

By: Eissler

H.B. No. 974

Substitute the following for H.B. No. 974:

By: Hochberg

C.S.H.B. No. 974

A BILL TO BE ENTITLED

1

AN ACT

2 relating to a school district employee's immunity from liability
3 and responsibility for certain materials.

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

5 SECTION 1. Section 22.0511, Education Code, is amended by
6 adding Subsection (d) to read as follows:

7 (d) A school district may not by policy, contract, or
8 administrative directive:

9 (1) require a district employee to waive immunity from
10 liability for an act for which the employee is immune from liability
11 under this section; or

12 (2) require a district employee who acts in good faith
13 to pay for or replace property belonging to a student or other
14 person that is or was in the possession of the employee because of
15 an act that is incident to or within the scope of the duties of the
16 employee's position of employment.

17 SECTION 2. Section 31.104(e), Education Code, is amended to
18 read as follows:

19 (e) The board of trustees of a school district may not
20 require an employee of the district who acts in good faith to pay
21 for a textbook, electronic textbook, or technological equipment
22 [~~instructional technology~~] that is damaged, stolen, misplaced, or
23 not returned [~~by a student~~]. A school district employee may not
24 wave this provision by contract or any other means, except that a

1 district may enter into a written agreement with a school employee
2 whereby the employee assumes financial responsibility for
3 electronic textbook or technological equipment usage off school
4 property or outside of a school-sponsored event in consideration
5 for the ability of the school employee to use the electronic
6 textbook or technological equipment for personal business. Such a
7 written agreement shall be separate from the employee's contract of
8 employment, if applicable, and shall clearly inform the employee of
9 the amount of the financial responsibility and advise the employee
10 to consider obtaining appropriate insurance. An employee may not
11 be required to agree to such an agreement as a condition of
12 employment.

13 SECTION 3. An assumption by a school district employee of
14 liability from which the employee is immune under Section 22.0511,
15 Education Code, or a waiver by a school district employee of the
16 employee's immunity from liability under Section 31.104(e),
17 Education Code, that is made or entered into before the effective
18 date of this Act has no effect.

19 SECTION 4. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2007.