

1-1 By: Little, et al. (Senate Sponsor - Paxton, et al.) H.B. No. 4623  
1-2 (In the Senate - Received from the House May 15, 2025;  
1-3 May 16, 2025, read first time and referred to Committee on  
1-4 Education K-16; May 26, 2025, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 11, Nays 0;  
1-6 May 26, 2025, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 4623 By: Bettencourt

1-21 A BILL TO BE ENTITLED  
1-22 AN ACT

1-23 relating to liability of public schools and professional school  
1-24 employees for sexual misconduct involving students.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Title 5, Civil Practice and Remedies Code, is  
1-27 amended by adding Chapter 118 to read as follows:

1-28 CHAPTER 118. LIABILITY OF PUBLIC SCHOOLS AND PROFESSIONAL  
1-29 EMPLOYEES OF PUBLIC SCHOOLS FOR CERTAIN ACTS OR OMISSIONS

1-30 Sec. 118.001. DEFINITIONS. In this chapter:

1-31 (1) "Open-enrollment charter school" has the meaning  
1-32 assigned by Section 5.001, Education Code.

1-33 (2) "Professional school employee" includes:

1-34 (A) a superintendent or administrator serving as  
1-35 educational leader and chief executive officer of the school,  
1-36 principal or equivalent chief operating officer, teacher,  
1-37 including a substitute teacher, supervisor, social worker, school  
1-38 counselor, nurse, and teacher's aide employed by a public school;

1-39 (B) a teacher employed by a company that  
1-40 contracts with a public school to provide the teacher's services to  
1-41 the school;

1-42 (C) a student in an education preparation program  
1-43 participating in a field experience or internship;

1-44 (D) a school bus driver certified in accordance  
1-45 with standards and qualifications adopted by the Department of  
1-46 Public Safety of the State of Texas;

1-47 (E) a member of the board of trustees of an  
1-48 independent school district or a member of the governing body of an  
1-49 open-enrollment charter school; and

1-50 (F) any other person employed by a public school  
1-51 whose employment requires certification and the exercise of  
1-52 discretion.

1-53 (3) "Public school" means an independent school  
1-54 district or an open-enrollment charter school.

1-55 (4) "Sexual misconduct" means sexual abuse or conduct  
1-56 described by Section 20A.02, 21.02, 21.07, 21.08, 21.11, 21.12,  
1-57 21.15, 21.16, 21.165, 21.17, 21.18, 21.19, 22.011, 22.012, 22.021,  
1-58 or 43.25, Penal Code.

1-59 Sec. 118.002. LIABILITY. (a) A public school that is  
1-60 grossly negligent or reckless, or engages in intentional

2-1 misconduct, in hiring, supervising, or employing a professional  
2-2 school employee is liable for an act or omission that is committed  
2-3 by a professional school employee against a student enrolled in the  
2-4 school and that is:

- 2-5 (1) sexual misconduct; or
- 2-6 (2) failure to report suspected child abuse or neglect  
2-7 under Section 261.101, Family Code.

2-8 (b) In an action against a public school under this chapter,  
2-9 the professional school employee who committed the act or omission  
2-10 on which the claim is based must be named as a defendant.

2-11 Sec. 118.003. DAMAGES. A claimant who prevails in an action  
2-12 under this chapter shall be awarded money damages in a maximum  
2-13 amount of \$500,000 for each claimant.

2-14 Sec. 118.004. COURT COSTS AND ATTORNEY'S FEES. A party who  
2-15 prevails in an action under this chapter is entitled to:

- 2-16 (1) court costs; and
- 2-17 (2) reasonable and necessary attorney's fees.

2-18 Sec. 118.005. REMEDIES NOT EXCLUSIVE. The remedies  
2-19 authorized by this chapter are in addition to any other legal  
2-20 remedies.

2-21 Sec. 118.006. WAIVER OF GOVERNMENTAL IMMUNITY; OFFICIAL  
2-22 IMMUNITY ABOLISHED. (a) A public school's governmental immunity  
2-23 to suit and from liability is waived to the extent of liability  
2-24 created by this chapter.

2-25 (b) A professional school employee may not assert official  
2-26 immunity under Subchapter B, Chapter 22, Education Code, the common  
2-27 law, or any other law in an action brought under this chapter.

2-28 SECTION 2. Chapter 118, Civil Practice and Remedies Code,  
2-29 as added by this Act, applies only to an act or omission that occurs  
2-30 on or after the effective date of this Act.

2-31 SECTION 3. This Act takes effect September 1, 2025.

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