

## **BILL ANALYSIS**

C.S.H.B. 639  
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Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties have noted that students who participate in career and technology programs should have more liability protection from accidents that may occur during their participation. C.S.H.B. 639 seeks to address this concern by allowing public schools to obtain certain insurance coverage for the benefit of businesses and students participating in career and technology programs and providing for immunity from liability of certain public school students participating in career and technology programs.

### **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**

C.S.H.B. 639 amends the Education Code to authorize the board of trustees of a public school district or the governing body of an open-enrollment charter school to obtain accident, liability, or automobile insurance coverage to protect a business or entity that participates with the district or school to provide district or school students a career and technology program and a district or school student who participates in such a program. The bill requires the coverage to be obtained from a reliable insurer authorized to engage in business in Texas or, for a district, to be provided through the district's self-funded risk pool. The bill requires the amount of coverage the district or school obtains to be reasonable considering the district's or school's financial condition, but limits the amount to that which is reasonably necessary in the opinion of the board of trustees of the district or the governing body of the charter school, as applicable. The bill requires an administrator designated by the district board or the school's governing body, as applicable, if the board or governing body obtains coverage, to notify the parent or guardian of each student participating in the career and technology program.

C.S.H.B. 639 prohibits a district or school from charging a student participating in a career and technology program or the student's parent or guardian for the cost of providing the student the insurance under the bill's provisions. The bill prohibits the failure of any board or governing body to obtain coverage or to obtain a specific amount of coverage from being construed as placing any legal liability on, as applicable, the district or the district's officers, agents, or employees or the school or the school's officers, agents, or employees.

C.S.H.B. 639 entitles a student who participates in a career and technology program approved by a district or charter school to immunity from civil liability in the same manner as a volunteer

who is serving as a direct service volunteer of a district or school. The bill repeals a provision authorizing a board of trustees of a public school district to provide insurance to protect against certain liability a business that contracts with the district for assistance in developing or operating a career and technology program. The bill's provisions apply beginning with the 2017-2018 school year.

C.S.H.B. 639 repeals Section 29.187(f), Education Code.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 639 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Subchapter F, Chapter 29, Education Code, is amended by adding Sections 29.191 and 29.192 to read as follows:

Sec. 29.191. HEALTH BENEFIT PLAN, LIABILITY, AND AUTOMOBILE INSURANCE COVERAGE. (a) The board of trustees of a school district may obtain health benefit plan, liability, or automobile insurance coverage to protect:

(1) a business or entity that partners with the district to provide district students a career and technology training program; and

(2) a district student who participates in a district career and technology training program.

(b) The coverage authorized by this section must be:

(1) obtained from a reliable insurer authorized to engage in business in this state; or

(2) provided through a self-funded risk pool.

(c) The amount of coverage the district obtains must be reasonable considering the financial condition of the school district and may not exceed the amount that, in the opinion of the board of trustees, is reasonably necessary.

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter F, Chapter 29, Education Code, is amended by adding Sections 29.191 and 29.192 to read as follows:

Sec. 29.191. ACCIDENT, LIABILITY, AND AUTOMOBILE INSURANCE COVERAGE. (a) The board of trustees of a school district or the governing body of an open-enrollment charter school may obtain accident, liability, or automobile insurance coverage to protect:

(1) a business or entity that participates with the district or school to provide district or school students a career and technology program; and

(2) a district or school student who participates in a district or school career and technology program.

(b) The coverage authorized by this section must be:

(1) obtained from a reliable insurer authorized to engage in business in this state; or

(2) for a district, provided through the district's self-funded risk pool.

(c) The amount of coverage a district or school obtains:

(1) must be reasonable considering the financial condition of the district or school; and

(2) may not exceed the amount that is reasonably necessary in the opinion of, as applicable, the board of trustees of the district or the governing body of the school.

(d) If the board of trustees obtains health benefit plan, liability, or automobile insurance coverage under this section, the board shall notify the parent or guardian of each student participating in the career and technology training program.

(e) The failure of any board of trustees to obtain coverage authorized by this section may not be construed as placing any legal liability on the school district or the district's officers, agents, or employees for any injury that results.

Sec. 29.192. IMMUNITY FROM LIABILITY. A student who participates in a career and technology training program sponsored by a school district is entitled to immunity in the same manner as a professional employee of a school district under Subchapter B, Chapter 22.

SECTION 2. Section 29.187(f), Education Code, is repealed.

SECTION 3. This Act applies beginning with the 2017-2018 school year.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

(d) If the board of trustees of a district or the governing body of a school obtains accident, liability, or automobile insurance coverage under this section, an administrator designated by the board of trustees of the district or governing body of the school, as applicable, shall notify the parent or guardian of each student participating in the career and technology program.

(e) A district or school may not charge a student participating in a career and technology program under this section or the student's parent or guardian for the cost of providing to the student insurance under this section.

(f) The failure of any board of trustees of a district or the governing body of a school to obtain coverage authorized by this section or to obtain a specific amount of coverage under this section may not be construed as placing any legal liability on, as applicable, the district or the district's officers, agents, or employees or the school or the school's officers, agents, or employees.

Sec. 29.192. IMMUNITY FROM LIABILITY. A student who participates in a career and technology program approved by a school district or an open-enrollment charter school is entitled to immunity in the same manner provided under Section 22.053 as a volunteer who is serving as a direct service volunteer of a district or school.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.