

## **BILL ANALYSIS**

Senate Research Center  
80R4095 JLL-D

S.B. 370  
By: Shapiro  
Education  
2/23/2007  
As Filed

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

Currently, school districts are permitted to hold teachers liable for items confiscated under a district, campus, or classroom policy that are then damaged or stolen. Although confiscating these items is within the scope of a teacher's duty and the law protects teachers for such confiscations, some districts have attempted to make teachers pay for them. Additionally, some districts hold teachers liable for textbooks and technological equipment by requiring them to waive their immunity from liability in their employment contracts.

As proposed, S.B. 370 prohibits school districts from requiring district employees to assume liability for confiscated items or textbooks through an employment contract and prohibits district employees from waiving their immunity from liability.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 22.0511, Education Code, by adding Subsection (d), as follows:

(d) Prohibits a school district by policy, contract, or administrative directive from requiring a district employee (employee) to assume liability for an act for which the employee is immune from liability under this section, or to pay for or replace property belonging to a student or other person that is or was in the possession of the employee because of an incident that is within the scope of the duties of the employee's position.

SECTION 2. Amends Section 31.104(e), Education Code, as follows:

(e) Adds electronic textbook and technological equipment to, and deletes instructional technology from the list of items that the board of trustees of a school district is prohibited from requiring an employee to pay for if the item is damaged, stolen, misplaced, or not returned. Adds "damaged" to the list of criteria for which an employee is not required to pay, and deletes the requirement that the harm to certain material be committed by a student. Prohibits an employee from waiving this provision.

SECTION 3. Makes ineffective an employee's assumption of liability from which the employee is immune under Section 22.0511, Education Code, relating to immunity from liability for school district employees, or a waiver by an employee of the employee's immunity from liability under Section 31.104(e), Education Code, relating to the prohibition on school-related reimbursement by employees, that is made before the effective date of this Act.

SECTION 4. Effective date: upon passage or September 1, 2007.