

By: Little

H.B. No. 4623

A BILL TO BE ENTITLED

AN ACT

relating to liability of public schools and professional school employees for certain injuries to students.

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

SECTION 1. Title 5, Civil Practice and Remedies Code, is amended by adding Chapter 118 to read as follows:

CHAPTER 118. LIABILITY OF PUBLIC SCHOOLS AND PROFESSIONAL EMPLOYEES OF PUBLIC SCHOOLS FOR CERTAIN INJURIES TO STUDENTS

Sec. 118.001. DEFINITIONS. In this chapter:

(1) "Open-enrollment charter school" has the meaning assigned by Section 5.001, Education Code.

(2) "Professional school employee" includes:

(A) a superintendent or administrator serving as educational leader and chief executive officer of the school, principal or equivalent chief operating officer, teacher, including a substitute teacher, supervisor, social worker, school counselor, nurse, and teacher's aide employed by a public school;

(B) a teacher employed by a company that contracts with a public school to provide the teacher's services to the school;

(C) a student in an education preparation program participating in a field experience or internship;

(D) a school bus driver certified in accordance with standards and qualifications adopted by the Department of

Public Safety of the State of Texas;

(E) a member of the board of trustees of an independent school district or a member of the governing body of an open-enrollment charter school; and

(F) any other person employed by a public school whose employment requires certification and the exercise of discretion.

(3) "Public school" means an independent school district or an open-enrollment charter school.

(4) "Sexual misconduct" means sexual abuse or conduct described by Section 20A.02, 21.02, 21.07, 21.08, 21.11, 21.12, 21.15, 21.16, 21.165, 21.17, 21.18, 21.19, 22.011, 22.012, 22.021, or 43.25, Penal Code.

Sec. 118.002. LIABILITY. (a) A public school is liable for an act or omission that is committed by a professional school employee against a student enrolled in the school and that is:

(1) sexual misconduct;

(2) failure to report suspected child abuse or neglect under Section 261.101, Family Code; or

(3) any other negligent, reckless, knowing, or intentional act or omission resulting in injury to or the death of the student, including bodily injury, serious bodily injury, or serious mental deficiency, impairment, or injury, other than the use of physical force against a student to the extent justified under Section 9.62, Penal Code.

(b) In an action against a public school under this chapter, the professional school employee who committed the act or omission

1 on which the claim is based must be named as a defendant. The public  
2 school and the professional school employee are jointly and  
3 severally liable for an award in an action under this chapter.

4 Sec. 118.003. DAMAGES. (a) A claimant who prevails in an  
5 action under this chapter shall be awarded:

6 (1) actual damages;

7 (2) court costs; and

8 (3) reasonable and necessary attorney's fees.

9 (b) In addition to an award under Subsection (a), a claimant  
10 who prevails in an action under this chapter may recover exemplary  
11 damages.

12 Sec. 118.004. REMEDIES NOT EXCLUSIVE. The remedies  
13 authorized by this chapter are in addition to any other legal  
14 remedies.

15 Sec. 118.005. WAIVER OF GOVERNMENTAL IMMUNITY; OFFICIAL  
16 IMMUNITY ABOLISHED. (a) A public school's governmental immunity  
17 to suit and from liability is waived to the extent of liability  
18 created by this chapter.

19 (b) A professional school employee may not assert official  
20 immunity under Subchapter B, Chapter 22, Education Code, the common  
21 law, or any other law in an action brought under this chapter.

22 SECTION 2. Chapter 118, Civil Practice and Remedies Code,  
23 as added by this Act, applies only to a cause of action that accrues  
24 on or after the effective date of this Act.

25 SECTION 3. This Act takes effect September 1, 2025.