

SENATE AMENDMENTS

2nd Printing

By: Little, Dutton, Leo Wilson, et al.

H.B. No. 4623

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

9 Sec. 118.001. DEFINITIONS. In this chapter:

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

12 (2) "Professional school employee" includes:

13 (A) a superintendent or administrator serving as
14 educational leader and chief executive officer of the school,
15 principal or equivalent chief operating officer, teacher,
16 including a substitute teacher, supervisor, social worker, school
17 counselor, nurse, and teacher's aide employed by a public school;

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

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

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

1 Public Safety of the State of Texas;

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

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

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

10 (4) "Sexual misconduct" means sexual abuse or conduct
11 described by Section 20A.02, 21.02, 21.07, 21.08, 21.11, 21.12,
12 21.15, 21.16, 21.165, 21.17, 21.18, 21.19, 22.011, 22.012, 22.021,
13 or 43.25, Penal Code.

14 Sec. 118.002. LIABILITY. (a) A public school that is
15 negligent in hiring, supervising, or employing a professional
16 school employee is liable for an act or omission that is committed
17 by a professional school employee against a student enrolled in the
18 school and that is:

19 (1) sexual misconduct; or

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

22 (b) In an action against a public school under this chapter,
23 the professional school employee who committed the act or omission
24 on which the claim is based must be named as a defendant. The public
25 school and the professional school employee are jointly and
26 severally liable for an award in an action under this chapter.

27 Sec. 118.003. DAMAGES. A claimant who prevails in an action

1 under this chapter shall be awarded:

2 (1) actual damages in a maximum amount of \$500,000 for
3 each act or omission described by Section 118.002(a);

4 (2) court costs; and

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

6 Sec. 118.004. REMEDIES NOT EXCLUSIVE. The remedies
7 authorized by this chapter are in addition to any other legal
8 remedies.

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

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

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

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

ADOPTED

MAY 27 2025

Latey Law
Secretary of the Senate

By: Paxton

H.B. No. 4623

Substitute the following for H.B. No. 4023:

By: Paul Befferson

C.S.H.B. No. 4023

A BILL TO BE ENTITLED

AN ACT

relating to liability of public schools and professional school employees for sexual misconduct 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;

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

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

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

8 (4) "Sexual misconduct" means sexual abuse or conduct
9 described by Section 20A.02, 21.02, 21.07, 21.08, 21.11, 21.12,
10 21.15, 21.16, 21.165, 21.17, 21.18, 21.19, 22.011, 22.012, 22.021,
11 or 43.25, Penal Code.

12 Sec. 118.002. LIABILITY. (a) A public school that is grossly
13 negligent or reckless, or engages in intentional misconduct, in
14 hiring, supervising, or employing a professional school employee
15 is liable for an act or omission that is committed by a
16 professional school employee against a student enrolled in the
17 school and that is:

18 (1) sexual misconduct; or

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

21 (b) In an action against a public school under this chapter,
22 the professional school employee who committed the act or omission
23 on which the claim is based must be named as a defendant.

24 Sec. 118.003. DAMAGES. A claimant who prevails in an action
25 under this chapter shall be awarded money damages in a maximum
26 amount of \$500,000 for each claimant.

27 Sec. 118.004. COURT COSTS AND ATTORNEY'S FEES. A party who

1 prevails in an action under this chapter is entitled to:

2 (1) court costs; and

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

4 Sec. 118.005. REMEDIES NOT EXCLUSIVE. The remedies authorized
5 by this chapter are in addition to any other legal remedies.

6 Sec. 118.006. WAIVER OF GOVERNMENTAL IMMUNITY; OFFICIAL
7 IMMUNITY ABOLISHED. (a) A public school's governmental immunity to
8 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, as
14 added by this Act, applies only to an act or omission that occurs
15 on or after the effective date of this Act.

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

ADOPTED

MAY 27 2025

Lately Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY:

April S. Patten

1 Amend C.S.H.B. No. 4623 (senate committee report) by
2 striking all below the enacting clause and substituting the
3 following:

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

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

8 Sec. 118.001. DEFINITIONS. In this chapter:

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

11 (2) "Professional school employee" includes:

12 (A) a superintendent or administrator serving as
13 educational leader and chief executive officer of the school,
14 principal or equivalent chief operating officer, teacher,
15 including a substitute teacher, supervisor, social worker, school
16 counselor, nurse, and teacher's aide employed by a public school;

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

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

22 (D) a school bus driver certified in accordance
23 with standards and qualifications adopted by the Department of
24 Public Safety of the State of Texas;

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

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

1 discretion.

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

4 (4) "Sexual misconduct" means sexual abuse or conduct
5 described by Section 20A.02, 21.02, 21.07, 21.08, 21.11, 21.12,
6 21.15, 21.16, 21.165, 21.17, 21.18, 21.19, 22.011, 22.012, 22.021,
7 or 43.25, Penal Code.

