

## **BILL ANALYSIS**

Senate Research Center  
76R8123 CAS-D

C.S.S.B. 104  
By: Duncan  
Education  
3/4/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, Texas law does not specifically authorize school districts to keep school campuses open after hours for recreational purposes and tutoring. Concerns regarding a school's potential liability is one cause for some schools not remaining open after regular hours. C.S.S.B. 104 provides school officials and volunteers immunity from liability when volunteering at public school facilities during non-school hours. Local school districts could still control which schools would remain open, the staffing requirements at the schools, and the available extracurricular and educational opportunities.

### **PURPOSE**

As proposed, C.S.S.B. 104 authorizes school districts to keep school campuses open after school hours for academic and recreational purposes.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the board of trustees of an independent school district in SECTION 1 (Sec. 11.165, Education Code) in this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 11D, Education Code, by adding Section 11.165, as follows:

Sec. 11.165. ACCESS TO SCHOOL CAMPUSES. Authorizes the board of trustees of an independent school district to adopt rules to keep school campuses, including libraries, open after school hours for academic programs and recreational activities.

SECTION 2. Provides that this Act applies beginning with the 1999-2000 school year.

SECTION 3. Emergency clause.  
Effective date: upon passage.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1.

Amends Section 11.165, Education Code, to authorize the board of trustees of an independent school district to adopt rules to keep school campuses open after school hours for academic programs and recreational activities. Deletes provision regarding recreational activities and tutoring after school hours. Deletes Subsection (b) providing that a professional employee or volunteer serving in a program for which a school campus is kept open is immune from liability to the same extent as a school district's professional employees or volunteers, as applicable.