

BILL ANALYSIS

H.B. 1171
By: Farney
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Although an open-enrollment charter school is often treated similarly under state law to a traditional school district, interested parties have expressed concern that a charter school is not afforded some of the statutory protections afforded to a school district that help safeguard public funds from lengthy litigation and sustain the financial viability of a district. The parties contend that the threat of financial drain from tort litigation and breach of contract litigation is a serious reality for open-enrollment charter schools. H.B. 1171 seeks to address this concern.

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

H.B. 1171 amends the Education Code to extend the immunity of an open-enrollment charter school and its employees and volunteers in matters related to operation of the school to include a charter holder and its employees and volunteers. The bill establishes that an open-enrollment charter school is a governmental unit for purposes of the Texas Tort Claims Act and is subject to liability only as provided by that act and only in the manner that liability is provided for a school district. The bill establishes that an open-enrollment charter school is a local government for purposes of statutory provisions relating to tort claims payments by local governments and requires a payment on a tort claim to comply with those provisions. The bill establishes that an open-enrollment charter school is a local governmental entity for purposes of statutory provisions relating to the adjudication of claims arising under written contracts with local governmental entities and is subject to liability on a contract as provided by those provisions and only in the manner that liability is provided by those provisions for a school district.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.