

By: Dutton

H.B. No. 443

A BILL TO BE ENTITLED

AN ACT

relating to duty-free lunch periods for public school nurses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 21.405(a) and (c), Education Code, are amended to read as follows:

(a) Except as provided by Subsection (c), each classroom teacher, full-time school nurse, or full-time librarian is entitled to at least a 30-minute lunch period free from all duties and responsibilities connected with the instruction and supervision of students. Each school district may set flexible or rotating schedules for each classroom teacher, full-time school nurse, or full-time librarian in the district for the implementation of the duty-free lunch period.

(c) If necessary because of a personnel shortage, extreme economic conditions, or an unavoidable or unforeseen circumstance, a school district may require a classroom teacher, nurse, or librarian entitled to a duty-free lunch to supervise students during lunch. A classroom teacher, nurse, or librarian may not be required to supervise students under this subsection more than one day in any school week. The commissioner by rule shall prescribe guidelines for determining what constitutes a personnel shortage, extreme economic conditions, or an unavoidable or unforeseen circumstance for purposes of this subsection.

SECTION 2. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2005.