

# AN ACT TO SECURE THE SAFE REOPENING OF CALIFORNIA'S ELEMENTARY AND SECONDARY SCHOOLS

## SECTION 1.

(a) The Legislature finds and declares all of the following:

- (1) All of California's public school students deserve and need safe and supportive school environments in which to learn.
- (2) The COVID-19 pandemic has required significant changes impacting public schools throughout the State and nationwide, including the temporary closings of school facilities to limit contact and achieve social distancing.
- (3) Because of the uncertainty and fluidity of the COVID-19 pandemic and response thereto, federal, State, county, and local regulations and orders and public health guidelines have changed and developed over time.
- (4) Creating safe learning environments that in a manner that gives due consideration to current COVID-19 regulations, orders, and guidelines is critical for our State and its residents.
- (5) Subjecting public schools to costly litigation and liability exposure to reopening and operating during the COVID-19 pandemic would divert scarce public resources from providing students with educational instruction, meals and other essential resources.

## SECTION 2.

- (a) During the COVID-19 pandemic, a governing board of a local educational agency, or their designee, shall develop or adopt policies and procedures for operating programs and facilities in a manner consistent with applicable federal, state, and local legal and regulatory requirements and which takes into consideration COVID-19 guidelines from federal, state, and local government entities and public health agencies.
- (b) If subsection (a) above is satisfied, that local educational agency, its officers, employees and agents shall not be liable for any claims for money or damages related to COVID-19 infection or arising from any operations during the COVID-19 pandemic, including, but not limited to, claims of injury, death, emotional distress, economic loss, or violation of civil liberties, notwithstanding any provision of law to the contrary, including but not limited to, any contrary provision contained in Government Code sections 810 - 998.3 or Civil Code sections 1708 and 1714(a). The liability protections afforded under this section do not apply to claims for money or damages for gross negligence or for reckless, intentional, or willful and wanton misconduct.
- (c) The liability protections afforded under this section shall apply to any claims for injury or damages alleged to have been sustained throughout the COVID-19 pandemic as defined herein or within twelve months following the end of the declaration of a State of Emergency , whichever is later.
- (d) This section shall not modify or affect claims by employees under Labor Code sections 3200-6002, which establishes the sole and exclusive remedial scheme for employees who have incurred an injury in the course and scope of their employment. At all other times falling within subsection (b), this section shall apply to employees.
- (e) For purposes of this section, "local educational agency" means a school district, a county office of education, a school operated by a school district or a county office of education, a charter school, the California Schools for the Deaf, or the California School for the Blind.
- (f) For purposes of this section, "COVID-19 pandemic" means the outbreak and spread of respiratory illness that is commonly referred to as COVID-19, and which is the subject of Governor Gavin Newsom's March 4, 2020 Proclamation of a State of Emergency, for as long as said State of Emergency remains in effect, or any subsequent State of Emergency relating to the COVID-19 is proclaimed.