

PROTECTIONS FOR TEACHERS UNDER TEXAS LAW

- I. Immunity from liability - §22.0511, Education Code
summary: Professional employees of school districts are not personally liable for acts incident to or within the scope of their duties that involve the exercise of discretion, other than:
 - 1) using "excessive force" or "negligence resulting in bodily injury" while disciplining a student, or,
 - 2) operation or maintenance of a motor vehicle.

Districts can't require employees to waive these immunities, and can't force reimbursement.
- II. Immunity from liability - 20 U.S.C. Section 6731 *et seq.*
summary: Known as the Paul D. Coverall Teacher Protection Act of 2001; provides protection over and above state law, especially for federal court issues.
- III. Immunity from disciplinary proceedings - §22.0512, Educ. Code
summary: The use of physical force against a student can't be the basis for discharge, suspension, termination or nonrenewal. The State Board for Educator Certification is also prohibited from enforcing the Code of Ethics with regard to any such situations. The use of force must be "justified," in that it can only be as much force as the teacher "reasonably believes" is necessary in that situation.
Caveat: The Austin Court of Appeals has just affirmed a decision by the State Board for Educator Certification to sanction a principal who paddled a student following his district's policies, but left bruises.
- IV. Procedural Protections
 1. Anyone suing a teacher must "exhaust remedies" with the school district before filing suit. §22.0514, Educ. Code.
 2. If liability is found despite the immunities teachers have, it is limited to \$100,000. §22.0515, Educ. Code.
 3. Cases against teachers can be referred by the courts to alternative dispute resolution. §22.0516, Educ. Code.
 4. Teachers found to be immune when they are sued can recover attorneys' fees and costs. §22.0517, Educ. Code.

- V. Immunity for administering medicines - §22.052, Educ. Code
summary: If the school district adopts a policy about administering medications, the district, its board and its employees are all immune from liability from damages or injuries resulting from administration of the medicines to a student if 1) they received a written request to give the medicine, and 2) the medicine comes in the correct container. This law doesn't protect a teacher who is found to have been "grossly negligent" in giving medications to a student.
- VI. Frivolous suits - §22.055, Educ. Code
summary: School district employees can recover attorneys' fees and costs of court if someone files a frivolous suit against them, if the suit is dismissed or judgment is for the employee.

Other important rules to remember:
(at www.sbec.state.tx.us)

- Educator's Code of Ethics
- State Board for Educator Certification Rules for Disciplinary Proceedings