

GREEN SHEET REDIGEST

HB 59

2020 First Extraordinary Session

Mincey

**LIABILITY/PUBLIC:** Provides relative to limitations of liability for public and private school districts and postsecondary institutions during a declared state of emergency or a public health emergency. (Item #40)

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DIGEST

Proposed law provides for immunity for public, nonpublic, and charter schools from civil liability from damages resulting from exposure to COVID-19 or acts undertaken in an effort to respond to the COVID-19 public health emergency.

Proposed law prohibits causes of action related to the contraction of COVID-19 at a public, nonpublic, or charter school facility, bus, or event and at a public or nonpublic postsecondary education facility or event based on the actions or failure to act of school agents.

Proposed law provides that schools and postsecondary institutions will not be immune from civil liability for damages resulting from actions or inactions that (1) are in violation of a policy adopted by the school and (2) are determined to be grossly negligent or wanton or reckless misconduct.

Proposed law prohibits a public school governing authority from adopting a policy, rule, or regulation that imposes a lesser standard than what is prescribed in a rule or regulation adopted by the State Board of Elementary and Secondary Education, in accordance with the Administrative Procedure Act.

Provides that the provisions of proposed law are to be applied retroactively to March 11, 2020, as well as prospectively.

(Adds R.S. 17:439.1 and 3391)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Add charter schools to the list of protected public school entities.
2. Extend the proposed law immunity from civil liability to public postsecondary education institutions.

The House Floor Amendments to the engrossed bill:

1. Add private schools to the list of protected school entities.
2. Add private postsecondary education systems to list of protected postsecondary education systems.
3. Provide an exception that public and private schools and public and private postsecondary education systems will not be immune for certain actions or inactions.
4. Provide that proposed law shall be retroactive to March 11, 2020.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the reengrossed bill

1. Make technical changes to conform usage of terms with provisions of Title 17. Change "private" to "nonpublic" and "district" to "system".
2. Provide that the immunity from civil liability is restricted to the COVID-19 public health emergency.
3. Prohibits a public school governing authority from adopting a rule, regulation, or policy that imposes a lesser standard than that adopted by BESE.