

**TCA Comments on Proposed Rule Changes to 25 TAC §37.350, published in the August 28, 2020 issue of the
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The Texas Counseling Association, representing more than 6500 professional counselors across Texas, appreciates the opportunity to submit comments on the proposed changes to 25 TAC §37.350. While we agree overall with the proposed revisions, we oppose the changes to §37.350 (d) Composition. (1)(E).

The proposed language for §37.350 (d) (1)(E) significantly changes the original intent that a Certified School Counselor have a position on the Texas School Health Advisory and does not appear to align with the legislative intent of HB 18 (86R).

Section 28.004 of the Texas Education Code was amended by HB 18 to specifically charge local school health advisory committees to “recommend . . .

(2) policies, procedures, strategies, and curriculum appropriate for specific grade levels . . . through coordination of . . . **a comprehensive school counseling program under Section 33.005; . . .**

(4) strategies for integrating the curriculum components specified in subsection (2) with the following elements in a coordinated school health program for the district: . . . (B) **a comprehensive school counseling program under Section 33.005.”**

The composition of the local school health advisory committees was also modified in HB 18 to separately and specifically list “**school counselors certified under Subchapter B, Chapter 21. . .**” It would seem prudent that the Texas School Health Advisory Committee align to the best extent possible with the structure and duties of the local School Health Advisory Committees.

The proposed changes in composition for other representatives on the Texas School Health Advisory Committee provide flexibility in the appointment of individuals who fall within the same category of license or certification. For example, in (d) (1) (A) school superintendents, assistant superintendents, school principals and assistant principals all hold administrator certification from the State Board for Education Certification. Their education and training align along a common professional path as a school administrator. Similarly, the proposed change in (d) (1) (B) would allow for either a school nurse or a school nurse administrator to serve on the Texas School Health Advisory Committee. Both are licensed by the Texas Board of Nursing.

The changes proposed in (d) (1) (E) do not follow that pattern. Only school counselors are certified by the State Board for Educator Certification. Their certificate requires a minimum of two years classroom teaching experience and a masters degree in counseling. The proposed additional representatives in (d)(1)(E) are not certified as school counselors. They have no knowledge of or training in comprehensive school counseling programs. The proposed changes do not appear to align with the legislative intent of HB 18 to ensure participation specifically of Certified School Counselors on School Health Advisory Committees to help ensure alignment of health education programs and Comprehensive School Counseling Programs as set forth in TEC §33.005.

Further, the new Health TEKS under consideration by the State Board of Education specifically cite school counselors as resources and partners for Texas educators for successful implementation of the proposed Health Education standards. Inclusion specifically of a school counselor on the TSHAC will help ensure consistency as it works with local SHACs to implement effective health education programs across Texas.

It is also important to note that the titles of “school social worker” and “school psychologist” do not exist in Texas rules or statutes. The Texas State Board of Examiners of Psychologists regulates “Licensed Specialists in School Psychology” (LSSP) which is the required title in Texas. The Texas State Board of Social Work Examiners regulates

social workers in Texas and has not created the designation of “school social worker.” TCA is concerned that the use of the titles listed in the proposed rule change will create confusion and regulatory challenges.

TCA is also concerned that the term “other school-based mental health professional” is extremely vague. Even if the language were modified to require a licensed mental health professional, the ability to substitute such an individual for a school counselor does not align with the intent of HB 18 and the importance of having a Certified School Counselor serve on the Texas State School Health Advisory Committee.

While TCA appreciates that social workers, LSSPs and other licensed mental health professionals working in schools could have a role on the Texas School Health Advisory Committee, they should not be appointed to replace or supplant the Certified School Counselor representative. Their credentials and experience are not the same.

TCA respectfully requests that the changes to Subsection (d) Composition, subsection (1)(E) not be adopted and the original language in this rule be retained.