



## **Texas Statutory Code Chaos Creates a Two-Tiered System of Justice, Favoring School Employees' Immunity over Student Safety**

**The Problem:** When a child is harmed in a Texas public school, parents are shocked to see school districts sweep things under the rug, shut down parents advocating for their children, and in many cases, allow an adult perpetrator to go away quietly without facing criminal or civil consequences for their actions. Texas Education 911 can explain why and how this happens, and what can be done about it.

**The Explanation:** After reviewing the failures within the TEA's Educator Misconduct Reporting System and assisting parents when their child has been harmed at school, we've discovered numerous discrepancies littered throughout statutory code that create alarming loopholes when it comes to holding educators accountable for their actions. The inconsistencies are weaved throughout Education, Administrative, Government, Civil Practices and Remedies, Family, and Penal codes. This "code chaos" allows school employees to exploit and harm children without the same criminal and civil liabilities that others would face if they committed the same acts with a child. The affirmative defense to assault in Texas Penal Code 9.62 and sovereign immunity protections for school districts and their employees in the Texas Tort Claims Act (Civil Practices and Remedies Code, Ch. 101) are two glaring examples. They create a two-tiered system of justice favoring the protection of school employees from consequences over authentic student safety. How is this even fair?

The truth is most people would not find the actions of the Georgetown ISD educator who was just released from the district reasonable. According to the victim's family, the teacher's alleged assaultive actions came from behind the 11-year old student and were unprovoked. The matter should be put before a jury, with haste.

Additional statutory observations:

- A significant lack of statutes strengthening parents' rights to safeguard their children,
- A lack of criminal consequence for districts who violate code, and
- Consequences are needed for districts that blatantly derail a parent's right to due process and full transparency when a legitimate concern about their child arises

**The Solution:** Creating an Office of Inspector General to investigate waste, fraud and abuse in schools, cleaning up the code chaos, and exempting certain criminal behavior from immunity protections are some of the key solutions we propose. While some elected officials are taking steps to address these issues, we urge local and state leaders to join our campaign to strengthen family protections. Texas Education 911 is actively engaging with state officials and invites any elected representative to meet with us. Together, we can work towards understanding and resolving these critical concerns before the upcoming legislative session.

*Texas Education 911 advocates for parental rights and the protection of children within Texas schools.*