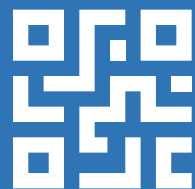




TEA Legislative Updates for School Counselors

2023

Introduction



Questions & Information

TEA Help desk: <https://helpdesk.tea.texas.gov/>

General Inquiries Unit Email: generalinquiry@tea.texas.gov

Stephanie Lerner

- Counselor Support Program Manager at the Texas Education Agency
- Counseling, Advising, and Student Supports Team
- Contact: Stephanie.Lerner@tea.texas.gov

My Role:

- Serve as primary point of contact for Texas school counselors (SC)
- Develop SC resources and conduct SC trainings
- Support the strong implementation of a comprehensive counseling program

Agenda

- Introduction
- Legislative Updates
 - Counseling
 - Student Advancement
 - Graduation
 - CTE
 - CCMR
 - Health & Safety
 - Libraries
- Conclusion
- Q&A

Objective

The participants will acquire an overview of key K-12 updates from the 88th Texas Legislature and identify resources for more information on these updates.

Do you know which recent legislation may impact your school counseling work?

What is your professional role and what do you hope to gain from this presentation?

**Please type your response
into the chat feature.**



Total bills analyzed – 353 (compared to 281 for the 87th)

- 106 senate bills
- 247 house bills

Total bills passed into law -

- 15 senate bills
- 23 house bills

Vetoed bills -

- 0 senate bills
- 0 house bills

Bills to be implemented -

- CCMP - 12
- Curriculum - 15
- Early Childhood - 4
- Instructional Strategy - 2
- Miscellaneous - 5

Counseling and Advising

Certification requirements for a public school counselor

Effective: September 1, 2023

Existing law requires public schools when employing a school counselor, either full-time or part-time, to only hire individuals certified as school counselors under the State Board for Educator Certification (SBEC). In smaller districts, the law allows the hiring of a part-time teacher certified as a school counselor.

Current SBEC requirements for a School Counselor include the following:

- Complete an approved Educator Preparation Program for School Counselor Grades EC-12
- Hold a master's degree from an IHE accredited by an accrediting agency, as recognized by the THECB
- Complete the required test
- Have two years of classroom teaching experience in a public or accredited private school

A candidate for certification as a school counselor may no longer be required to have experience as a classroom teacher.

<https://helpdesk.tea.texas.gov/EducatorCertificationandCPE/>

Dropout recovery education programs

Effective: September 1, 2023

Applies beginning with the 2023-2024 school year

Existing law permits a school district to use a private or public community-based dropout recovery education program to provide alternative education programs for students at risk of dropping out of school. The program may be offered at a campus or through the use of an online program that leads to a high school diploma and prepares the student to enter the workforce.

An open-enrollment charter schools is now also permitted to use a private or public community-based dropout recovery education program and permits districts and charter schools to use an education management organization to provide alternative education programs for students at risk of dropping out of school.

These dropout recovery education programs may be offered in person at a campus, remotely, or through a hybrid of in-person and remote instruction.

A remote or hybrid program is required to operate an in-person student engagement center at a location suitable for high school students

A dropout recovery education program

- may be operated only by an entity that is accredited by TEA or a regional accrediting agency;
- must offer or provide referrals for mental health services to students enrolled in the program; and
- may not market directly to students enrolled in a traditional education program.

A school district or open-enrollment charter school may only operate one campus-based dropout recovery education program for all students in the district or school.

A school district or open-enrollment charter school administrator or school counselor to refer a student to a dropout recovery education program if the administrator or counselor determines that enrollment in the program could prevent the student from dropping out of school.

An entity that operates a dropout recovery education program may administer STAAR assessment on any date selected by the entity that falls within an established testing window for the administration of the assessment instrument.

