By:  Hughes S.B. No. 316

(In the Senate - Filed January 7, 2019; February 7, 2019, read first time and referred to Committee on Education; April 2, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 7, Nays 4; April 2, 2019, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Taylor            X

Lucio                    X

Bettencourt          X

Campbell             X

Fallon               X

Hall                 X

Hughes               X

Paxton               X

Powell                   X

Watson                   X

West                     X

COMMITTEE SUBSTITUTE FOR S.B. No. 316 By:  Hughes

A BILL TO BE ENTITLED

AN ACT

relating to the attorney general's duty to defend public school teachers.

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

SECTION 1.  The legislature finds that it is in the best interest of this state for the attorney general to defend a public school teacher in a civil action brought against the teacher if the attorney general determines that the civil action arose as a result of an act that was within the scope of the teacher's duties and that the teacher acted in good faith.

SECTION 2.  Subchapter B, Chapter 22, Education Code, is amended by adding Section 22.0518 to read as follows:

Sec. 22.0518.  DEFENSE BY ATTORNEY GENERAL. (a)  The attorney general shall defend a civil action brought against a teacher employed by a school district or open-enrollment charter school if the attorney general determines that:

(1)  the civil action arose as a result of an act that was within the scope of the teacher's duties;

(2)  the teacher acted in good faith; and

(3)  representation of the teacher would not be a conflict of interest.

(b)  Subsection (a) applies regardless of whether at the time the civil action is filed the teacher has terminated service with the school district or open-enrollment charter school.

(c)  A determination made by the attorney general under Subsection (a) may not be admitted as evidence in a civil court proceeding.

(d)  Nothing in this section may be construed to:

(1)  deprive a teacher of the teacher's right to select legal counsel of the teacher's choosing at the teacher's own expense; or

(2)  require the teacher to accept the attorney general's offer to represent the teacher.

SECTION 3.  Section 22.0518, Education Code, as added by this Act, applies only to actions brought on or after the effective date of this Act.

SECTION 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

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