

BILL ANALYSIS

S.B. 179
By: Lucio
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The public school environment has become increasingly complex, with more academic opportunities and challenges than ever before. Recent crises, from school shootings to natural disasters to this past year's pandemic, have only worsened the pressures affecting students. Unfortunately, when the guidance and support of school counselors is needed more than ever, counselors find a significant portion of their day consumed by coordinating and overseeing standardized testing and other non-counseling duties. Without the attention and support of their counselors, the academic performance and mental health of Texas students can suffer. S.B. 179 seeks to restore the balance of academic guidance, emotional support, and other administrative tasks in a counselor's workload by requiring that each district adopt a policy requiring school counselors to spend at least 80 percent of their time performing duties that are documented elements of the district's counseling program.

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 rulemaking authority is expressly granted to the commissioner of education in SECTION 1 of this bill.

ANALYSIS

S.B. 179 amends the Education Code to require each public school district board of trustees to adopt a policy that requires a school counselor to spend at least 80 percent of the counselor's total work time on duties that are components of the school's comprehensive school counseling program. If the board determines that a counselor must spend less than that amount of time on those duties because of district or school staffing needs, the policy must include the reasons why, list the counselor's other expected duties, and set the percentage of work time the counselor is required to spend on components of the counseling program. For these purposes, time spent administering or providing other assistance in connection with tests, except time spent in interpreting test data, is not considered time spent on counseling.

S.B. 179 requires each district to implement the policy, beginning with the 2021-2022 school year, and requires each district school to implement the policy and to maintain a copy of the policy in the school office to be made available on request during regular school hours to district employees, parents of district students, and the public.

S.B. 179 prohibits a district from including a provision in a school counselor's employment contract that conflicts with the adopted counselor workload policy or that has the effect of authorizing a school principal or district superintendent to require a counselor to generally

perform a duty that is not primarily related to a counseling function, unless requiring the unrelated duty is specified in the district's policy based on the district board's staffing needs determination.

S.B. 179 requires each district to annually assess its compliance with the adopted counselor workload policy and, on request by the commissioner of education, provide a written copy of the assessment to the Texas Education Agency on or before the date specified by the commissioner. The bill requires the commissioner to adopt rules to implement the annual compliance assessment.

The bill's provisions apply beginning with the 2021-2022 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.