



959540

LEGISLATIVE ACTION

Senate

.
. .
. .
. .
. .

House

The Committee on Rules (Gruters) recommended the following:

1 **Senate Amendment to Amendment (502390) (with title**
2 **amendment)**

3
4 Delete lines 92 - 139

5 and insert:

6 nonpublic. The Board of Governors of the State University System
7 and the State Board of Education are also included within the
8 immunity protections afforded by this section.

9 (3) (a) An educational institution that has taken reasonably
10 necessary actions in compliance with federal, state, or local
11 guidance to diminish the impact or the spread of COVID-19 may



959540

12 not be held liable for, and shall be immune from, any civil
13 damages, equitable relief, or other remedies relating to such
14 actions. Reasonably necessary actions taken while a state of
15 emergency was declared for this state for the COVID-19 pandemic
16 include, but are not limited to, any of the following:

17 1. Shifting in-person instruction to online or remote
18 instruction for any period of time.

19 2. Closing or modifying the provision of facilities, other
20 than housing or dining facilities, on the campus of the
21 educational institution.

22 3. Pausing or modifying ancillary student activities and
23 services available through the educational institution.

24 (b) The provision of in-person or on-campus education and
25 related services is deemed to have been impossible for
26 educational institutions during any period of time in which such
27 institutions took reasonably necessary actions described in
28 paragraph (a) to protect students, staff, and educators in
29 response to the COVID-19 public health emergency.

30 (c) As a result of the various governmental orders and the
31 need for educational institutions to protect their communities,
32 the reasonably necessary actions described in paragraph (a) are
33 deemed justified.

34 (4) In any action against an educational institution, the
35 Board of Governors of the State University System, or the State
36 Board of Education for the reimbursement of tuition or fees,
37 invoices, catalogs, and general publications of an educational
38 institution are not evidence of an express or implied contract
39 to provide in-person or on-campus education and related services
40 or access to facilities during the COVID-19 public health



41 emergency.

42 (5) (a) This section does not apply to losses or damages
43 that resulted solely from a breach of an express contractual
44 provision allocating liability in the event of a pandemic event.

45 (b) This section does not apply to losses or damages caused
46 by an act or omission of a college or university which was in
47 bad faith or malicious.

48 (6) If any aspect of the immunity under subsection (3) is
49 limited by a court or by operation of law from applying to
50 certain types of claims or causes of action, the immunity under
51 this section must still be provided to the fullest extent
52 authorized by law to any other types of claims or causes of
53 action.

54 (7) If an educational institution is required by federal,
55 state, or local order or a directive of the Board of Governors
56 of the State University System or the State Board of Education
57 issued in response to the COVID-19 public health emergency to
58 alter the mode of delivery of instruction and related services
59 or access to facilities, the burden of proof for

60
61 ===== T I T L E A M E N D M E N T =====

62 And the title is amended as follows:

63 Delete lines 162 - 164

64 and insert:

65 actions are deemed justified; providing that certain
66 publications of educational institutions are not
67 evidence of an express or implied contract to provide
68 specified