

By: Farney, Villalba, Fallon

H.B. No. 1171

A BILL TO BE ENTITLED

AN ACT

relating to the applicability of certain immunity and liability 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 or charter holder is immune [~~from liability~~] to the same extent as a school district, and the [its] employees and volunteers of the open-enrollment charter school or charter holder 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 as defined by Section 101.001, Civil Practice and Remedies Code, and is subject to liability only as provided by Chapter 101, Civil Practice and Remedies Code, 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 as defined by Section 102.001, Civil Practice and Remedies Code, and a payment on a tort claim must comply with Chapter 102, Civil

1 Practice and Remedies Code.

2 (d) An open-enrollment charter school is a local
3 governmental entity as defined by Section 271.151, Local Government
4 Code, and is subject to liability on a contract as provided by
5 Subchapter I, Chapter 271, Local Government Code, and only in the
6 manner that liability is provided by that subchapter for a school
7 district.

8 SECTION 2. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2015.