

## **BILL ANALYSIS**

Senate Research Center  
87R637 MEW-F

S.B. 179  
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Education  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The school environment has become increasingly complex, with more academic opportunities and challenges than ever before. Crises in recent years, from school shootings to natural disasters to this past year's pandemic, have only worsened these pressures. 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, along with other non-counseling duties. Without the attention and support of their counselors, the academic performance and mental health of Texas students will suffer.

S.B. 179 restores the balance of academic guidance, emotional support, and other administrative tasks in the counselor's workload by requiring that school counselors spend at least 80 percent of their time performing statutorily-defined counseling duties. This will ensure that school counselors have ample time to devote to the academic and emotional needs of the students under their care. With S.B. 179, school counselors will be able to devote the necessary time to steering Texas students toward bright futures.

As proposed, S.B. 179 amends current law relating to the use of public school counselors' work time.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 3 (Section 39.056, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 33.006, Education Code, by adding Subsections (d), (e), (f), and (g), as follows:

(d) Requires the board of trustees of each school district, except as provided by Subsection (e), to 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 (Comprehensive School Counseling Programs). Provides that, 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. Requires each school in the district to implement the policy. Requires that a copy of the policy 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) Requires that, 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, the policy adopted under Subsection (d):

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

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

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

(f) Prohibits a school district from including a provision in an employment contract with a school counselor under Chapter 21 (Educators) that conflicts with the policy required by Subsection (d) or, except as provided by Subsection (g), has the effect of authorizing a school principal or school district superintendent to require a school counselor to generally perform duties that are not primarily related to a counseling function.

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

SECTION 2. Amends Section 7.028(a), Education Code, by adding Section 39.056(d-1) to a list of exceptions to the Texas Education Agency's (TEA) authority to monitor compliance with requirements applicable to certain processes or programs.

SECTION 3. Amends Section 39.056, Education Code, by adding Subsection (d-1), as follows:

(d-1) Requires the commissioner of education (commissioner), before an accreditation monitoring review, to request that the school district scheduled for the review assess the district's compliance with the policy adopted under Section 33.006(d) and provide a written copy of the assessment to TEA on or before the date specified by the commissioner. Requires TEA, as a part of each monitoring review, to interview a percentage of district school counselors determined by the commissioner to assess the district's compliance with the policy adopted under Section 33.006(d). Requires the commissioner to adopt rules to implement this subsection.

SECTION 4. (a) Requires each school district to implement a policy adopted under Section 33.006(d), Education Code, as added by this Act, beginning with the 2021-2022 school year.

(b) Makes the application of Sections 33.006(f) and (g) prospective.

(c) Provides that Section 7.028(a), Education Code, as amended by this Act, and Section 39.056(d-1), Education Code, as amended by this Act, apply beginning with the 2021-2022 school year.

SECTION 5. Effective date: upon passage or September 1, 2021.