
DIGEST

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HB 16 Original

2020 Second Extraordinary Session

Frieman

Abstract: Provides for the applicability of limitations of liability for certain school systems during public health emergencies and removes requirements to comply with the State Board of Education and Secondary Education policies.

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

Proposed law amends present law to remove references restricting applicability of present law to COVID-19 public health emergencies.

Present law provides that schools and postsecondary institutions shall 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 retains present law.

Present 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 removes this requirement.

Present 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 are informed by the Centers for Disease Control and Prevention guidelines regarding COVID-19.

Proposed law retains present law.

Proposed law is retroactive to March 11, 2020.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 17:439.1 and 3392)