

By: Hancock

S.B. No. 547

A BILL TO BE ENTITLED

AN ACT

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

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

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

Sec. 12.1056. IMMUNITY [~~FROM LIABILITY~~]. (a) In matters related to operation of an open-enrollment charter school, an open-enrollment charter school is immune [~~from liability~~] to the same extent as a school district, and its employees and volunteers are immune [~~from liability~~] to the same extent as school district employees and volunteers. A member of the governing body of an open-enrollment charter school or of a charter holder is immune [~~from liability~~] to the same extent as a school district trustee.

(b) An open-enrollment charter school is a governmental unit for purposes of Chapter 101, Civil Practice and Remedies Code, and is subject to liability only as provided by that chapter and only in the manner that liability is provided by that chapter for a school district.

(c) An open-enrollment charter school is a local government for purposes of Chapter 102, Civil Practice and Remedies Code, and a payment on a tort claim must comply with that chapter.

(d) An open-enrollment charter school is a local governmental entity for purposes of Subchapter I, Chapter 271,

1 Local Government Code, and is subject to liability on a contract as
2 provided by that subchapter and only in the manner that liability is
3 provided by that subchapter for a school district.

4 SECTION 2. Subchapter D, Chapter 12, Education Code, is
5 amended by adding Section 12.1058 to read as follows:

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

8 (1) a local government for purposes of Chapter 791,
9 Government Code;

10 (2) a local government for purposes of Chapter 2259,
11 Government Code, except that an open-enrollment charter school may
12 not issue public securities as provided by Section 2259.031(b),
13 Government Code; and

14 (3) a political subdivision for purposes of Chapter
15 172, Local Government Code.

16 (b) An open-enrollment charter school may elect to extend
17 workers' compensation benefits to employees of the school through
18 any method available to a political subdivision under Chapter 504,
19 Labor Code, except that an open-enrollment charter school that
20 self-insures either individually or collectively under Chapter
21 504, Labor Code, may not provide workers' compensation medical
22 benefits to injured employees in the manner described by Section
23 504.053(b)(2), Labor Code. An open-enrollment charter school that
24 elects to extend workers' compensation benefits as permitted under
25 this subsection is considered to be a political subdivision for all
26 purposes under Chapter 504, Labor Code. An open-enrollment charter
27 school that self-insures either individually or collectively under

1 Chapter 504, Labor Code, is considered to be an insurance carrier
2 for purposes of Subtitle A, Title 5, Labor Code.

3 SECTION 3. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2013.