

## **BILL ANALYSIS**

C.S.H.B. 4623

By: Little

Judiciary & Civil Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The bill author has informed the committee that thousands of complaints against Texas educators have been submitted to the Educator Misconduct Reporting Portal, administered by the Texas Education Agency, between September 2021 and July 2024. The bill author has further informed the committee that there were 6,888 reports of sexual and violent misconduct by public school employees perpetrated on students in Texas schools and that by July 2024, the vast majority of those reports were left unresolved. C.S.H.B. 4623 seeks to provide for civil claims against Texas public schools or professional school employees when there is justification.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 4623 amends the Civil Practice and Remedies Code to make an independent school district or open-enrollment charter school liable for an act or omission that is committed by a professional school employee against a student enrolled in the district or charter school that is one of the following:

- sexual misconduct; or
- failure to report suspected child abuse or neglect as required under applicable Family Code provisions.

In an action against a district or charter school under the bill's provisions, the professional school employee who committed the act or omission on which the claim is based must be named as a defendant and the bill makes the district or charter school, as applicable, and the professional school employee jointly and severally liable for an award in such an action.

C.S.H.B. 4623 requires a claimant who prevails in such an action to be awarded actual damages, court costs, and reasonable and necessary attorney's fees. The bill establishes that these remedies are in addition to any other legal remedies. The bill waives a district or charter school's governmental immunity to suit and from liability to the extent of liability created by the bill's provisions and prohibits a professional school employee from asserting official immunity under applicable Education Code provisions, the common law, or any other law in an action brought under the bill.

C.S.H.B. 4623 establishes that, for purposes of the bill's provisions, a professional school employee includes the following:

- a superintendent or administrator serving as educational leader and chief executive officer of the school, principal or equivalent chief operating officer, teacher, including a substitute teacher, supervisor, social worker, school counselor, nurse, and teacher's aide employed by a district or charter school;
- a teacher employed by a company that contracts with a district or charter school to provide the teacher's services to the district or charter school;
- a student in an education preparation program participating in a field experience or internship;
- a school bus driver certified in accordance with standards and qualifications adopted by the Department of Public Safety;
- a member of the board of trustees of a district or a member of the governing body of a charter school; and
- any other person whose employment requires certification and the exercise of discretion.

The bill defines "sexual misconduct" as any sexual abuse or conduct as described by the following offenses:

- trafficking of persons;
- continuous sexual abuse of young child or disabled individual;
- public lewdness;
- indecent exposure;
- indecency with a child;
- improper relationship between educator and student;
- invasive visual recording;
- unlawful disclosure or promotion of intimate visual material;
- unlawful production or distribution of certain sexually explicit videos;
- voyeurism;
- sexual coercion;
- unlawful electronic transmission of sexually explicit visual material;
- sexual assault;
- indecent assault;
- aggravated sexual assault; or
- sexual performance by a child.

C.S.H.B. 4623 applies only to a cause of action that accrues on or after the bill's effective date.

### **EFFECTIVE DATE**

September 1, 2025.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 4623 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute omits a provision in the introduced making a district or charter school liable for, other than the acts specified by the bill, any other negligent, reckless, knowing, or intentional act or omission resulting in injury to or the death of the student, including bodily injury, serious bodily injury, or serious mental deficiency, impairment, or injury, other than the use of physical force against a student to the extent justified under Penal Code provisions governing special relationships of an educator and student that is committed by a professional school employee against a student enrolled in the district or charter school. The substitute also removes a provision in the introduced authorizing a claimant who prevails in an action under the bill to recover exemplary damages in addition to the damages required to be awarded under the bill.