

109TH CONGRESS
1ST SESSION

H. R. 4592

To provide liability protection in Federal court for educators and school administrators, who are working within the scope of their employment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2005

Mr. GOHMERT introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To provide liability protection in Federal court for educators and school administrators, who are working within the scope of their employment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Educational Immunity
5 Act of 2005”.

6 **SEC. 2. LIABILITY PROTECTION IN FEDERAL COURT FOR**
7 **EDUCATORS AND SCHOOL ADMINISTRATORS.**

8 (a) IN GENERAL.—An educator or school adminis-
9 trator in a pre-K–12 school is not liable, in Federal court,

1 for damages of any nature or any other legal or equitable
2 remedy, for any act or omission in the course and scope
3 of that employment, except as provided in this section.

4 (b) EXCEPTIONS.—The liability protection in sub-
5 section (a) does not apply to—

6 (1) liability under a contract; or

7 (2) conduct punishable as a crime.

8 (c) ATTORNEY FEES AND COSTS.—If any teacher or
9 school administrator is sued and the case is dismissed or
10 no liability found against such teacher or administrator,
11 the person immunized hereunder is entitled to be reim-
12 bursed for actual attorneys fees, all court related costs,
13 fees and expenses, as well as out of pocket monies ex-
14 pended or lost arising out of or related to the litigation.

15 (d) DEFINITIONS.—In this section:

16 (1) The term “pre-K–12 school” means a
17 school, whether public or private, for one or more
18 grades from pre-kindergarten through grade 12.

19 (2) The term “educator” includes a teacher, a
20 teaching assistant, a guest lecturer, and a librarian.

21 (3) The term “school administrator” includes a
22 principal, an assistant principal, a Superintendent,
23 Assistant Superintendent, or their employees.

- 1 (4) The term “employed” includes work on an
2 unpaid basis.