A school district or open-enrollment charter school must post on its website each year a report on measurable outcomes for each dropout recovery education program. The report must include the percentage of students enrolled in the program during the preceding school year who attained each of the following outcomes:

- Transfer to a traditional education program
- Successful completion of the program
- Dual credit
- A credential of value

The commissioner must include a student who successfully completes a course offered through a private or public community-based dropout recovery education program in the computation of average daily attendance for funding purposes. For a student who successfully completes a remote course offered through the program, the commissioner is required to include the student in the computation of average daily attendance with an attendance rate equal to the district's or school's average attendance rate for students successfully completing a course offered in person under the program; or if the district or school does not offer courses in person under the program, the statewide average attendance rate for students successfully completing a course offered in person under the program.

Allowing public schools to employ or accept as volunteers chaplains

Effective: September 1, 2023

- A school district or open-enrollment charter school may employ or accept as a volunteer a chaplain to provide support, services, and programs for students.
- A chaplain employed or serving as a volunteer is not required to be certified by the State Board of Educator Certification (SBEC). However, a district or charter that employs or accepts a chaplain as a volunteer must ensure that the chaplain complies with the applicable requirements related to criminal history under TEC, Chapter 22, Subchapter C before the chaplain begins employment or volunteering. A district or charter may not employ or accept as a volunteer a chaplain who has been convicted of or placed on deferred adjudication community supervision for an offense for which a defendant is required to register as a sex offender.

- A district or charter may fund chaplains to be engaged in school safety and security training and planning including for providing mental health support, providing behavioral health services, programs focused on restorative justice practices, culturally relevant instruction, providing mental health support, and providing programs related to suicide prevention, intervention and postvention.
- Each district board of trustees and open-enrollment charter school governing body must take a record vote not later than six months after the effective date of the SB 763 on whether to adopt a policy authorizing a campus to hire or accept as a volunteer a chaplain.

Applies beginning with the 2023-2024 school year.

Student Advancement

Allowing parents and guardians to elect for a student to repeat or retake a course or grade

Effective: June 13, 2023

Existing law permits a parent or guardian to elect for a student in grade one, two, or three to repeat the grade in which the student was enrolled during the previous school year.

A parent or guardian of a student in a grade up to grade 8 is now permitted to elect for the student to repeat the grade in which the student was enrolled during the previous school year.

Subject to provisions related to retention committees, a parent or guardian is permitted to elect for a student to repeat any course for high school credit in which the student was enrolled during the previous school year. A parent or guardian may not elect for a student to repeat a course if the district or charter school determines the student has met all of the requirements for graduation.

A parent or guardian is permitted to make an election related to repeating a grade, repeating a high school course, or both.

Applies beginning with the 2023-2024 school year.

<https://helpdesk.tea.texas.gov/Curriculum-Subpage/>

High School Diploma

Requirements for the early college education program and the transfer of course credit among public institutions of higher education

Effective: May 23, 2023

Existing law establishes the Early College Education Program for students at risk of dropping out of school or who wish to accelerate completion of high school. The Early College Education Program allows students to complete high school with a high school diploma and either an associate degree or at least 60 semester credit hours towards a baccalaureate degree.

The Early College Education Program must now allow students to complete high school and enroll in a program at an IHE to receive a high school diploma and either an applied associate degree or an academic associate degree with a completed field of study curriculum that is transferable toward a baccalaureate degree at one or more general academic teaching institutions as defined by TEC §61.003.

Applies beginning with the 2023-2024 school year.



Senate Bill 2294

Texas First Early High School Completion Program and the Texas First Scholarship Program

Effective: September 1, 2023

Existing law establishes the Texas First Early High School Completion Program to allow public high school students who demonstrate early readiness for college to graduate early from high school. In conjunction with the Texas First Scholarship Program, the Texas First Early High School Completion Program aims to incentivize the enrollment of high performing students at eligible institutions of higher education (IHE). Eligible IHEs were required to be designated as a research university or an emerging research university.

