

Editorial Notes

CODIFICATION

Section was classified to section 6732 of this title prior to renumbering by Pub. L. 114-95.

§ 7943. Definitions

For purposes of this subpart:

(1) Economic loss

The term “economic loss” means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) Harm

The term “harm” includes physical, non-physical, economic, and noneconomic losses.

(3) Noneconomic loss

The term “noneconomic loss” means loss for physical or emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society or companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, or any other nonpecuniary loss of any kind or nature.

(4) School

The term “school” means a public or private kindergarten, a public or private elementary school or secondary school, or a home school.

(5) State

The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) Teacher

The term “teacher” means—

(A) a teacher, instructor, principal, or administrator;

(B) another educational professional who works in a school;

(C) a professional or nonprofessional employee who—

(i) works in a school; and

(ii)(I) in the employee’s job, maintains discipline or ensures safety; or

(II) in an emergency, is called on to maintain discipline or ensure safety; or

(D) an individual member of a school board (as distinct from the board).

(Pub. L. 89-10, title VIII, §8553, formerly title II, §2363, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1667; renumbered title IX, §9543, renumbered title VIII, §8553, Pub. L. 114-95, title II, §2001(a)(3)(A), (B), (D), title VIII, §8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089.)

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Section was classified to section 6733 of this title prior to renumbering by Pub. L. 114-95.

§ 7944. Applicability

This subpart shall only apply to States that receive funds under this chapter, and shall apply to such a State as a condition of receiving such funds.

(Pub. L. 89-10, title VIII, §8554, formerly title II, §2364, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1668; renumbered title IX, §9544, renumbered title VIII, §8554, Pub. L. 114-95, title II, §2001(a)(3)(A), (B), (D), title VIII, §8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089.)

Editorial Notes

CODIFICATION

Section was classified to section 6734 of this title prior to renumbering by Pub. L. 114-95.

§ 7945. Preemption and election of State non-applicability**(a) Preemption**

This subpart preempts the laws of any State to the extent that such laws are inconsistent with this subpart, except that this subpart shall not preempt any State law that provides additional protection from liability relating to teachers.

(b) Election of State regarding nonapplicability

This subpart shall not apply to any civil action in a State court against a teacher with respect to claims arising within that State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this subpart shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

(Pub. L. 89-10, title VIII, §8555, formerly title II, §2365, as added Pub. L. 107-110, title II, §201, Jan. 8, 2002, 115 Stat. 1668; renumbered title IX, §9545, renumbered title VIII, §8555, Pub. L. 114-95, title II, §2001(a)(3)(A), (B), (D), title VIII, §8001(a)(7), Dec. 10, 2015, 129 Stat. 1913, 2088, 2089.)

Editorial Notes

CODIFICATION

Section was classified to section 6735 of this title prior to renumbering by Pub. L. 114-95.

§ 7946. Limitation on liability for teachers**(a) Liability protection for teachers**

Except as provided in subsection (b), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

(1) the teacher was acting within the scope of the teacher’s employment or responsibilities to a school or governmental entity;

(2) the actions of the teacher were carried out in conformity with Federal, State, and local laws (including rules and regulations) in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school;

(3) if appropriate or required, the teacher was properly licensed, certified, or authorized