

BILL ANALYSIS

Senate Research Center
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S.B. 1723
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Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 38.024, Education Code, permits a school district to purchase liability insurance for students who sustain bodily injuries “while training for or engaging in interschool athletic competition or while engaging in school-sponsored activities on a school campus.” However, there is no similar provision enabling school districts to purchase liability insurance for students who sustain bodily injuries while those students are engaging in school-sponsored activities outside of a school campus or while being transported to and from school campuses and such activities.

Many students may not have insurance coverage or may have coverage that is subject to high deductible limits. This is problematic for parents who might have the expectation that the school district is liable for injuries sustained by students while participating in school-sponsored activities regardless of where they take place. This is especially the case with respect to students riding on school buses, whether to and from school, or to off-campus school sponsored events. While a school district’s automobile liability coverage would typically extend to bus accidents for which the district was at fault, districts are not currently authorized to purchase automobile liability insurance that would also apply to bus accidents caused by un-insured or under-insured motorists. In the case of a bus accident, students may be transported by ambulance to an emergency room out of an abundance of caution to have the students checked for injuries, resulting in high and unexpected medical bills for parents.

S.B. 1723 remedies this by removing the words “on a school campus” so that school districts can purchase liability insurance for bodily injuries to students while engaging in school-sponsored activities whether those injuries are sustained on or off campus.

As proposed, S.B. 1723 amends current law relating to the purchase of certain insurance by public school districts.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 38.024(a), Education Code, to authorize the board of trustees of a school district, in compliance with this section, to obtain insurance against bodily injuries sustained by students while training for or engaging in interschool athletic competition or while engaging in school-sponsored activities, rather than in school-sponsored activities on a school campus.

SECTION 2. Provides that this Act applies beginning with the 2015-2016 school year.

SECTION 3. Effective date: upon passage or September 1, 2015.