

Counselor Work Time FAQs

Annual Assessment Overview

1. What is the Annual Assessment of School District Compliance Concerning Counseling Public School Students ([19 TAC §78.1003](#)) and why is it required?

Texas Education Code (TEC), [§33.006\(d\)](#), as added by SB 179, 87th Texas Legislature, Regular Session, 2021, requires school districts to adopt a policy that requires a school counselor to spend at least 80% of the school counselor's total work time on duties that are components of a counseling program developed under TEC, [§33.005](#). TEC, [§33.006\(h\)](#), requires each school district to annually assess the district's compliance with the policy regarding school counselors' work time, and, on request by the commissioner, provide a written copy of the assessment to the Texas Education Agency (TEA) on or before a date specified by the commissioner. 19 Texas Administrative Code (TAC) §78.1003 is the rule that implements TEC, §33.006(h). The rule requires each district school counselor to track and document, using a district-standardized tracking tool, the time spent on work duties performed by the school counselor throughout a school year. The rule also identifies the elements that district assessments must include, and the documentation to be included in annual requests by TEA for district assessments.

2. Are districts required to assess their counseling policy per 19 TAC §78.1003 if they are not randomly selected by TEA?

Yes. Districts must annually assess their policies regardless of whether or not they are randomly selected by TEA to submit assessment documentation. 19 TAC §78.1003(c) requires that a school district annually assess the district's compliance with the policy adopted under TEC, §33.006(d). Additionally, 19 TAC §78.1003(d) requires that the assessment be maintained by the school district in a format that can be made available to TEA upon request.

3. What must a school district include in its annual assessment of counseling, and where can a sample be found?

School districts must annually assess the district's compliance with the policy adopted under TEC, §33.006(d) and include the following three items in their annual assessments, per 19 TAC §78.1003(c)(1-3):

- Work time tracking documentation for each school counselor in the district
- The number of school counselors whose work was in compliance with the district policy adopted under TEC, §33.006(d)
- The number of school counselors in the district whose work was not in compliance with the district policy adopted under TEC, §33.006(d)

You can find a description and sample of each of these items in #2 of the [Counseling Annual Assessment: District Compliance Resource](#).

4. What must the work time tracking documentation for each school counselor in the district include, and where can a sample tracking template be found?

Each school counselor's work time tracking documentation must include the following items, per 19 TAC 78.1003(b):

- The total time worked by the school counselor for the year
- The total time spent on the following duties that are components of a counseling program developed under TEC, §33.005:
 - Provision of a guidance curriculum
 - Responsive services for students
 - Individual planning for students
 - System support
- The total time spent on duties that are not components of a counseling program developed under TEC, §33.005, including time spent in administering or coordinating assessment instruments

There are sample work time tracking templates in TEA's [Supports for Counselor Work Time](#) resource, such as the [Texas Use of Time Data Log](#). This downloadable log is embedded with formulas to ensure accurate data needed for compliance. [The Texas Model for Comprehensive School Counseling Programs](#) (Texas Model) has an additional tracking template on page 107.

5. Can a school counselor track only certain days or weeks of their work time and use their own tracking tool that they have created themselves?

No. Per 19 TAC §78.1003(b), each district school counselor within a school district must use the same standardized tracking tool that has been established by the district. Using this tool, school counselors must track the total time that they spend on work duties performed throughout a school year. These work duties should be categorized by the total amount of work time that they spend on guidance curriculum, system support, responsive services, individual planning, and non-counseling duties. Each of these categories is described in Section IV of [The Texas Model for Comprehensive School Counseling Programs, 5th ed.](#)

6. Which professionals should be analyzing their work time?

Work time analysis is a best practice used in many fields and can be done efficiently. 19 TAC §78.1003(a)(3) refers to school counselors as defined in state statute.

80/20 Duties

7. What are counseling duties (80%) and non-counseling duties (20%) for school counselors?

TEC, §33.005 and §33.006, define school counseling duties. You can also find information about and examples of appropriate and inappropriate counseling duties on pages 117-119 of [The Texas Model for Comprehensive School Counseling Programs](#).

8. Where do I find information on categorizing a particular counseling duty under the four counseling components as referenced in 19 TAC §78.1003(b)(1)(B)?

You can find information on this topic on pages 28-29 and in Section 4 of [The Texas Model for Comprehensive School Counseling Programs](#).

9. Is testing an appropriate school counselor duty that can be included in the 80% of a school district's 80/20 board policy referenced in TEC, §33.006(d)?

No. Per TEC, §33.006(d), time spent in administering assessment instruments or providing other assistance in connection with assessment instruments, except time spent in interpreting data from assessment instruments, is not considered time spent on counseling.

