

BILL ANALYSIS

Senate Research Center

H.B. 4687
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Education K-16
5/21/2025
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 76th Legislature passed H.B. 211, which granted statutory immunity from liability and suit to open-enrollment charter schools and their employees, volunteers, and board members, to the same extent as school districts, their employees, and their trustees. This has been substantiated in case law, particularly with the 2020 Texas Supreme Court decision of *El Paso Education Initiative Inc. v. Amex Properties LLC*, in which the court held that charter schools and their charter holders had governmental immunity from suit and liability to the same extent as public schools. H.B. 4687 seeks to align all charter schools operating under state law with existing immunity protections.

H.B. 4687 amends current law relating to the applicability of certain immunity and liability laws to certain charter school campuses or programs.

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 12.057(c), Education Code, to provide that a member of the governing body of a charter campus or program is immune from liability and suit to the same extent as a school district trustee.

SECTION 2. Amends Subchapter G, Chapter 12, Education Code, by adding Section 12.2525, as follows:

Sec. 12.2525. IMMUNITY FROM LIABILITY AND SUIT. Provides that an eligible entity granted a charter under Subchapter G (Adult High School Charter School Program), Chapter 12 (Charters), is immune from liability and suit in matters related to the operation of an adult education program under the charter to the same extent as a school district, and its employees and volunteers are immune from liability and suit to the same extent as school district employees and volunteers. Provides that a member of the governing body of the entity is immune from liability and suit to the same extent as a school district trustee.

SECTION 3. Effective date: upon passage or September 1, 2025.