



**KANSAS ASSOCIATION  
OF SCHOOL BOARDS**

Serving Educational Leaders, Inspiring Student Success

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**Written testimony before the House Committee on Judiciary**

on

**COVID Immunity for Schools**

by

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**Kansas Association of School Boards**

**May 13, 2020**

Mister Chairman and Members of the Committee:

Thank you for the opportunity to provide comments on the issue of COVID-19 liability concerns.

As schools work to reopen, there is still a great deal of uncertainty about the spread of the virus and its impact on student and employee health and safety.

While local school districts, the Kansas State Department of Education and other educational institutions are doing everything they can to create an educational environment to protect the health and safety of all students and employees, there is uncertainty about employer liability even when they follow all of the guidelines being provided by the medical experts.

With nearly 500,000 students and over 70,000 employees, public schools have many students and employees who may be unknown carriers of the virus or have underlying health conditions and may be at risk if there is a second round of the virus. While everyone is eager to have schools reopen, the uncertainties about how this will affect the health of students and staff brings with it the possibility of lawsuits being filed against school districts and colleges by parents, students or employees in the event they show symptoms and get the virus after returning to school.

As the Legislature considers other liability protections, KASB would encourage you to provide school districts and post-secondary educational institutions with immunity from liability for COVID-19 claims unless the educational institution was intentionally negligent or failed to follow state and federal laws and guidelines.

One step would be to add COVID-19 claims against school districts and postsecondary institutions to the current list of 24 types of claims for which a governmental entity will not have liability under the Kansas Tort Claims Act, K.S.A. 75-6104. The Kansas Tort Claims Act sets a limit of \$500,000.00 for any claim for injury resulting from the governmental activities listed including not for profit health organizations and health departments.

KASB and our legal department is ready to assist if you have questions. You can contact me at [mtallman@kasb.org](mailto:mtallman@kasb.org).

Thank you for your consideration.