10. Is time tracking a clerical duty that is not included in the 4 counseling components?

No. Tracking time and effort is a professional practice used in many fields and can be done efficiently. Counselors should spend at least 80% of their work time on appropriate counseling duties described in TEC, §33.006. A comprehensive counseling program described in TEC, §33.005, includes the component of system support, under which work time analysis falls. Work time analysis is a necessary and appropriate counseling duty.

11. How should school districts and school counselors code duties completed at night and on weekends from home?

As defined in 19 TAC §78.1003(a)(4), a school counselor's total work time is the amount of time, reported in hours, that a school counselor is contracted to work as a school counselor for a school district during a school year. However, districts may choose to also measure the amount of non-contracted time that school counselors are spending on school counseling duties in order to make district level changes to comply with statute.

Resources

12. Where can I find work time analysis resources?

TEA's [Supports for Counselor Work Time](#) resource provides information to support optional work time analysis. When used with fidelity, these statutorily-aligned resources provide a clear path to rule compliance.

13. Can districts create their own work time analysis resources?

Yes. Districts are permitted to create their own resources, provided they conform to every part of 19 TAC §78.1003(a-e).

14. Where can I find an example of the 80/20 board policy referenced in TEC, §33.006(d)?

An example of an 80/20 local board policy can be found in #1 of the [Counseling Annual Assessment: District Compliance Resource](#).

15. Where can we find resources to help our district implement an 80/20 policy per TEC, §33.006?

The [Supports for Counselor Work Time](#) page has a counselor work time webinar with accompanying resources to assist districts in implementing an 80/20 policy. In addition, the [TEA School Counseling webpage](#) has various Texas Model resources that, when used with fidelity, will result in counselors spending at least 80% of their work time on appropriate counseling duties.

Compliance Review Process

16. How will school districts be selected?

School districts are randomly selected each school year.

17. How will school districts be notified if they are randomly selected by TEA?

A letter from TEA will be emailed to the district superintendent by October 15th for the year in which the school district is selected.

18. What does a school district have to submit to TEA if it is randomly selected?

School districts must submit the following five items to TEA, per 19 TAC §78.1003(e)(1-5):

- A copy of the district policy adopted under TEC, §33.006(d)
- A copy of the district annual assessment
- The number of school counselors in the district from the previous school year
- The number of school counselors in the district whose work is determined by the district to be out of compliance with the district policy adopted under TEC, §33.006(d)
- Any other findings, conclusions, or analysis, including proposed strategies to address any lack of compliance with the district policy adopted under TEC, §33.006(d)

You can find a description of each of these five items as well as an example of each in the [Counseling Annual Assessment: District Compliance Resource](#).

19. How will randomly selected school districts be notified that their submission was reviewed by TEA and notified of the outcome of that submission?

A compliance letter from TEA will be sent to the district superintendent after the review is complete.

20. What are the consequences of a school district not meeting the 80/20 policy as referenced in TEC, §33.006(d) or not following 19 TAC §78.1003?

School districts should take steps to achieve compliance. TEA program staff will offer support on a case-by-case basis and may share information about compliance with other TEA divisions as necessary.

Special Circumstances

21. What should a school district do if they do not employ a school counselor?

Districts must assess their compliance with their locally adopted TEC, 33.006(d) policy. If a district has been unable to employ a school counselor, they should use whatever information they are able to compile for assessment items related to 19 TAC §78.1003(e)(1-4). Then, they should use the 19 TAC §78.1003(e)(5) item to address the absence of a school counselor in their findings, conclusions, or analysis, including proposed strategies to address any lack of compliance with the district policy adopted under TEC, §33.006(d).

It is important to note that certain provisions of the TEC require that students of a school district or charter school receive services from school counselors (e.g., TEC, [§33.007\(a\), \(b\), and \(c\)](#)). As a result, a school district or charter school must have access to a certified school counselor to provide services to students in such situations.

22. Are school districts with part-time school counselors required to follow TEC, §33.006 and 19 TAC §78.1003?

Yes, [TEC, §33.006](#) and [19 TAC §78.1003](#) apply to all school counselors.

23. What data should be submitted if a district's school counselor left after the previous school year?

A school counselor's time tracking data must be maintained by the district, per 19 TAC §78.1003(b)(2). If a district has not maintained a school counselor's time tracking data, they should submit the information that they do have for 19 TAC §78.1003(e)(1-4) and address any missing information as part of their 19 TAC §78.1003(e)(5) item related to findings, conclusions, or analysis, including proposed strategies to address any lack of compliance with the district policy adopted under TEC, §33.006(d).