

BILL: House Bill 508
TITLE: COVID-19 Claim - Civil Immunity
DATE: February 3, 2021
POSITION: SUPPORT
COMMITTEE: Judiciary
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE), representing all of the state's local boards of education, supports House Bill 508.

MABE supports this legislation in order to provide much needed liability protection for Maryland's local school systems from lawsuits arising from alleged exposure or potential exposure to COVID-19. This legislation, if passed, would greatly assist local school systems in avoiding and thereby reducing litigation costs involving limited staff resources and legal fees. These funds could be much better invested in the education of our nearly 1 million public school students.

On behalf of local boards, MABE appreciates the reasonable and narrowly tailored approach of this legislation to ensure that no protections from liability are provided to those who have failed to comply with "all federal, state, and local statutes, rules, regulations, executive orders, and agency orders related to COVID-19." Similarly, the bill would provide not immunity, nor should it, from any "administrative proceeding or civil action brought by a state or local government prosecutor or agency to enforce state statutes and regulations, executive orders, or state agency orders applicable to COVID-19." In addition, the scope of the liability protection is limited to the time during which the Governor's "Declaration of State of Emergency and Existence of Catastrophic Health Emergency – COVID-19."

The National School Boards Association and American Association of School Administrators have joined in support of the type of liability protections provided by House Bill 508, stating the following in a 2020 letter to the U.S. Congress:

"School system leaders are hard at work planning and preparing for the eventual reopening of schools and the return to in-person instruction. The logistics and considerations are immense. Transportation, providing social distancing and personal protective equipment (PPE) for staff and students, innovative scheduling and staffing patterns, facility preparedness, sanitation, and deep cleaning are just some of the issues that must be addressed for schools to reopen. As school systems prepare to help the country with this essential step in emerging from the pandemic, they are concerned also that despite their best efforts to follow applicable guidelines, they will be forced to defend against an onslaught of lawsuits. The prospect of such litigation and significant related costs are a very real concern."

Again, local boards are not seeking broad tort reform or requesting any permanent change to the State's sovereign immunity law. MABE supports House Bill 508 because it would grant much needed temporary immunity for claims arising from possible COVID-19 exposure in the school setting unless such exposure is the result of gross negligence or willful misconduct on the part of public schools or school officials.

For these reasons, MABE requests a favorable report on House Bill 508.