

BILL ANALYSIS

Senate Research Center
83R9559 CAE-F

S.B. 925
By: Lucio
Education
4/5/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

School counselors play an essential role in ensuring students' success from kindergarten through 12th grade and beyond. Only school counselors certified by the State Board for Educator Certification (SBEC) should provide services to students such as providing information on course selections, advising students on college readiness, and providing links between student needs and community resources. Schools should be permitted to hire other licensed professional counselors provided they are appropriately licensed.

S.B. 925 adds “school” to “counselor” in Section 21.003(a), Education Code, to make it clear that school counselors must hold a certificate from SBEC, and adds licensed professional counselors to the list of practitioners who must hold their licensing board’s appropriate license in order to work in the public schools under Section 21.003(b). Additionally, the bill conforms the Occupations Code to the change in the Education Code.

As proposed, S.B. 925 amends current law relating to a license requirement for licensed professional counselors employed by school districts.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 21.002(a), Education Code, to require a school district to employ certain persons, including a school counselor, rather than a counselor, under a probationary contract, as provided by Subchapter C (Probationary Contracts), a continuing contract, as provided by Subchapter D (Continuing Contracts), or a term contract, as provided by Subchapter E (Term Contracts).

SECTION 2. Amends Section 21.003, Education Code, as follows:

Sec. 21.003. CERTIFICATION REQUIRED. (a) Prohibits a person from being employed in certain occupations, including as a school counselor, rather than a counselor, by a school district unless the person holds an appropriate certificate or permit issued as provided by Subchapter B (Certification of Educators).

(b) Prohibits a person, except as otherwise provided by this subsection, from being employed by a school district in certain occupations, including as a licensed professional counselor, unless the person is licensed by the state agency that licenses that profession and authorizes the person to perform specific services within that profession for a school district only if the person holds the appropriate credential from the appropriate state agency.

SECTION 3. Amends Section 503.051, Occupations Code, as follows:

Sec. 503.051. COUNSELING FOR GOVERNMENT OR EDUCATIONAL INSTITUTION. Provides that this chapter does not apply to an activity, service, or use

of an official title by a person employed as a counselor by certain governmental entities, or, except as provided by Section 21.003(b), Education Code, by a public or private educational institution if the person is performing counseling or counseling-related activities within the scope of the person's employment.

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