
DIGEST

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HB 16 Engrossed

2020 Second Extraordinary Session

Frieman

Abstract: Provides for the applicability of limitations of liability for schools, school systems, postsecondary education institutions, and postsecondary education governing authorities relating to COVID-19.

Present law provides that all of the following are immune from civil liability for damages resulting from exposure to COVID-19 or acts undertaken to respond to the COVID-19 public health emergency.

- (1) Public and nonpublic schools, school systems, and school governing authorities.
- (2) Public and nonpublic postsecondary education systems, institutions, and management boards.
- (3) The officers, employees, and agents of any of the above.

Proposed law provides that the immunity for acts undertaken applies to acts undertaken to respond to COVID-19 rather than those undertaken to respond to the COVID-19 public health emergency. Otherwise retains present law.

Present law provides that present law is limited to claims related to the COVID-19 public health emergency. Proposed law provides instead that present law and proposed law are limited to claims related to COVID-19.

Present law provides that the immunity provided by present law does not apply to an action if the action violated established laws, polices, rules, or regulations and if the action is determined to be grossly negligent or wanton or reckless misconduct. Prohibits public school governing authorities from adopting a policy, rule, or regulation that imposes a lesser standard than a rule or regulation adopted by the State Bd. of Elementary and Secondary Education.

Proposed law retains present law.

Present law and proposed law are 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)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Reinstates present law prohibition against a public school governing authority's adoption of a policy, rule, or regulation that imposes a lesser standard than what is prescribed in a rule or regulation adopted by BESE.