

## **BILL ANALYSIS**

Senate Research Center  
81R22566 CAE-D

H.B. 3220  
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Education  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, open-enrollment charter schools are not included under certain sections of the Education Code and Labor Code that grant protections and opportunities to other standing governmental units. As the demand for charter schools grows in Texas, open-enrollment charters are in need of the same protections against civil liability and flexibility in insurance funding as district public schools.

H.B. 3220 grants open-enrollment charter schools greater protections against civil liability under the Texas Tort Claims Act by specifically defining an open-enrollment charter school as a governmental unit as that term is defined in that act and in other applicable statutes. The bill provides open-enrollment charter schools greater flexibility and affordability in planning for and managing risks associated with civil liability, employee benefits, and workers' compensation by allowing such charter schools to be considered as either a local government or a political subdivision for purposes of the applicable statutes.

H.B. 3220 relates to the applicability of certain laws to open-enrollment charter schools.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 12.1056, Education Code, as follows:

Sec. 12.1056. IMMUNITY FROM LIABILITY. (a) Creates this subsection from existing text. Makes no further changes to this subsection.

(b) Provides that an open-enrollment charter school is a governmental unit as defined by Section 101.001 (Definitions), Civil Practice and Remedies Code, and is subject to liability only as provided by Chapter 101 (Tort Claims), Civil Practice and Remedies Code, and only in the manner that liability is provided by that chapter for a school district.

(c) Provides that an open-enrollment charter school is a local government as defined by Section 102.001 (Definitions), Civil Practice and Remedies Code, and a payment on a tort claim is required to comply with Chapter 102 (Tort Claims Payments by Local Governments), Civil Practice and Remedies Code.

SECTION 2. Amends Subchapter D, Chapter 12, Education Code, by adding Section 12.1058, as follows:

Sec. 12.1058. APPLICABILITY OF OTHER LAWS. (a) Provides that an open-enrollment charter school is considered to be a local government for purposes of Chapter 791 (Interlocal Cooperation Contracts), Government Code; a local government for purposes of Chapter 2259 (Self-Insurance by Governmental Units), Government Code, except that an open-enrollment charter school is prohibited from issuing public securities as provided by Section 2259.031(b) (relating to the authorization for a governmental unit to issue public securities and use the proceeds for all or part of a self-insurance fund or

use any money available to the unit for the fund), Government Code; and a political subdivision for purposes of Chapter 172 (Texas Political Subdivisions Uniform Group Benefits Program), Local Government Code.

(b) Authorizes an open-enrollment charter school to elect to extend workers' compensation benefits to employees of the school through any method available to a political subdivision under Chapter 504 (Workers' Compensation Insurance Coverage for Employees of Political Subdivisions), Labor Code. Provides that an open-enrollment charter school that elects to extend workers' compensation benefits as permitted under this section is considered to be a political subdivision for all purposes under Chapter 504, Labor Code.

SECTION 3. Effective date: upon passage or September 1, 2009.