



Cypress-Fairbanks Independent School District

Insurance Department

IMMUNITY STATEMENT

An explanation relevant to governmental immunity as
quoted from TASB correspondence of August 2003

Please be advised that the Texas Association of School Boards (TASB) Risk Management Fund administers the general liability claims on behalf of Cypress-Fairbanks Independent School District.

School districts are political subdivisions of the state and are not answerable for the negligence of their trustees, agents, or employees under the doctrine of governmental immunity. The only exception to this immunity occurs when an employee has negligently operated or used a motor vehicle as provided in the Texas Tort Claims Act, TEX. CIV. PRAC. & REM CODE 101.021, 101.051. Numerous courts have upheld the doctrine of governmental immunity. See e.g., Braun v. Victoria Independent School District, 114 S. W. 2d 947 (Tex. Civ. App. – San Antonio 1938, writ ref'd n.r.e.); Barr v. Bernhard, 562 S. W. 2d 844 (Tex. 1978); Pierson v. Houston Independent School District, et. Al., 698 S. W. 2d 733 (Tex. App. 14 Dist. – Houston 1985, writ ref'd n.r.e.); Hopkins v. Spring Independent School District, et. Al., 736 S. W. 2d 617 (Tex. 1987). The most recent application of this doctrine by the Texas Supreme Court occurred in Luna v. Harligen Consolidated Independent School District, 821. S. W. 2d 442 (Tex. App. – Corpus Christi 1991, writ denied).

Additionally, individual employees of school districts are provided the same immunity for their negligent acts as school districts. Under TEX. EDUC. CODE 22.051, no employee of any school district shall be personally liable for any act causing injury or property damage except in circumstances where a student being disciplined suffers bodily injury due either to negligence or the use of excessive force. The Barr and Hopkins cases provide the Texas Supreme Court's analysis on the individual liability of school employees.

Neither the district nor its employees are liable due to the doctrine of immunity.

Also, the district does not have a med-pay policy or personal injury protection coverage as the Attorney General has ruled it unconstitutional for school districts to carry this type of coverage. The Attorney General Opinion is No. H-602.

To contact the Texas Association of School Boards Risk Management Fund directly you can call 1-800-482-7276.