

By: Little, Dutton, et al.

H.B. No. 4623

Substitute the following for H.B. No. 4623:

By: Leach

C.S.H.B. No. 4623

A BILL TO BE ENTITLED

AN ACT

relating to liability of public schools and professional school employees for certain acts or omissions involving students.

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

SECTION 1. Title 5, Civil Practice and Remedies Code, is amended by adding Chapter 118 to read as follows:

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

Sec. 118.001. DEFINITIONS. In this chapter:

(1) "Open-enrollment charter school" has the meaning assigned by Section 5.001, Education Code.

(2) "Professional school employee" includes:

(A) 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 public school;

(B) a teacher employed by a company that contracts with a public school to provide the teacher's services to the school;

(C) a student in an education preparation program participating in a field experience or internship;

(D) a school bus driver certified in accordance with standards and qualifications adopted by the Department of

Public Safety of the State of Texas;

(E) a member of the board of trustees of an independent school district or a member of the governing body of an open-enrollment charter school; and

(F) any other person employed by a public school whose employment requires certification and the exercise of discretion.

(3) "Public school" means an independent school district or an open-enrollment charter school.

(4) "Sexual misconduct" means sexual abuse or conduct described by Section 20A.02, 21.02, 21.07, 21.08, 21.11, 21.12, 21.15, 21.16, 21.165, 21.17, 21.18, 21.19, 22.011, 22.012, 22.021, or 43.25, Penal Code.

Sec. 118.002. LIABILITY. (a) A public school 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:

(1) sexual misconduct; or

(2) failure to report suspected child abuse or neglect under Section 261.101, Family Code.

(b) In an action against a public school under this chapter, the professional school employee who committed the act or omission on which the claim is based must be named as a defendant. 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. A claimant who prevails in an action under this chapter shall be awarded:

(1) actual damages;

1           (2) court costs; and

2           (3) reasonable and necessary attorney's fees.

3           Sec. 118.004. REMEDIES NOT EXCLUSIVE. The remedies  
4 authorized by this chapter are in addition to any other legal  
5 remedies.

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

10           (b) A professional school employee may not assert official  
11 immunity under Subchapter B, Chapter 22, Education Code, the common  
12 law, or any other law in an action brought under this chapter.

13           SECTION 2. Chapter 118, Civil Practice and Remedies Code,  
14 as added by this Act, applies only to a cause of action that accrues  
15 on or after the effective date of this Act.

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