

1-1 By: Lucio S.B. No. 179
 1-2 (In the Senate - Filed November 12, 2020; March 3, 2021,
 1-3 read first time and referred to Committee on Education;
 1-4 March 29, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 1, one present not
 1-6 voting; March 29, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor	X			
1-9 Lucio	X			
1-10 Bettencourt	X			
1-11 Hall		X		
1-12 Hughes	X			
1-13 Menéndez	X			
1-14 Paxton	X			
1-15 Perry				X
1-16 Powell	X			
1-17 Schwertner			X	
1-18 West	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 179 By: Lucio

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

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

2-1 (g) A school district to which Subsection (e) applies may
2-2 not include a provision in an employment contract under Chapter 21
2-3 with an affected school counselor that has the effect of requiring
2-4 the counselor to generally perform a duty that is not primarily
2-5 related to a counseling function unless the duty is specified in the
2-6 district's policy under Subsection (e)(2).

2-7 (h) Each school district shall annually assess the
2-8 district's compliance with the policy adopted under Subsection (d)
2-9 and, on request by the commissioner, provide a written copy of the
2-10 assessment to the agency on or before the date specified by the
2-11 commissioner. The commissioner shall adopt rules to implement this
2-12 subsection.

2-13 SECTION 2. Section 7.028(a), Education Code, is amended to
2-14 read as follows:

2-15 (a) Except as provided by Section 21.006(k), 22.093(l),
2-16 22.096, 28.006, 29.001(5), 29.010(a), 33.006(h), 38.003, or
2-17 39.057, the agency may monitor compliance with requirements
2-18 applicable to a process or program provided by a school district,
2-19 campus, program, or school granted charters under Chapter 12,
2-20 including the process described by Subchapter F, Chapter 11, or a
2-21 program described by Subchapter B, C, D, E, F, H, or I, Chapter 29,
2-22 or Subchapter A, Chapter 37, only as necessary to ensure:

2-23 (1) compliance with federal law and regulations;

2-24 (2) financial accountability, including compliance
2-25 with grant requirements;

2-26 (3) data integrity for purposes of:

2-27 (A) the Public Education Information Management
2-28 System (PEIMS); and

2-29 (B) accountability under Chapters 39 and 39A; and

2-30 (4) qualification for funding under Chapter 48.

2-31 SECTION 3. (a) Each school district shall implement a
2-32 policy adopted under Section 33.006(d), Education Code, as added by
2-33 this Act, beginning with the 2021-2022 school year.

2-34 (b) Sections 33.006(f) and (g), Education Code, as added by
2-35 this Act, apply only to a contract executed on or after the
2-36 effective date of this Act. A contract executed before the
2-37 effective date of this Act is governed by the law in effect on the
2-38 date the contract was executed, and the former law is continued in
2-39 effect for that purpose.

2-40 (c) Section 7.028(a), Education Code, as amended by this
2-41 Act, and Section 33.006(h), Education Code, as added by this Act,
2-42 apply beginning with the 2021-2022 school year.

2-43 SECTION 4. This Act takes effect immediately if it receives
2-44 a vote of two-thirds of all the members elected to each house, as
2-45 provided by Section 39, Article III, Texas Constitution. If this
2-46 Act does not receive the vote necessary for immediate effect, this
2-47 Act takes effect September 1, 2021.

2-48 * * * * *