

BILL ANALYSIS

Senate Research Center

H.B. 4623
By: Little et al. (Paxton)
Education K-16
5/21/2025
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2019, the Texas Legislature established a mandatory "Educator Misconduct Reporting Portal" to be administered by the Texas Education Agency. According to this same database, 52,782 total complaints against Texas educators have been recorded between September 2021, when the portal became organized into searchable data, and July 2024. Of those complaints, there were 6,888 reports of sexual and violent misconduct by public school employees perpetrated on students in Texas schools. As of July 2024, roughly 6,654 of those misconduct allegations were left unresolved.

Texas state law currently upholds sovereign immunity for school districts and limits liability primarily to motor vehicle or tangible property cases. By including Chapter 118 in Title 5 of the Civil Practice and Remedies Code, the State of Texas will permit civil claims to be brought against Texas public schools or professional school employees when there is justification. Specifically, when a public school is negligent in hiring, supervising, or employing a professional school employee, it is liable for an act or omission that the employee commits against a student, such as sexual misconduct, failure to report suspected child abuse, or neglect. In doing so, H.B. 4623 allows victims to pursue justice for abuse committed by a Texas public school or its employees.

H.B. 4623 amends current law relating to liability of public schools and professional school employees for certain acts or omissions involving students.

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 Title 5, Civil Practice and Remedies Code, by adding Chapter 118, as follows:

CHAPTER 118. LIABILITY OF PUBLIC SCHOOLS AND PROFESSIONAL EMPLOYEES OF PUBLIC SCHOOLS FOR CERTAIN ACTS OR OMISSIONS

Sec. 118.001. DEFINITIONS. Defines "open-enrollment charter school," "professional school employee," "public school," and "sexual misconduct."

Sec. 118.002. LIABILITY. (a) Provides that a public school that is negligent in hiring, supervising, or employing a professional school employee is liable for an act or omission that is committed by a professional school employee against a student enrolled in the school and that is sexual misconduct or failure to report suspected child abuse or neglect under Section 261.101 (Persons Required to Report; Time to Report), Family Code.

(b) Requires the professional school employee who committed the act or omission on which the claim is based, in an action against a public school under this chapter, to be named as a defendant. Provides that the public school and the

professional school employee are jointly and severally liable for an award in an action under this chapter.

Sec. 118.003. DAMAGES. Requires a claimant who prevails in an action under this chapter to be awarded actual damages in a maximum amount of \$500,000 for each act or omission described by Section 118.002(a), court costs, and reasonable and necessary attorney's fees.

Sec. 118.004. REMEDIES NOT EXCLUSIVE. Provides that the remedies authorized by this chapter are in addition to any other legal remedies.

Sec. 118.005. WAIVER OF GOVERNMENTAL IMMUNITY; OFFICIAL IMMUNITY ABOLISHED. (a) Provides that a public school's governmental immunity to suit and from liability is waived to the extent of liability created by this chapter.

(b) Prohibits a professional school employee from asserting official immunity under Subchapter B (Civil Immunity), Chapter 22 (School District Employees and Volunteers), Education Code, the common law, or any other law in an action brought under this chapter.

SECTION 2. Makes application of Chapter 118, Civil Practice and Remedies Code, as added by this Act, prospective.

SECTION 3. This Act takes effect September 1, 2025.