

Louisiana Provides Schools and School Authorities Limited Immunity for COVID-19-Related Claims

On July 8, 2020, Governor John Bel Edwards signed into law Louisiana Revised Statute 17:439.1 and 17:3391, precluding the liability of public and non-public schools, as well as school authorities, relating to alleged exposure to COVID-19 or acts undertaken in the effort to respond or adapt to the COVID-19 public health emergency, except in limited circumstances. The law notes an effective date of March 11, 2020.

Under Louisiana Revised Statute 17:439.1, “public and nonpublic schools, public and nonpublic school systems, public and nonpublic school governing authorities, and charter school governing authorities, and the officers, employees, and agents thereof shall not be held liable for any civil damages for injury or death resulting from or related to actual or alleged exposure to COVID-19 or acts undertaken in the effort to respond or adapt to the COVID-19 public health emergency.”

Louisiana Revised Statute 17:3391 extends those same protections to “public and nonpublic postsecondary education systems, public and nonpublic postsecondary education institutions, and public and nonpublic postsecondary education management boards, and the officers, employees, and agents thereof.”

Nevertheless, both Louisiana Revised Statute 17:439.1 and 17:3391 limit this immunity, providing that no party may avail themselves of these protections “if the action or failure to act was in violation of a policy, rule, or regulation adopted by the public or nonpublic postsecondary education system, public or nonpublic postsecondary education institution, or public or nonpublic postsecondary education management board or was in violation of any procedure mandated by law or by rule or regulation adopted by a federal or state agency in accordance with the Administrative Procedure Act, and such action or inaction is determined to be grossly negligent or wanton or reckless misconduct.”

Likewise, both Louisiana Revised Statute 17:439.1 and 17:3391 provide they “shall not affect the right of any person to receive benefits provided under the Louisiana Workers’ Compensation Law.”

Stated differently, the immunity afforded under these statutes does not apply if 1) the action or failure to act was in violation of a policy, rule, or regulation; and 2) such action or failure to act was grossly negligent, wanton, or reckless. Moreover, the immunity does not extend to workers' compensation claims brought under Louisiana law.

For the full text of the statutes, see Louisiana Act 9, [here](#).

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