

Resolution for a Repeal of School District Sovereign Immunity

Whereas, statutes in Texas Education Code Chapter 22 providing sovereign immunity to educators are too broadly interpreted and applied. In consequence, students have been seriously harmed at the hands of Texas public school employees by acts of physical and sexual violence, resulting in damages for which they would be liable if performed by any other member of the public or in any other setting;

Whereas, tort law “holds defendants responsible for injuries they have caused others through wrongful conduct” (Goldberg & Zipursky, 2010, p. 925) and “the intent of tort law is to correct and deter certain tortious behavior” (Buckley, 2017). “If a person who causes harm knows that they could face potential legal liability for their actions, tort law consequences should stop that behavior.” (Kates, Melissa Ballou, "Statutory Immunity for Educators: An Analysis of Decisions by the Texas Commissioner of Education and Texas Appellate Courts After House Bill 4" (2020). Digital Commons @ ACU, Electronic Theses and Dissertations. Paper 258.

<https://digitalcommons.acu.edu/cgi/viewcontent.cgi?article=1270&context=etd>);

Whereas, US Congress passed the Federal Tort Claims Act in 1946, *recognizing the need to waive immunity for lawsuit involving negligent acts or omissions of government employees; in the same way that private individuals are liable for negligence; as have other states;*

Whereas, Texas Education 911 has documented parents’ inability to obtain a just resolution using the local grievance process required by Texas Education Code Chapter 26 in school districts across Texas;

Whereas, public information request (PIR) data indicates that the vast majority of TEA appeals are decided in favor of school districts and against parents; the TEA’s reason for dismissal is most often lack of jurisdiction. Parents have no avenue to redress their grievances with local and state government education agencies when their children are harmed by sexual or violent assault in school;

Whereas, under current statute, vulnerable children in a captive educational environment are at the complete mercy of just about every adult who has access to minors in school settings, with no legal deterrent or civil recourse for unlawful acts committed against children;

Whereas, unfettered immunity protections for school districts and educators creates insufficient protection for school children;

Whereas, *Texas Scorecard* reported on at least 100 Texas educators who faced arrest or conviction for sex with students, sexual assault of children, soliciting sex, and possessing child pornography in 2023.

<https://texasscorecard.com/state/number-of-texas-teachers-charged-with-sex-crimes-continues-to-grow/>;

Whereas, one child victim is too many.

Therefore, be it resolved that, the Texas Legislature must, with haste, enact common-sense repeal of sovereign immunity for school districts and “professional school employees” when they commit sexual or violent crimes against a student.

A copy of this resolution should be sent to the _____ County/Senate District# _____ Convention Resolutions Committee from Precinct # _____ with the recommendation that it be passed and sent to the State Convention Platform Committee of the _____ Party of Texas.

