

**HOUSE SUMMARY OF SENATE AMENDMENTS****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)

**Synopsis of Senate Amendments**

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. Prohibit a public school governing authority from adopting a rule, regulation, or policy that imposes a lesser standard than that adopted by BESE.
4. Provide that BESE adopt policies regarding COVID-19 no later than July 15, 2020, which shall be adopted by each public school governing authority prior to the 2020-2021 school year.
5. Provide that Public Postsecondary Boards of Supervisors adopt policies regarding COVID-19 for the 2020-2021 school year.

**Digest of Bill as Finally Passed by Senate**

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.

Proposed law provides that the State Board of Elementary and Secondary Education adopt policies that conform to the Centers for Disease Control and Prevention guidelines regarding COVID-19 by July 15, 2020.

Proposed law provides that the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, University of Louisiana System, and Community and Technical Colleges adopt policies that conform to Centers for Disease Control and Prevention guidelines regarding COVID-19.

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)