

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 4402 - 1

80th Oregon Legislative Assembly – 2020 3rd Special Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

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Measure Description:

Limits liability of school districts, union high schools, education service districts, public charter schools, private schools and community colleges for certain claims arising during COVID-19 emergency period.

Government Unit(s) Affected:

Department of Education (ODE), School Districts, Community Colleges, Higher Education Coordinating Commission.

Summary of Fiscal Impact:

Costs related to the measure are indeterminate at this time - See explanatory analysis.

Analysis: The measure prohibits claims for damages related to COVID-19 infection suffered from acts or omissions of a school districts, union high schools, education service districts, public charter schools, private schools, and community colleges, while operating an education program and the school was in compliance with COVID-19 emergency rules in effect at the time. Excludes the following:

- activities on school district property if these activities are not operated by the school district;
- reckless, wanton, or intentional misconduct;
- causes of actions and remedies for claims arising from laws relating to state worker safety and health, workers’ compensation, state or federal leave and wage, state and federal discrimination or retaliation, or state and federal specialized instruction.

Provides whistleblower protections for school services employees who report or file complaints relating to violations of laws, regulations, or standards governing the COVID-19 pandemic and specifies process for striking prohibited claims.

Schools indicate the possible fiscal impact is indeterminate due to the unknown number of suits that may need to be investigated. The provisions of the bill could result in avoiding costs associated with investigation and analysis for a motion for summary judgement. Typically, this could cost schools between \$15,000 and \$25,000 in legal fees per occurrence. If the suit goes to trial it could require \$30,000 and \$50,000 at minimum. This does not include any potential damages that may be awarded.

The Oregon Department of Education indicates there would be no fiscal impact to the department.