8 Sec. 118.002. LIABILITY. (a) A public school that is
9 grossly negligent or reckless, or engages in intentional
10 misconduct, in hiring, supervising, or employing a professional
11 school employee is liable for an act or omission that is committed
12 by the employee against a student enrolled in the school and that
13 is:

14 (1) sexual misconduct; or

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

17 (b) In an action against a public school under this chapter,
18 the professional school employee who committed the act or omission
19 on which the claim is based must be named as a defendant.

20 Sec. 118.003. DAMAGES. A claimant who prevails in an action
21 under this chapter shall be awarded actual damages in a maximum
22 amount of \$500,000 for each claimant.

23 Sec. 118.004. COURT COSTS AND ATTORNEY'S FEES. A party who
24 prevails in an action under this chapter is entitled to:

25 (1) court costs; and

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

27 Sec. 118.005. REMEDIES NOT EXCLUSIVE. The remedies
28 authorized by this chapter are in addition to any other legal
29 remedies.

30 Sec. 118.006. WAIVER OF GOVERNMENTAL IMMUNITY; OFFICIAL
31 IMMUNITY ABOLISHED. (a) A public school's governmental immunity

1 to suit and from liability is waived to the extent of liability
2 created by this chapter.

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

6 SECTION 2. Chapter 118, Civil Practice and Remedies Code,
7 as added by this Act, applies only to an act or omission that occurs
8 on or after the effective date of this Act.

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

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 29, 2025

TO: Honorable Dustin Burrows, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4623 by Little (Relating to liability of public schools and professional school employees for sexual misconduct involving students.), **As Passed 2nd House**

The fiscal implications of the bill cannot be determined due to lack of data.

The bill would amend the Civil Practice and Remedies Code to create an additional remedy for those aggrieved by certain acts or omissions involving students at public schools and open-enrollment charter schools.

The Office of Court Administration indicates that the effect on court dockets or any fiscal impact on the state court system cannot be determined due to lack of data.

Local Government Impact

Certain public schools against whom a claimant prevails in an action may incur costs for awarded damages, court costs, and fees.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 701 Texas Education Agency

LBB Staff: JMc, NC, DA, JPa, NTh, KDw, ASA, ENA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 26, 2025

TO: Honorable Brandon Creighton, Chair, Senate Committee on Education K-16

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4623 by Little (relating to liability of public schools and professional school employees for sexual misconduct involving students.), **Committee Report 2nd House, Substituted**

The fiscal implications of the bill cannot be determined due to lack of data.

The bill would amend the Civil Practice and Remedies Code to create an additional remedy for those aggrieved by certain acts or omissions involving students at public schools and open-enrollment charter schools.

The Office of Court Administration indicates that the effect on court dockets or any fiscal impact on the state court system cannot be determined due to lack of data.

Local Government Impact

Certain public schools against whom a claimant prevails in an action may incur costs for awarded damages, court costs, and fees.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 701 Texas Education Agency

LBB Staff: JMc, NC, NTh, KDw, DA, ASA, ENA

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 21, 2025

TO: Honorable Brandon Creighton, Chair, Senate Committee on Education K-16

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4623 by Little (Relating to liability of public schools and professional school employees for certain acts or omissions involving students.), **As Engrossed**

The fiscal implications of the bill cannot be determined due to lack of data.

The bill would amend the Civil Practice and Remedies Code to create an additional remedy for those aggrieved by certain acts or omissions involving students at public schools and open-enrollment charter schools.

The Office of Court Administration indicates that the effect on court dockets or any fiscal impact on the state court system cannot be determined due to lack of data.

Local Government Impact

Certain public schools against whom a claimant prevails in an action may incur costs for awarded damages, court costs, and fees.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 701 Texas Education Agency

LBB Staff: JMc, NC, NTh, KDw, DA, ASA, ENA

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 5, 2025

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4623 by Little (relating to liability of public schools and professional school employees for certain acts or omissions involving students.), **Committee Report 1st House, Substituted**

The fiscal implications of the bill cannot be determined due to lack of data.

The bill would amend the Civil Practice and Remedies Code to create an additional remedy for those aggrieved by certain acts or omissions involving students at public schools and open-enrollment charter schools.

The Office of Court Administration indicates that the effect on court dockets or any fiscal impact on the state court system cannot be determined due to lack of data.

Local Government Impact

Certain public schools against whom a claimant prevails in an action may incur costs for awarded damages, court costs, and fees.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 701 Texas Education Agency

LBB Staff: JMc, KDw, DA, NTh, ASA, ENA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

April 8, 2025

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4623 by Little (Relating to liability of public schools and professional school employees for certain injuries to students.), **As Introduced**

The fiscal implications of the bill cannot be determined due to lack of data.

The bill would amend the Civil Practice and Remedies Code to create an additional remedy for those aggrieved by injuries to students at public schools and open-enrollment charter schools.

The Office of Court Administration indicates that the effect on court dockets or any fiscal impact on the state court system cannot be determined due to lack of data

Local Government Impact

Certain public schools against whom a claimant prevails in an action may incur costs for awarded damages, court costs, and fees.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 701 Texas Education Agency

LBB Staff: JMc, KDw, ASA, ENA