

CIVIL PRACTICE AND REMEDIES CODE

TITLE 5. GOVERNMENTAL LIABILITY

CHAPTER 118. LIABILITY OF PUBLIC SCHOOLS AND PROFESSIONAL
EMPLOYEES OF PUBLIC SCHOOLS FOR CERTAIN ACTS OR OMISSIONS

Sec. 118.001. DEFINITIONS. In this chapter:

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

(2) "Professional school employee" includes:

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

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

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

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

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

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

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

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

Added by Acts 2025, 89th Leg., R.S., Ch. 949 (H.B. 4623), Sec. 1, eff. September 1, 2025.

Sec. 118.002. LIABILITY. (a) A public school that is grossly negligent or reckless, or engages in intentional misconduct, in hiring, supervising, or employing a professional school employee is liable for an act or omission that is committed by the employee against a student enrolled in the school and that is:

(1) sexual misconduct; or

(2) failure to report suspected child abuse or neglect under Section [261.101](#), Family Code.

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

Added by Acts 2025, 89th Leg., R.S., Ch. 949 (H.B. [4623](#)), Sec. 1, eff. September 1, 2025.

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

Added by Acts 2025, 89th Leg., R.S., Ch. 949 (H.B. [4623](#)), Sec. 1, eff. September 1, 2025.

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

(1) court costs; and

(2) reasonable and necessary attorney's fees.

Added by Acts 2025, 89th Leg., R.S., Ch. 949 (H.B. [4623](#)), Sec. 1, eff. September 1, 2025.

Sec. 118.005. REMEDIES NOT EXCLUSIVE. The remedies authorized by this chapter are in addition to any other legal remedies.

Added by Acts 2025, 89th Leg., R.S., Ch. 949 (H.B. [4623](#)), Sec. 1, eff. September 1, 2025.

Sec. 118.006. WAIVER OF GOVERNMENTAL IMMUNITY; OFFICIAL IMMUNITY ABOLISHED. (a) A public school's governmental immunity to suit and from liability is waived to the extent of liability

created by this chapter.

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

Added by Acts 2025, 89th Leg., R.S., Ch. 949 (H.B. 4623), Sec. 1, eff. September 1, 2025.