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Proposed Commissioner Rules: 19 TAC Chapter 103, Subchapter EE

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Comments submitted by Jan Friese, Executive Director

The Texas Counseling Association represents more than 6500 professional counselors in an array of work settings across Texas. We appreciate the leadership and thoughtful emphasis throughout the 86th Legislative Session on strengthening school safety, promoting mental health, and increasing access to professional counselors, as well as the diligence of TEA staff to convert that legislation to rule. Thank you for the opportunity to submit comments.

Overall, the proposed rules reflect the legislative intent and reasonable procedures related to implementing Safe and Supportive School Programs (SSSP). We recommend edits to a few sections, listed below, to provide clarification and specificity.

Given that no additional resources were appropriated for this important initiative, building on existing district and campus initiatives are important strategies. A number of campuses already have in place *Multi-Tiered Systems of Support* which is listed in Definitions. Many of the elements of the proposed Safe and Supportive School Programs are also reflected in the components, strategies, domains, and competencies of the *Texas Model for Comprehensive School Counseling Programs ("Texas Model")*, which is being implemented across Texas schools and will provide a strong foundation for the SSSP. The *Texas Model* is also referenced in §103.1405 (f). We, therefore, recommend adding it to Definitions and as a component of a Safe and Supportive School Program.

Effective leadership, and coordination of the SSSP Teams will be critical to their success. District and campus administrators are best positioned for these positions, not school counselors. While behavioral threat assessments conducted by SSSP Teams could benefit from the insight of school counselors, especially in determining positive behavioral interventions and supports for students, it is inappropriate for them to be team leads. It is important in maintaining positive school climates to protect relationships between school counselors and students. School counselors work hard to maintain students' trust which can be easily lost.

SSSP Teams are intended to provide a comprehensive approach to school safety and behavioral health. Allowing for one individual to hold multiple roles on an SSSP Team (§103.1405(b)(3)) is both limiting in terms of the broad prospective intended by the list of team members and can also make it impossible for these additional duties to be performed without adversely impacting the primary job responsibilities of each team member.

We encourage your favorable consideration and adoption of the following recommendations which are written in red.

- **Section 103.1401 Definitions. Modify subsections (1), (2) (6) and add a new subsection (9) to incorporate references to the Texas Model for Comprehensive School Counseling Programs.**
 - (1) Safe and support school program (SSSP) – a comprehensive approach to school safety, driven by ~~six~~ seven primary functions, with an overarching goal to achieve both physical safety and psychological safety for all persons in the learning environment, volunteers, parents and guardians, and other community members interacting in the school. The SSSP integrates statutory requirements, including training requirements and research-based practices for school safety and school mental health, for a comprehensive approach to school safety. The ~~six~~ seven primary functions of the SSSP are:
 - (A) Promoting a positive school climate
 - (B) Establishing a multi-tiered system of supports;
 - (C) Conducting behavioral threat assessments
 - (D) Ensuring staff is well trained;
 - (E) Collecting data to continuously improve; ~~and~~
 - (F) Supporting school facility and school safety and securing, including planning and implementation of the multi-hazard emergency operations plan-; and
 - (G) Providing comprehensive school counseling services for all students.
 - (2) Safe and supportive school program team – a group of individuals established by the board of trustees of a school district that is accountable to ensure that the ~~six~~ seven primary functions of the SSSP are effectively executed in a school. SSSP teams are comprised of individuals with multi-disciplinary expertise as required by Texas Education Code (TEC), §37.115, and facilitate the school-wide collaboration and multi-agency collaboration that is needed to effectively execute the functions of the SSSP.
 - (6) Behavioral threat assessment – A proactive, evidence-based approach vetted by TEA for identifying individuals who pose a threat and for providing interventions before a violent incident occurs utilized by professionals trained to maintain the integrity of the tool and the ethics of the professionals on the team.
 - (9) Texas Model for Comprehensive School Counseling Programs – A research-based framework for the alignment and delivery of services and organization of resources to support the priority needs of students through the four delivery components of guidance curriculum, responsive services, individual planning, and system support as required by Texas Education Code §33.005.
- **Section 103.1403. School District and Open-Enrollment Charter School Responsibilities for the Safe and Supportive School Program. Modify subsection (b) to specific the team lead be an administrator.**
 - (b) The superintendent or administrative designee shall:
 - (1) designate SSSP team members, including an administrator as team leader, in the expertise categories identified in §103.1405(a) of this title (relating to Safe and Support School Program Team Roles and Capacity for Executing Functions) to create a multidisciplinary team pursuant to TEC §37.115;
- **Section 103.1405. Safe and Supportive School Program Team Roles and Capacity for Executing Functions. Modify subsections (a) (4) and (5), (f) and (i) to clarify the role of a school counselor on the SSSP Team and to make a technical correction since there is no title of “school social worker” in Texas.**
 - (a) The following expertise categories must be represented on each safe and supportive school program (SSSP) team to ensure that the team is multi-disciplinary in accordance with Texas Education Code (TEC), §37.115:

- (4) School counseling – a current school employee working full-time as the school counselor with a professional school counselor certification by the State Board for Educator Certification under Chapter 239, Subchapter A, of this title (relating to School Counselor Certificate);
- (5) Behavior management – an individual who must be a current school employee other than a school counselor, an employee of a community organization, or a contracted service provider such as, but not limited to, a behavior specialist; a ~~school~~ social worker; an LSSP; a non-physician mental health professional; a trained teacher-behavior interventionist; a community organization youth development specialist; a social emotional development specialist; a restorative discipline practices coordinator; a community organization behavioral health worker, a licensed chemical dependency counselor (LCDC); a recovery coach; a juvenile justice expert; or a community expert with research-based knowledge of effective behavior and school discipline practices, child and adolescent development, the needs of students with disabilities, or juvenile and education law:

(f) As a responsibility of individual planning, systems support, and responsive services under the Texas Model for Comprehensive School Counseling Programs under TEC 33.005, a professional school counselor serving a school shall support the SSSP in a supportive role that aligns with the duties of a professional counselor on assigned campuses, including having time allocated to collaborate on planning and implementing interventions in the MTSS, conducting campus-wide needs assessments, attending training, and receiving technical assistance from the school's regional education service center (ESC) and the Texas Education Agency.

(i) The superintendent or designee shall assign one SSSP team member, other than the school counselor, with facilitation responsibilities on each team. Facilitation may include team activities such as convening members when needed to conduct a behavioral threat assessment, assess needs, identify resources for prevention and intervention services and supports, review or develop the MTSS comprehensive service delivery plan, coordinate with community partners, review data and monitor the impact of interventions after a behavioral threat assessment, review records and ensure that the staff are well trained, and plan execution of the ~~six~~seven primary functions of the SSSP.

Thank you, again for the opportunity to submit comments on 19 TAC Chapter 103, Subchapter EE. We are happy to answer any questions or provide additional information.