

December 17, 2020

Dear Chairs Kotek and Courtney, Vice Chairs Drazan and Girod, and members of the Joint Interim Committee on the Third Special Session of 2020,

On behalf of Oregon's 17 community colleges, the Oregon Community College Association urges your support for LC 21. The bill as proposed will create an essential, limited safe harbor from lawsuits related to COVID-19 for school districts, public charter schools, ESDs, and community colleges. This limited liability protection will ensure that community college resources are focused on following state and federal COVID-19 standards as we continue to offer essential courses on campus and work to broaden in-person classes instead of defending lawsuits.

Most college operations, including administrative services, instruction, and career and technical education and training, moved to a remote, virtual environment in March. On campus operations have been limited to those activities permitted by the Governor's Executive Orders, specifically EO 20-09 *Suspension of In-Person Instructional Activities at Higher Education Institutions in Response to Coronavirus (COVID-19) Outbreak* and EO 20-28 *Operation of Higher Education Institutions during Coronavirus Pandemic*. EO 20-28 was extended and continues to apply to community college on-campus education activities.

Since June, as a result of the Governor's Executive Order EO-28 and the guidance released by the Oregon Health Authority (OHA) and the Higher Education Coordinating Commission (HECC) related to in-person instruction, residential, and research activities at higher education institutions, community colleges have developed and implemented broader re-opening plans. Under the HECC/OHA guidance, this process required community colleges to develop written COVID-19 health and safety operational plans that reduce potential COVID-19 exposure for students, faculty and staff who are on campus to engage in official college business. The plans reflect input from students, faculty, and staff; were vetted by local public health authorities; approved by each local community college district's elected board of education; and submitted to HECC by September 1, 2020. These comprehensive plans require colleges to remain closed to the general public and address all aspects of the limited re-opening of campuses including entry and self-screening, isolation measures, health-related communication, hand hygiene and respiratory etiquette, faculty and staff PPE and leave, general facilities sanitation and ventilation, instructional activities, research activities, residential activities, and communicable disease management plans. Oregon community colleges are also required to follow the recently released Oregon OSHA Temporary COVID-19 standard applicable to Oregon workplaces.

In late Spring community colleges were also notified that their liability insurance policies no longer offer coverage for the risk of unintentional spread of COVID-19. This means that colleges will now be responsible for the costs of litigation that might result without the benefit of insurance to mitigate against losses. This will redirect college resources that would otherwise be available to broaden on-campus offerings to students and aid in the pandemic response and economic recovery of their communities. Community colleges are already experiencing unprecedented losses in student

enrollment due to limited course offerings especially in those career and technical education fields where in-person, hands on learning is required. This has impacted lower income and marginalized students of color particularly hard.

LC 21 will not shield institutions that are engaging in reckless, wanton, or intentional misconduct. The limited protections in the bill will only remain in place during the declared COVID-19 emergency.

LC 21 is a commonsense safe harbor for institutions that are following state and federal guidance so colleges can continue to provide instruction in a manner that is safe for our students, faculty, and staff. Oregon's economy requires trained and educated workers, especially in critical health care and emergency response fields. Community colleges continue to play a critical role in providing these necessary education activities. LC 21 ensures that resources go toward these efforts. We urge your support.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. M. Smith', with a long horizontal flourish extending to the right.

Karen M. Smith
General Counsel