

1-1 By: Hancock S.B. No. 547
 1-2 (In the Senate - Filed February 13, 2013; February 20, 2013,
 1-3 read first time and referred to Committee on Education;
 1-4 March 25, 2013, reported favorably by the following vote: Yeas 8,
 1-5 Nays 0; March 25, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the applicability of certain laws to open-enrollment
 1-20 charter schools.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 12.1056, Education Code, is amended to
 1-23 read as follows:

1-24 Sec. 12.1056. IMMUNITY [~~FROM LIABILITY~~]. (a) In matters
 1-25 related to operation of an open-enrollment charter school, an
 1-26 open-enrollment charter school is immune [~~from liability~~] to the
 1-27 same extent as a school district, and its employees and volunteers
 1-28 are immune [~~from liability~~] to the same extent as school district
 1-29 employees and volunteers. A member of the governing body of an
 1-30 open-enrollment charter school or of a charter holder is immune
 1-31 [~~from liability~~] to the same extent as a school district trustee.

1-32 (b) An open-enrollment charter school is a governmental
 1-33 unit as defined by Section 101.001, Civil Practice and Remedies
 1-34 Code, and is subject to liability only as provided by Chapter 101,
 1-35 Civil Practice and Remedies Code, and only in the manner that
 1-36 liability is provided by that chapter for a school district.

1-37 (c) An open-enrollment charter school is a local government
 1-38 as defined by Section 102.001, Civil Practice and Remedies Code,
 1-39 and a payment on a tort claim must comply with Chapter 102, Civil
 1-40 Practice and Remedies Code.

1-41 (d) An open-enrollment charter school is a local
 1-42 governmental entity as defined by Section 271.151, Local Government
 1-43 Code, and is subject to liability on a contract as provided by
 1-44 Subchapter I, Chapter 271, Local Government Code, and only in the
 1-45 manner that liability is provided by that subchapter for a school
 1-46 district.

1-47 SECTION 2. Subchapter D, Chapter 12, Education Code, is
 1-48 amended by adding Section 12.1058 to read as follows:

1-49 Sec. 12.1058. APPLICABILITY OF OTHER LAWS. (a) An
 1-50 open-enrollment charter school is considered to be:

1-51 (1) a local government for purposes of Chapter 791,
 1-52 Government Code;

1-53 (2) a local government for purposes of Chapter 2259,
 1-54 Government Code, except that an open-enrollment charter school may
 1-55 not issue public securities as provided by Section 2259.031(b),
 1-56 Government Code; and

1-57 (3) a political subdivision for purposes of Chapter
 1-58 172, Local Government Code.

1-59 (b) An open-enrollment charter school may elect to extend
 1-60 workers' compensation benefits to employees of the school through
 1-61 any method available to a political subdivision under Chapter 504,

2-1 Labor Code, except that an open-enrollment charter school that
2-2 self-insures either individually or collectively under Chapter
2-3 504, Labor Code, may not provide workers' compensation medical
2-4 benefits to injured employees in the manner described by Section
2-5 504.053(b)(2), Labor Code. An open-enrollment charter school that
2-6 elects to extend workers' compensation benefits as permitted under
2-7 this subsection is considered to be a political subdivision for all
2-8 purposes under Chapter 504, Labor Code. An open-enrollment charter
2-9 school that self-insures either individually or collectively under
2-10 Chapter 504, Labor Code, is considered to be an insurance carrier
2-11 for purposes of Subtitle A, Title 5, Labor Code.

2-12 SECTION 3. This Act takes effect immediately if it receives
2-13 a vote of two-thirds of all the members elected to each house, as
2-14 provided by Section 39, Article III, Texas Constitution. If this
2-15 Act does not receive the vote necessary for immediate effect, this
2-16 Act takes effect September 1, 2013.

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