

1-1 By: Hancock (Senate Sponsor - Patrick) H.B. No. 3220
1-2 (In the Senate - Received from the House May 13, 2009;
1-3 May 14, 2009, read first time and referred to Committee on
1-4 Education; May 23, 2009, reported favorably by the following vote:
1-5 Yeas 8, Nays 0; May 23, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the applicability of certain laws to open-enrollment
1-9 charter schools.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 12.1056, Education Code, is amended to
1-12 read as follows:

1-13 Sec. 12.1056. IMMUNITY FROM LIABILITY. (a) In matters
1-14 related to operation of an open-enrollment charter school, an
1-15 open-enrollment charter school is immune from liability to the same
1-16 extent as a school district, and its employees and volunteers are
1-17 immune from liability to the same extent as school district
1-18 employees and volunteers. A member of the governing body of an
1-19 open-enrollment charter school or of a charter holder is immune
1-20 from liability to the same extent as a school district trustee.

1-21 (b) An open-enrollment charter school is a governmental
1-22 unit as defined by Section 101.001, Civil Practice and Remedies
1-23 Code, and is subject to liability only as provided by Chapter 101,
1-24 Civil Practice and Remedies Code, and only in the manner that
1-25 liability is provided by that chapter for a school district.

1-26 (c) An open-enrollment charter school is a local government
1-27 as defined by Section 102.001, Civil Practice and Remedies Code,
1-28 and a payment on a tort claim must comply with Chapter 102, Civil
1-29 Practice and Remedies Code.

1-30 SECTION 2. Subchapter D, Chapter 12, Education Code, is
1-31 amended by adding Section 12.1058 to read as follows:

1-32 Sec. 12.1058. APPLICABILITY OF OTHER LAWS. (a) An
1-33 open-enrollment charter school is considered to be:

1-34 (1) a local government for purposes of Chapter 791,
1-35 Government Code;

1-36 (2) a local government for purposes of Chapter 2259,
1-37 Government Code, except that an open-enrollment charter school may
1-38 not issue public securities as provided by Section 2259.031(b),
1-39 Government Code; and

1-40 (3) a political subdivision for purposes of Chapter
1-41 172, Local Government Code.

1-42 (b) An open-enrollment charter school may elect to extend
1-43 workers' compensation benefits to employees of the school through
1-44 any method available to a political subdivision under Chapter 504,
1-45 Labor Code. An open-enrollment charter school that elects to
1-46 extend workers' compensation benefits as permitted under this
1-47 section is considered to be a political subdivision for all
1-48 purposes under Chapter 504, Labor Code.

1-49 SECTION 3. This Act takes effect immediately if it receives
1-50 a vote of two-thirds of all the members elected to each house, as
1-51 provided by Section 39, Article III, Texas Constitution. If this
1-52 Act does not receive the vote necessary for immediate effect, this
1-53 Act takes effect September 1, 2009.

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