The requirement that eligible institutions be designated as a research university or an emerging research university is removed and eligible institutions now include all IHEs.

Under existing law a school district or open-enrollment charter may issue a high school diploma under the program to a student who complies with the required academic standards in the program. Students who complete the program may qualify for the Texas First Scholarship Program.

A school district or open-enrollment charter school is now required rather than permitted to allow a student to graduate and receive a high school diploma under the program if the student demonstrates mastery of and early readiness for college.

CRI@highered.Texas.gov

[Texas First Early High School Completion Program](#)

Career and Technical Education

Excused absences from public school for certain students to visit a professional's workplace for a career investigation day

Effective: May 24, 2023

A school district may adopt a policy to excuse a student's absence from school to visit a professional's workplace for a career investigation day for up to two days during the student's junior year and two days during the student's senior year.

A district is prohibited from excusing more than two days during a students' junior year and two days during a student's senior year. A district must adopt a policy for absences excused for this purpose and a procedure to verify the student's visit at the professional's workplace in order to excuse the absences.

Applies beginning with the 2023-2024 school year.

Postsecondary Education

Public higher education, including the public junior college state finance program

Effective: June 9, 2023

Existing law requires TEA to prepare information comparing institutions of higher education (IHE) in Texas and post the information on the agency's website.

The information must now be made publicly available in a manner that is accessible to any public or private school student seeking the information. The information must also assist prospective postsecondary students in assessing the value of a certificate program, associate or baccalaureate degree program, or other credential program offered by an IHE by comparing each institution with other institutions using information included in the electronic tools or platforms developed by the Texas Higher Education Coordinating Board (THECB).

Information on the website must include annual starting wage information and educational requirements for the top 25 highest demand jobs in Texas and must identify the 40 baccalaureate degree programs with the highest average annual wages following graduation and identify the 20 associate degree or certificate programs with the highest average annual wages following graduation.

Existing law establishes that any agreement, including a memorandum of understanding or articulation agreement, between a school district and public institution of higher education to provide a dual credit program must address 11 different elements.

Any dual credit program agreement must now also ensure the accurate and timely exchange of information necessary for an eligible student to enroll at no cost in a dual credit course as provided by the new Financial Aid for Swift Transfer (FAST) Program.

TEA and THECB are required to jointly establish the FAST program to allow eligible students to enroll at no cost to the student in dual credit courses at participating IHEs.

A student is eligible to enroll at no cost to the student in a dual credit course under the program if the student:

- is enrolled in high school in a school district or charter school and in a dual credit course at a participating IHE; and
- was educationally disadvantaged at any time during the four school years preceding the student's enrollment in the dual credit course.

When a high school student enrolls in a dual credit course, the student’s school district or charter school must determine whether the student meets the criteria for the program and notify the IHE that offers the dual credit course in which the student is enrolled of the determination. A school district is permitted to determine whether the student meets the criteria based on the district’s or school’s records, TEA’s records, or any other method authorized by commissioner or coordinating board rule. If the district or school bases the determination on a method other than TEA’s records, the district or school must report the method used and the data on which the method is based to the agency for purposes of verification.

At least once a year, a participating IHE must certify to TEA and THECB the student’s eligibility under the program. Notwithstanding TEC §54.051, a participating IHE is prohibited from charging tuition or fees for a public high school student’s enrollment in a dual credit course if the student has met eligibility criteria as notified by a school district or charter school.

The commissioner of education and the commissioner of higher education are required to coordinate as necessary to confirm an eligible student’s enrollment in a participating IHE and obtain or share data necessary to verify a student’s eligibility.

The commissioner of education and the THECB are required to adopt rules as necessary to implement this section.

A junior college district will be entitled to performance tier funding for a state fiscal biennium in an amount equal to the sum of the amounts determined under TEC §130A.101(b) for each measurable outcome.

