

By: Miles

S.B. No. 78

A BILL TO BE ENTITLED

AN ACT

relating to a notification requirement if a public school, including an open-enrollment charter school, does not have a nurse, school counselor, or librarian assigned to the school during all instructional hours.

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

SECTION 1. Subchapter C, Chapter 25, Education Code, is amended by adding Section 25.096 to read as follows:

Sec. 25.096. PARENTAL NOTIFICATION CONCERNING NURSES, SCHOOL COUNSELORS, AND LIBRARIANS. (a) In this section:

(1) "Librarian" means a person certified as a librarian under Subchapter B, Chapter 21.

(2) "Nurse" means a person licensed under Chapter 301, Occupations Code.

(3) "School counselor" means a person certified as a school counselor under Subchapter B, Chapter 21.

(b) Except as otherwise provided by Subsection (i), a public school, including an open-enrollment charter school, that does not have a full-time nurse, school counselor, or librarian or the equivalent of a full-time nurse, school counselor, or librarian assigned to be present at the school for more than 30 consecutive instructional days during the same school year shall provide written notice of the absence to the parent of or other person standing in parental relation to each student enrolled in the

1 school.

2 (c) A school has the equivalent of a full-time nurse under
3 Subsection (b) if the school has two or more nurses assigned to the
4 school and all regular student instructional hours at the campus
5 during the regular school day are covered by the assignment of at
6 least one nurse.

7 (d) A school has the equivalent of a full-time school
8 counselor under Subsection (b) if the school has two or more school
9 counselors assigned to the school and all regular student
10 instructional hours at the campus during the regular school day are
11 covered by the assignment of at least one school counselor.

12 (e) A school has the equivalent of a full-time librarian
13 under Subsection (b) if the school has two or more librarians
14 assigned to the school and all regular student instructional hours
15 at the campus during the regular school day are covered by the
16 assignment of at least one librarian.

17 (f) The principal of the school shall provide the notice
18 required by Subsection (b) not later than the 30th instructional
19 day after the first day the school does not have a full-time nurse,
20 school counselor, or librarian assigned to be present at the
21 school.

22 (g) The school shall:

23 (1) make a good faith effort to ensure that the notice
24 required by this section is provided in a bilingual form to any
25 parent or other person standing in parental relation whose primary
26 language is not English; and

27 (2) retain a copy of any notice provided under this

1 section.

2 (h) A school may satisfy the notice requirement under
3 Subsection (f) by posting the notice on the school's Internet
4 website. Notice posted under this subsection must be accessible
5 from the home page of the Internet website by use of not more than
6 three links.

7 (i) This section does not apply to a school district or
8 open-enrollment charter school with a student enrollment of less
9 than 10,000 students.

10 SECTION 2. This Act applies beginning with the 2021-2022
11 school year.

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2021.