

- SUBJECT:** Applying certain immunity and liability laws to charter schools
- COMMITTEE:** Public Education — favorable, without amendment
- VOTE:** 9 ayes — Aycock, Allen, Bohac, Deshotel, Galindo, González, Huberty, K. King, VanDeaver
- 2 absent — Dutton, Farney
- WITNESSES:** For — Lindsey Gordon, Texas Charter Schools Association; (*Registered, but did not testify*: Amanda List, ResponsiveEd; Mike Hull, Texans for Lawsuit Reform; Addie Gomez, Texans for Quality Public Charter Schools; Nelson Salinas, Texas Association of Business)
- Against — (*Registered, but did not testify*: Michael Gutierrez)
- On — (*Registered, but did not testify*: Von Byer, Texas Education Agency)
- BACKGROUND:** Education Code, sec. 12.1056 states that in matters related to the operation of an open-enrollment charter school, the school is immune from liability to the same extent as a school district, and employees and volunteers are immune from liability to the same extent as school district employees and volunteers. The section further states that a member of the governing body of an open-enrollment charter school or of a charter holder is immune from liability to the same extent as a school district trustee.
- DIGEST:** HB 1171 would extend immunity under Education Code, sec. 12.1056 to a charter holder and its employees and volunteers.
- The bill would establish that an open-enrollment charter school is a governmental unit and local government under sections of the Civil Practices and Remedies Code relating to tort claims and payments. A charter school would be a local governmental entity for purposes of contract claims under the Local Government Code.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

**SUPPORTERS
SAY:**

HB 1171 would clarify that employees, volunteers, and members of a governing body of a charter holder are immune from liability and suit to the same extent as an employee, volunteer, or school district trustee. The bill also would protect charters schools from tort and contract claims by including them as government entities.

Open-enrollment charter schools are public schools that receive state funds, but are not afforded some of the statutory protections enjoyed by school districts. The bill would help safeguard public funds from the threat of tort and breach of contract litigation.

**OPPONENTS
SAY:**

HB 1171 could prevent parties from being able to use the legal system to hold charters school officials accountable for their use of tax dollars. Financial dealings by governing boards of charters schools may receive less public scrutiny than similar dealings by local school boards. Persons who discover illegal behavior by charter officials should be allowed to air those claims in court.