The measurable outcomes considered for purposes of performance tier funding include the following:

- The number of credentials of value awarded including degrees, certificates, and other credentials from credit and non-credit programs that equip students for continued learning and greater earnings in the state economy, with an additional weight for placement of students who earn credentials in a high-demand occupation, as defined by THECB rule
- The number of students who earn at least 15 semester credit hours or the equivalent at the junior college district and subsequently transfer to a general academic teaching institution or are enrolled in a structured co-enrollment program as authorized by THECB rule
- The number of students who complete a sequence of at least 15 semester credit hours or the equivalent for dual credit or dual enrollment courses that apply toward academic or workforce program requirements at the postsecondary level

Establishment of the Texas Leadership Scholars Program

Effective: June 12, 2023

The Texas Leadership Scholars Program is created to serve as a merit-based scholarship and leadership opportunity program for high-achieving, emerging leaders with financial need. The THECB is required to administer the program and use money appropriated or otherwise available for the purpose to award scholarships and provide academic achievement support and leadership development to eligible students under the program.

To be initially eligible for the award of a leadership scholarship, an undergraduate student must

- have graduated from a Texas public high school;**
- either have qualified for automatic admission or be nominated by the student's high school for participation in the program and hold another academic distinction recognized by the THECB;**
- be enrolled in a baccalaureate degree program at a general academic teaching institution;**
- be economically disadvantaged, as determined by THECB rule; and**
- comply with any additional requirement adopted by the THECB.**

To be initially eligible for the award of a research scholarship, a graduate student must

- be enrolled in a research doctoral degree program at a general academic teaching institution;
- either have graduated from a Texas public high school during the 10 years preceding the date the student applies to the program or have graduated from an IHE or a private or independent IHE;
- be economically disadvantaged, as determined by THECB rule;
- be nominated by the IHE at which the student is enrolled on the basis of the student's academic merit and leadership potential; and
- comply with any additional requirements adopted by the THECB

A student may continue participating in the leadership scholarship or research scholarship program after establishing initial eligibility if the student meets specific requirements.

<https://texasleadershipscholars.org/>

Health and Safety

Designating October as Fentanyl Poisoning Awareness Month

Effective: September 1, 2023

October is established as Fentanyl Poisoning Awareness Month to increase awareness of the dangers of fentanyl and potential overdoses. Fentanyl Poisoning Awareness Month may be regularly observed through appropriate activities in communities to increase awareness of the dangers of fentanyl and potential overdoses.

<https://schoolmentalhealthtx.org/fentanyl-awareness-prevention/>

Fentanyl abuse prevention and drug poisoning awareness education in public schools

Effective: June 17, 2023

Existing law outlines the duties of the local school health advisory council (SHAC) and requires SHACs to recommend appropriate grade levels and curriculum for instruction regarding opioid addiction and abuse.

The dangers of opioids, including addiction to and abuse of synthetic opioids such as fentanyl are added to recommendations a SHAC is required to make for appropriate grade levels and curriculum for instruction.

The governor must designate a week to be known as Fentanyl Poisoning Awareness Week in public schools to educate students about the dangers posed by the drug fentanyl and the risks of fentanyl poisoning, including overdose. Fentanyl Poisoning Awareness Week may include age-appropriate instruction, including instruction on the prevention of the abuse of and addiction to fentanyl, as determined by each school district.

Each school district to annually provide research-based instruction related to fentanyl abuse prevention and drug poisoning awareness to students in grades 6 through 12.

The instruction in fentanyl prevention and drug poisoning awareness must include the following:

- **Suicide prevention**
- **Prevention of the abuse of and addiction to fentanyl**
- **Awareness of local school and community resources and any processes involved in accessing those resources**
- **Health education that includes information about substance use and abuse, including youth substance use and abuse**

Instruction may be provided by a public or private institution of higher education, a library, a community service organization, a religious organization, a local public health agency, or an organization employing mental health professionals or an employee or agent of any of these entities.

