

MEMBER ALERT

AB 1384: Liability Protections for K-12 Schools

The 20-21 SISC Memorandum of Coverage excludes insurance protection for COVID-19 related illness/claims. This is a statewide burden on schools. Insurance pools did not have the need to provide coverage related to Organic Pathogens until now.

In response to this complication, JPA's worked closely with other education advocates and the author's office to craft legislation that would offer protections to schools as officials continue to analyze and identify all potential avenues to return to in-person instruction and on-campus services. The overriding concern remains for the safety of students, staff and local communities while recognizing the value of in-person learning to students and their families.

Yesterday, Assemblymember Patrick O'Donnell (D-Long Beach) introduced **AB 1384** in response to school districts' concerns of COVID-19 related lawsuits. In his Press Release Assemblymember O'Donnell stated, "AB 1384 ensures that policies and procedures are established to safely reopen schools, consistent with federal, state and local legal COVID-19 requirements, and allows school districts to focus on instruction rather than lawsuits. We cannot divert scarce resources for instruction, meals and other student needs for legal bills or let schools become cash cows for lawyers."

The bill does not modify or affect workers compensation claims by employees, which presumption is set to expire July 5, 2020. The protections afford under AB 1384 also do not apply to claims for money or damages for gross negligence or reckless, intentional, or willful and wanton misconduct.

AB 1384 will be heard in its first policy committee after the Legislature's summer recess. Legislators are back in session on July 13, 2020.

Attached:

- Patrick O'Donnell Press Release
- AB 1384 Fact Sheet

Tuolumne JPA members will be notified as more information becomes available.