



Coalition of Oregon School Administrators
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December 17, 2020

TO: Joint Interim Committee on the Third Special Session of 2020
FR: Superintendent Kathleen Rodden-Nord, Junction City School District
RE: Testimony in Support of LC 21 (School Liability Protections)

Co-Chair Courtney, Co-Chair Kotek, and members of the Committee:

On behalf of the Coalition of Oregon School Administrators and our 2500 members across Oregon, I am here to ask for your support of Legislative Concept 21 to provide limited liability protection to our school districts, charter schools, education service districts, and community colleges.

The 2020 school year has been one of the most challenging and unpredictable experiences of my career. Our staff and students greatly appreciate all of the support, financially and otherwise, the Legislature has given to our schools this year. But there is still a major challenge that we have yet to deal with in 2020.

School Districts and Education Service Districts are not able to purchase insurance to protect against costs of COVID-19 lawsuits. Insurance carriers and re-insurers stopped offering COVID-19 and communicable disease policies in Oregon earlier this year. Our schools and districts across Oregon need the Legislature to take action and provide limited liability protection during the COVID-19 emergency.

We are not asking for full immunity or protection from irresponsible actions, but our schools and districts should have some legal protections if we are following all the guidance and rules for COVID-19 safety that have been issued by the Oregon Department of Education, Oregon Health Authority, OSHA and others.

LC 21 is a balanced, compromise approach that provides both liability protections for schools *and* extends whistleblower protections to employees who work within our schools. Specifically, the bill:

- Grants limited liability protection to charters, school districts, ESDs and community colleges related to COVID-19 infection, *if the school is operating in compliance with COVID-19 emergency rules.*
- Clarifies that a third party engaged in activities not operated by a school district, ESD, etc. -- but on district property -- may not bring a claim against the district for damages related to COVID-19 infection if there is not reckless, wanton, or intentional misconduct by the district.

- School district employees are currently covered by retaliation and whistleblower protections under Oregon law. The legislation clarifies retaliation and whistleblower protections for private workers during the COVID-19 emergency period. For example, this legislation clarifies that a private employer operating a school related program (like transportation or nutrition) cannot retaliate against a worker if a COVID-19 related complaint is made about health and safety conditions.

School districts across Oregon are doing everything they can to ensure our students can safely resume learning, but the uncertainty around COVID-19 liability continues to be a challenge and a significant concern for us. Our districts need to know that if we are following state guidance to protect our students, staff, and community we will be protected from lawsuits related to COVID-19 exposure. Without this protection, we leave our district budget vulnerable no matter what we do.

Thank you for the opportunity to testify today. I urge your swift passage of LC 21 so that we can take a critical step towards returning to in-person learning across Oregon.