A school district may satisfy a requirement to implement a program in the area of substance abuse prevention and intervention by providing instruction related to youth substance use and abuse education under TEC, §38.040.

Applies beginning with the 2023-2024 school year.

[Fentanyl Response Communications Toolkit](#)

Libraries

Regulation of library materials sold to or included in public school libraries

Effective: September 1, 2023

- **Existing TEC §33.021 requires the Texas State Library and Archives Commission (TSLAC), in consultation with the State Board of Education (SBOE), to adopt standards for school library services. A school district is required to consider the standards when developing, implementing, or expanding library services.**
- TSLAC is required, in consultation with the SBOE, to adopt voluntary standards for library services, other than collection development, that a school district must consider in developing, implementing, or expanding library services.
- TSLAC is also required, with approval by majority vote of the SBOE, to adopt standards for school library collection development that a school district is required to adhere to in developing or implementing the district's library collection development policies.

- A library material vendor is prohibited from selling library materials
 - to a school district or charter school unless the vendor has issued appropriate ratings regarding sexually explicit material and sexually relevant material previously sold to a district or school
 - rated sexually explicit material and must issue a recall for all copies of library material sold to a district or charter school that is rated sexually explicit material and in active use by the district or charter school
- No later than April 1, 2024, each library material vendor must develop and submit to TEA a list of library materials rated as sexually explicit or sexually relevant material sold by the vendor to a school district or open-enrollment charter school before that date and still in active use by the district or school.
- No later than September 1 of each year, each library material vendor must submit to TEA an updated list of library material rated as sexually explicit or sexually relevant material sold by the vendor to a school district or open-enrollment charter school during the preceding school year and still in active use by the district or school.
- TEA must post each list submitted by a library material vendor in a conspicuous place on the agency's website as soon as practicable.

- A library material vendor must perform a contextual analysis of the material to determine whether it describes, depicts, or portrays sexual conduct in a way that is patently offensive. The vendor must consider the following factors when performing the contextual analysis:
 - The explicitness or graphic nature of a description or depiction of sexual conduct contained in the material
 - Whether the material consists predominantly of or contains multiple repetitions of depictions of sexual or excretory organs or activities
 - Whether a reasonable person would find that the material intentionally panders to, titillates, or shocks the reader
- A vendor must weigh and balance each factor and conclude whether the library material is patently offensive, recognizing that because each instance of a description, depiction, or portrayal of sexual conduct contained in a material may present a unique mix of factors.
- A vendor, when determining whether a material is patently offensive, must also consider the full context in which the description, depiction, or portrayal of sexual conduct appears, to the extent possible, recognizing that contextual determinations are necessarily highly fact-specific and require the consideration of contextual characteristics that may exacerbate or mitigate the offensiveness of the material.

- TEA is permitted to review library material sold by a library material vendor that is not rated or is incorrectly rated by a vendor as sexually explicit material or sexually relevant material. If TEA determines that the library material must be rated as sexually explicit or sexually relevant material, or to receive no rating at all, the agency is required to notify the vendor in writing. The notice must include information regarding the vendor's duty under this section and provide the corrected rating required for the library material.
- A library material vendor, no later than 60 days after receiving written notification from TEA regarding library material, must rate library material according to the agency's corrected rating and notify the agency of the action taken.
- TEA must post and maintain in a conspicuous place on the agency's website a list of library material vendors that fail to comply with requirements for rating books and a school district or open-enrollment charter school may not purchase a library material from a vendor on this list.
- A library material vendor may petition TEA and TEA may remove a vendor from the list only if the agency is satisfied that the vendor has taken appropriate action.

