

Chapter 78. Counseling, Advising, and Student Support

Subchapter AA. Commissioner's Rules on Counseling Services

§78.1001. Statutorily Required Reporting through the Public Education Information Management System.

- (a) Each school district and open-enrollment charter school shall report through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) the number of full-time equivalent school counselors, defined as 40 hours of counseling services a week, at each campus.
- (b) Each school district and open-enrollment charter school shall report through TSDS PEIMS for each campus:
 - (1) the availability of expanded learning opportunities that are provided during:
 - (A) an extended school day program that students are required to attend as part of the regular program of the campus at which students are enrolled to increase the academic achievement and development of participating students;
 - (B) an extended school year program that students are required to attend as part of the regular program of the campus at which students are enrolled to increase the academic achievement and development of participating students; or
 - (C) a supplemental voluntary structured learning program that:
 - (i) occurs outside of the regular school day, including before- and after-school programs and summer programs; and
 - (ii) is coordinated with and enhances the regular academic program of the campus to increase the academic achievement and development of the participating student; and
 - (2) the availability of expanded learning opportunities that are provided by offering:
 - (A) rigorous coursework that includes activities related to providing Texas Essential Knowledge and Skills (TEKS)-aligned credit-earning courses, including activities related to dual credit and credit recovery;
 - (B) mentoring that consists of scheduled interaction between a trained adult and an individual student in which the adult provides support and teaches life skills to help the student's personal and academic development;
 - (C) tutoring that consists of one-on-one or small group instruction, led by a certified teacher, that provides supplemental content instruction or homework help to support student mastery of academic material and that does not include academic skill-building activities;
 - (D) physical activity that consists of instructor-led activities designed to provide students with supplemental opportunities for individual or group exercise or related knowledge and skills that encourage regular physical activity;
 - (E) academic support that provides supplemental instruction related to student academic skill development, including compensatory education, test-taking skills, and related academic skill-building, and that does not include tutoring and homework help; or
 - (F) educational enrichment in one or more subjects, including fine arts, civic engagement, science, technology, engineering, and mathematics, that includes activities that engage students in actively exploring academic content introduced during the regular school day to increase the academic success of students and consists of activities that are intentionally designed to align with but not replicate the instruction.

Statutory Authority: The provisions of this §78.1001 issued under the Texas Education Code, §33.252 and §48.009.

Source: The provisions of this §78.1001 adopted to be effective July 7, 2025, 50 TexReg 3907.

§78.1003. Annual Assessment of School District Compliance.

- (a) The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise.
 - (1) Comprehensive school counseling program--provision of a guidance curriculum, responsive services, individual planning, and system support as described in Texas Education Code (TEC), §33.005(b).
 - (2) Duties that are components of a counseling program--work activities related to the development, implementation, and evaluation of a comprehensive school counseling program as described in TEC, §33.005(b).
 - (3) School counselor--the position described by TEC, §21.003, and Chapter 239, Subchapter A, of this title (relating to School Counselor Certificate).
 - (4) School counselor's total work time--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.
- (b) 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 the following duties that are components of a counseling program developed under TEC, §33.005:
 - (i) provision of a guidance curriculum;
 - (ii) responsive services for students;
 - (iii) individual planning for students; and
 - (iv) system support; and
 - (C) the total time spent on duties that are not components of a counseling program developed under TEC, §33.005, including time spent in administering assessment instruments or providing other assistance in connection with assessment instruments (except time spent in interpreting data from assessment instruments); and
 - (2) be maintained by the district in a format that can be made available to Texas Education Agency (TEA) upon request.
- (c) School districts shall annually assess the district's compliance with the policy adopted under TEC, §33.006(d). The assessment shall include:
 - (1) work time tracking documentation as described in subsection (b) of this section for each school counselor in the district;
 - (2) the number of school counselors whose work was in compliance with the district policy adopted under TEC, §33.006(d); and
 - (3) the number of school counselors in the district whose work was not in compliance with the district policy adopted under TEC, §33.006(d).
- (d) The assessment described in subsection (c) of this section shall be maintained by the school district in a format that can be made available to TEA upon request.
- (e) Not later than October 15 of each year, TEA will request the following information from a randomly selected sample of school districts, with district responses required to be submitted to TEA not later than November 15 of each year in the format requested by TEA:

- (1) a copy of the district policy adopted under TEC, §33.006(d);
- (2) a copy of the district annual assessment as required by subsection (c) of this section;
- (3) the number of school counselors in the district from the previous school year;
- (4) 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); and
- (5) any other findings, conclusions, or analysis included in the annual assessment required by subsection (c) of this section, including proposed strategies to address any lack of compliance with the district policy adopted under TEC, §33.006(d).

Statutory Authority: The provisions of this §78.1003 issued under the Texas Education Code, §33.005 and §33.006.

Source: The provisions of this §78.1003 adopted to be effective July 7, 2025, 50 TexReg 3907.