

## **Duty-Free Lunch**

*Each classroom teacher 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. Districts may set flexible or rotating schedules for each classroom teacher or full-time librarian for implementation of duty free lunch policy but provision of duty free lunch may not result in a lengthened school day.*

**WHAT IT MEANS:** Thirty minutes is 30 minutes. Time spent taking students to/from lunch or supervising students while they eat or transition to/from lunch **IS NOT** a part of the duty-free lunch period. The duty-free lunch period begins once your duties and responsibilities are completed.

*A classroom teacher or librarian who is otherwise entitled to a duty-free lunch may be required to supervise students during lunch because of **personnel shortage, extreme economic conditions, or an unavoidable or unforeseen circumstance for one day in any school week.***

**WHAT IT MEANS:** There are only certain times when you can be asked to supervise students during lunch (as stated above and clarified below).

- The district must exhaust all efforts to use non-teaching staff and community volunteers before requiring you to give up your 30 minute duty-free lunch period.
- STAAR and EOC administration **ARE NOT** unavoidable circumstances. School districts know well in advance the dates of all state assessments so they can plan the school calendar around it. Please remember, though, even though you are entitled to your 30 minute duty-free lunch on test administration dates, the time of your lunch may be different. The law guarantees you 30 minutes of duty-free lunch each day but not necessarily at the same time each day.

## **Personnel Shortage, Extreme Economic Conditions and Unavoidable Circumstances**

- A personnel shortage exists when, despite reasonable efforts of a school district to use non-teaching personnel or the assistance of community volunteers to supervise students during lunch, there are no other personnel available.
- Extreme economic conditions exist when the percentage of a local tax increase, including any amounts necessary to implement this section, would place the district in jeopardy with respect to a potential tax roll-back election as provided in the Texas Property Tax Code, §26.08.
- Unavoidable or unforeseen circumstances exist when, due to illness, epidemic, or natural or man-made disaster, a school district is unable to find an individual to supervise students during lunch.

## **Statutory and Rule Language**

### **Texas Education Code § 21.405. DUTY-FREE LUNCH.**

(a) Except as provided by Subsection (c), each classroom teacher 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 or full-time librarian in the district for the implementation of the duty-free lunch period.

(b) The implementation of this section may not result in a lengthened school day.

(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 or librarian entitled to a duty-free lunch to supervise students during lunch. A classroom teacher 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.

### **Texas Administrative Code §153.1001. Duty-Free Lunch.**

(a) For the purposes of Texas Education Code, §21.405, a school district shall use the guidelines in this section to determine what constitutes a personnel shortage, extreme economic conditions, or an unavoidable or unforeseen circumstance.

(b) A personnel shortage exists when, despite reasonable efforts of a school district to use nonteaching personnel or the assistance of community volunteers to supervise students during lunch, there are no other personnel available.

(c) Extreme economic conditions exist when the percentage of a local tax increase, including any amounts necessary to implement this section, would place the district in jeopardy with respect to a potential tax roll-back election as provided in the Texas Property Tax Code, §26.08.

(d) Unavoidable or unforeseen circumstances exist when, due to illness, epidemic, or natural or man-made disaster, a school district is unable to find an individual to supervise students during lunch.