



## PROPOSED NEW §61.1073 CONCERNING COUNSELING PUBLIC SCHOOL STUDENTS

*The Texas State Teachers Association offers the following comments to proposed new §61.1073 concerning counseling public school students.*

Senate Bill 179, 87<sup>th</sup> Texas Legislature, Regular Session, 2021, requires school districts to annually assess compliance with district policy requiring a school counselor to spend at least 80 percent of his or her total work time on duties that are components of a counseling program developed under the Texas Education Code §33.005. The Texas State Teachers Association supported this legislation as an excellent step to restoring the balance of school counselor's workloads and ensuring that they have ample time to devote to the academic and emotional needs of students under their care.

To implement the legislation according to the author's full intent, it is imperative that rulemaking preserve the time of the school counselor. Unfortunately, TSTA believes that the proposed language does not do this. **As drafted, the rules would substantially increase counselors' workload in ways unrelated to the components of a counseling program and would serve to negate the law's intent.**

In order to better align with the requirements set forth in law, the rule should not require the school counselor to document the way that they spend their time as this would directly add the time spent on non-counseling duties. This would place an undue burden on districts who will still need to access the allowable 20 percent for providing administrative assistance as needed, and TSTA believes an unintended consequence may result in districts needing to tap classroom teachers for this assistance.

Additionally, specifying the time spent on the discrete components of a counseling program is redundant and goes beyond what is required by the law. In sum, counselors must not exceed 20 percent of their total work time on duties unrelated to these statutory components, but law does not require time spent in specific areas to be tracked or measured.

TSTA recommends amending proposed §61.1073 (b) as follows:

- (a) School districts shall ~~require each district school counselor to~~ track and document, using a standardized tracking tool ~~as established by each district~~, the time spent on work duties performed by the school counselor throughout a school year. This tracking tool shall:
  - (1) include the following components:
    - (A) the total work time worked by the school counselor for the year;
    - ~~(B) the total time spent on each of the following duties that are the~~ components of a counseling program developed under TEC §33.005; ~~and~~ :
      - ~~(i) — provision of a guidance curriculum;~~
      - ~~(ii) — responsive services for students;~~
      - ~~(iii) — individual planning for students; and~~
      - ~~(iv) — system support;~~

- (C) the total time spend on duties, including time spent on administering assessment instruments or providing other assistance in connection with assessment instruments, that are not components of a counseling program developed under TEC §33.005; ~~and~~
- ~~(D) a calculation of the percentage of work time spent on each component of a counseling program;~~
- ~~and~~
- (2) be maintained by the district in a format that can be made available to Texas Education Agency (TEA) upon request.

It is becoming increasingly important that Texas public school students have access to the expertise of school counselors and that the components of comprehensive school counseling programs, as required by TEC §33.005, be readily available in our schools. Recent crises such as school shootings and academic and mental health disruptions in the wake of the COVID-19 pandemic have made the guidance and support of school counselors more needed than ever before. The passage of SB 179 recognized this need, and it is imperative that the work of the 87<sup>th</sup> Texas Legislature not be undone by rulemaking that burdens our counselors with additional non-counseling duties. Law requires districts to assess compliance, and this obligation must not be passed on to school counselors or classroom teachers.