

By: Eissler

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 assume liability
10 for an act for which the employee is immune from liability under
11 this section; or

12 (2) require a district employee to pay for or replace
13 property belonging to a student or other person that is or was in
14 the possession of the employee because of an act that is incident to
15 or within the scope of the duties of the employee's position of
16 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 to pay for a textbook,
21 electronic textbook, or technological equipment [~~instructional~~
22 ~~technology~~] that is damaged, stolen, misplaced, or not returned [~~by~~
23 ~~a student~~]. A school district employee may not waive this provision
24 by contract or any other means.

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

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