

December 17, 2020

President Peter Courtney and Speaker Tina Kotek
Joint Committee on the Third Special Session
Oregon State Capitol
Salem, OR 97301

RE: LC 21 – relating to claims arising during the COVID-19 emergency period

Dear President Courtney, Speaker Kotek and committee members:

Oregon's public university presidents support the provisions of LC 21. The bill will help ensure Oregon students are able to return to classrooms designed with safety considerations while offering sensible liability limitations to public K-12 schools and community colleges operating in compliance with state guidelines. Returning our young students to in-person instruction must be Oregon's highest priority if we are to withstand the economic and academic impacts of the COVID-19 pandemic and begin the arduous process of understanding and responding to the effects of the past year on Oregon's youth, particularly in our most vulnerable populations.

The difficulties facing our K-12 students, parents and teachers do not end with high school. The same policy considerations that lead us to support liability limitations for K-12 and community colleges apply to Oregon's public universities. Too many of Oregon's university students are similarly struggling as they face technology barriers, financial challenges, and the profound and disparate mental health struggles associated with the isolation intrinsic to their remote instruction.

As we look toward 2021, it is vital that Oregon's universities can begin a safe, careful and well-planned return to in-person instruction, research and outreach activities, each of which will grow the state economy. Unfortunately, Oregon's public universities have been notified we will lose insurance coverage for negligence liability due to virus and infectious diseases at time of renewal. This will leave Oregon's higher education institutions vulnerable to the exact same litigation risks that LC 21 is addressing for K-12 and community colleges, but perhaps with even further impact, given universities' statewide impact for research and outreach. Enjoying responsible and limited liability protections alongside continued coordination with state and local health authorities are crucial components of achieving our goal to begin bringing students back into classrooms, researchers back into their labs and fieldworks, and all the other statewide extension and outreach activities from which our state and Oregonians greatly benefit.

Despite the extraordinary efforts of our faculty and staff, the high quality of the education our institutions are providing remotely and the perseverance of our students, it is increasingly clear that for

many, the obstacles associated with remote instruction are taking an extraordinary toll. We are concerned about substantial decreases in student persistence across all demographics, but particularly among first generation and low-income students.

Oregon's public universities have been steadfast in their commitment to the health of our students and all Oregonians. We have acted consistently with orders, directives and guidelines issued by Governor Kate Brown, the Oregon Health Authority and the CDC throughout the COVID-19 crisis. Indeed, in many regards we have exceeded state and local health provisions on our campuses and have led the response to the pandemic throughout our communities and across Oregon. That commitment is unwavering. Yet as we move ahead, we cannot ignore our fiduciary responsibilities to our institutions, to the state, and to our students, whose tuition dollars pay the majority of our expenses (including attorneys' fees).

We request inclusion in LC 21. If that is not possible, we seek the creation of an additional work group to urgently consider how best to extend similar protections to Oregon's public universities. Fair and measured liability protections are an important step on the road to in-person instruction and increased student success within Oregon's public universities in 2021.

Sincerely,



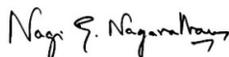
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