

BILL ANALYSIS

Senate Research Center
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S.B. 716
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Education
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

School counselors play an essential role in ensuring students' success from kindergarten through 12th grade and beyond. Unfortunately, counselors, especially those serving at-risk students, are often stretched too thin, forced to balance heavy caseloads with time-consuming administrative responsibilities.

S.B. 716 enacts a 10 percent limit on the amount of time that counselors spend on duties that are not components of counseling or guidance programs. The bill makes clear that time spent administering examinations is not considered time spent on counseling or guidance, excluding time spent interpreting data from assessment instruments.

The bill also provides that a school district may not include in a teacher's employment contract any provision that conflicts with the bill language, nor may a principal force a counselor to perform duties not in accordance with the bill language.

Finally, under S.B. 716, the Texas Education Agency (TEA) must determine whether a school district is in compliance with the bill language when conducting agency investigations of a district's accreditation status. Specifically, TEA must require that a school district under investigation assess its own compliance with the bill language. TEA must subsequently interview a percentage of the district's counselors to determine the district's compliance.

As proposed, S.B. 716 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 1 (Section 33.006, Education Code) and SECTION 2 (Section 39.056, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

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

(c) Requires the board of trustees of each school district, in accordance with rules adopted by the commissioner of education (commissioner), to adopt a policy that requires a school counselor to spend not more than 10 percent of the counselor's total work time on duties that are not components of a counseling or guidance program developed under Section 33.005 (Developmental Guidance and Counseling Programs). Provides that time spent in administering assessment instruments or providing other assistance in connection with assessment instruments, except time spent in interpreting data from assessment instruments, for purposes of this subsection, is not considered time spent on counseling or guidance. 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.

(d) 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 (c) or 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.

SECTION 2. Amends Section 39.056, Education Code, by adding Subsection (d-1), as follows:

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

SECTION 3. (a) Requires each school district to implement a policy adopted under Section 33.006(c), Education Code, as added by this Act, beginning with the 2013-2014 school year.

(b) Makes application of Section 33.006(c), as added by this Act, prospective.

(c) Provides that Section 39.056(d-1), Education Code, as added by this Act, applies beginning with the 2013-2014 school year.

SECTION 4. Effective date: upon passage or September 1, 2013.