTION 2. Section 7.028(a), Education Code, is amended to
2-5 read as follows:

2-6 (a) Except as provided by Section 29.001(5), 29.010(a),
2-7 39.056(d-1), or 39.057, the agency may monitor compliance with
2-8 requirements applicable to a process or program provided by a
2-9 school district, campus, program, or school granted charters under
2-10 Chapter 12, including the process described by Subchapter F,
2-11 Chapter 11, or a program described by Subchapter B, C, D, E, F, H, or
2-12 I, Chapter 29, Subchapter A, Chapter 37, or Section 38.003, and the
2-13 use of funds provided for such a program under Subchapter C, Chapter
2-14 42, only as necessary to ensure:

2-15 (1) compliance with federal law and regulations;
2-16 (2) financial accountability, including compliance
2-17 with grant requirements; and

2-18 (3) data integrity for purposes of:
2-19 (A) the Public Education Information Management
2-20 System (PEIMS); and
2-21 (B) accountability under Chapters 39 and 39A.

2-22 SECTION 3. Section 39.056, Education Code, is amended by
2-23 adding Subsection (d-1) to read as follows:

2-24 (d-1) Before a monitoring review, the commissioner shall
2-25 request that the school district scheduled for the review assess
2-26 the district's compliance with the policy adopted under Section
2-27 33.006(d) and provide a written copy of the assessment to the agency
2-28 on or before the date specified by the commissioner. As part of
2-29 each monitoring review, the agency shall interview a percentage of
2-30 district school counselors determined by the commissioner to assess
2-31 the district's compliance with the policy adopted under Section
2-32 33.006(d). The commissioner shall adopt rules to implement this
2-33 subsection.

2-34 SECTION 4. (a) Each school district shall implement a
2-35 policy adopted under Section 33.006(d), Education Code, as added by
2-36 this Act, beginning with the 2019-2020 school year.

2-37 (b) Sections 33.006(f) and (g), Education Code, as added by
2-38 this Act, apply only to a contract executed on or after the
2-39 effective date of this Act. A contract executed before the
2-40 effective date of this Act is governed by the law in effect on the
2-41 date the contract was executed, and the former law is continued in
2-42 effect for that purpose.

2-43 (c) Section 7.028(a), Education Code, as amended by this
2-44 Act, and Section 39.056(d-1), Education Code, as added by this Act,
2-45 apply beginning with the 2019-2020 school year.

2-46 SECTION 5. This Act takes effect immediately if it receives
2-47 a vote of two-thirds of all the members elected to each house, as
2-48 provided by Section 39, Article III, Texas Constitution. If this
2-49 Act does not receive the vote necessary for immediate effect, this
2-50 Act takes effect September 1, 2019.

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