

By: Cole

H.B. No. 2176

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a notification requirement if a public school,
3 including an open-enrollment charter school, does not have a nurse
4 assigned to the school during all instructional hours.

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

6 SECTION 1. Subchapter A, Chapter 38, Education Code, is
7 amended by adding Section 38.020 to read as follows:

8 Sec. 38.020. PARENTAL NOTIFICATION CONCERNING NURSES. (a)

9 In this section, "nurse" means a person licensed under Chapter 301,
10 Occupations Code.

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

19 (c) A school has the equivalent of a full-time nurse under
20 Subsection (b) if the school has two or more nurses assigned to the
21 school and all regular student instructional hours at the school
22 during the regular school day are covered by the assignment of at
23 least one nurse.

24 (d) The principal of the school shall provide the notice

1 required by Subsection (b) not later than the 30th instructional
2 day after the first day the school does not have a full-time nurse
3 or the equivalent of a full-time nurse assigned to be present at the
4 school.

5 (e) The school shall:

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

10 (2) retain a copy of any notice provided under this
11 section.

12 (f) A school may satisfy the notice requirement under
13 Subsection (d) by posting the notice on the school's Internet
14 website. Notice posted under this subsection must be accessible
15 from the home page of the Internet website by use of not more than
16 three links.

17 (g) This section does not apply to a school district or
18 open-enrollment charter school with a student enrollment of less
19 than 10,000 students.

20 SECTION 2. This Act applies beginning with the 2023-2024
21 school year.

22 SECTION 3. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2023.