

By: Lucio III

H. B. No. 730

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the use of public school counselors' work time.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 33.006, Education Code, is amended by
5 adding Subsections (c) and (d) to read as follows:

6 (c) In accordance with rules adopted by the commissioner,
7 the board of trustees of each school district shall adopt a policy
8 that requires a school counselor to spend not more than 10 percent
9 of the school counselor's total work time on duties that are not
10 components of a counseling or guidance program developed under
11 Section 33.005. For purposes of this subsection, time spent in
12 administering assessment instruments or providing other assistance
13 in connection with assessment instruments, except time spent in
14 interpreting data from assessment instruments, is not considered
15 time spent on counseling or guidance. Each school in the district
16 shall implement the policy. A copy of the policy shall be
17 maintained in the office of each school in the district and made
18 available on request during regular school hours to district
19 employees, parents of district students, and the public.

20 (d) A school district may not include a provision in an
21 employment contract with a school counselor under Chapter 21 that
22 conflicts with the policy required by Subsection (c) or has the
23 effect of authorizing a school principal or school district
24 superintendent to require a school counselor to generally perform

1 duties that are not primarily related to a counseling or guidance
2 function.

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

5 (d-1) Before an investigation, the commissioner shall
6 request that the school district scheduled for the investigation
7 assess the district's compliance with the policy adopted under
8 Section [33.006](#)(c) and provide a written copy of the assessment to
9 the investigators on or before the date specified by the
10 commissioner. As part of each investigation, the investigators
11 shall interview a percentage of district school counselors
12 determined by the commissioner to assess the district's compliance
13 with the policy adopted under Section [33.006](#)(c). The commissioner
14 shall adopt rules to implement this subsection.

15 SECTION 3. (a) Each school district shall implement a
16 policy adopted under Section [33.006](#)(c), Education Code, as added by
17 this Act, beginning with the 2015-2016 school year.

18 (b) Section [33.006](#)(d), Education Code, as added by this Act,
19 applies only to a contract executed on or after the effective date
20 of this Act. A contract executed before the effective date of this
21 Act is governed by the law in effect on the date the contract was
22 executed, and the former law is continued in effect for that
23 purpose.

24 (c) Section [39.056](#)(d-1), Education Code, as added by this
25 Act, applies beginning with the 2015-2016 school year.

26 SECTION 4. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section [39](#), Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2015.