- A school district or open-enrollment charter school or a teacher, librarian, or other staff member employed by a district or school is not liable for any claim or damage resulting from a library material vendor's violation of this chapter.
- **A school district or open-enrollment charter school may not allow a student to reserve, check out, or otherwise use material outside the school library that the vendor has rated as sexually relevant material unless the district or school first obtains written consent from the student's parent or person standing in parental relation.**

Not later than January 1 of every odd-numbered year each school district and open-enrollment charter school must do the following:

- Review the content of each library material in the catalog of a district or school library that is rated as sexually relevant material under TEC §35.002(a) by the library material vendor
- Determine, in accordance with the district's or school's policies regarding the approval, review, and reconsideration of school library materials, whether to retain each library material reviewed in the school library catalog
- Either post a report in a conspicuous place on the website maintained by the district or charter school or provide physical copies of the report at the central administrative building for the district or charter school

The required report must include the title of each library material that was reviewed, the district's or school's decision regarding the library material, and the school or campus where the library material is currently located.

The commissioner of education may adopt rules as necessary to administer this chapter.

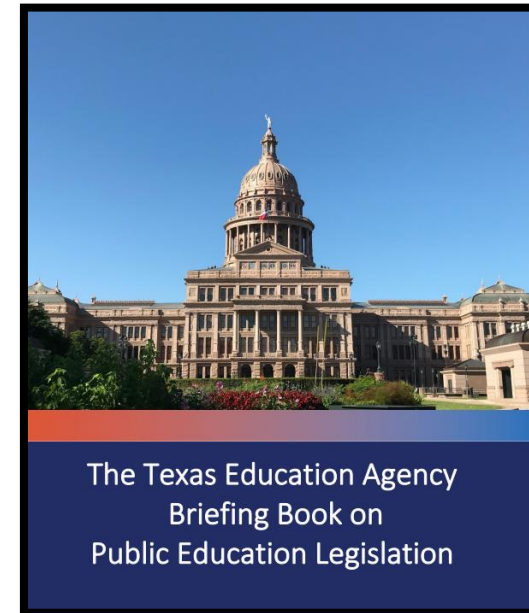
TEA may provide assistance to school districts and charter schools in complying with this chapter.

Curriculum

<https://helpdesk.tea.texas.gov/Curriculum-Subpage/>

Put your responses in the chat or unmute.

- ✓ What bills do you need more information on?
- ✓ Do you know where to find this information?



Conclusion



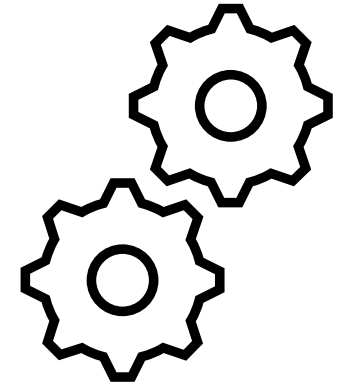
Survey

Please fill in the presentation survey so I can best meet your counseling needs with future presentations and resources.

Thank you!

So, a brief review of the main topics we covered in this presentation today:

- **Counseling**
- **Student Advancement**
- **Graduation**
- **CTE**
- **CCMR**
- **Health & Safety**
- **Libraries**



- [Texas Model training overview and materials- checklist and example CSCP](#)
- [Texas Model AM and PM training and fillable CSCP](#)
- [Texas Model Admin training with materials](#)
- [Data in School Counseling training and materials](#)
- [Mental Health Wellness Guidance Lessons training and materials](#)
- [Student Support Group training and stress management group counseling guide](#)
- [Stress Management in School Counseling training and materials](#)
- [Financial Aid Graduation Requirements training and FAQs](#)
- [School Counselor-Community Partner Collaboration presentation](#)
- [Back-to-School 80/20 Counselor Resources presentation w FAQs](#)
- [Pandemic Mental Health Support presentation: School Counseling Interventions at Each Tier](#)
- [Post-Pandemic Stress Management Supports presentation](#)
- [Trauma-Informed School Counseling training and materials](#)
- [Crisis Intervention and Prevention training and materials](#)
- [Counseling, Advising, & Student Supports Webpage](#)





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