



122 W. WASHINGTON AVENUE, MADISON, WI 53703
PHONE: 608-257-2622 • TOLL-FREE: 877-705-4422
FAX: 608-257-8386 • WEBSITE: WWW.WASB.ORG

JOHN H. ASHLEY, EXECUTIVE DIRECTOR

TO: Members, Senate Committee on Organization
FROM: Dan Rossmiller, WASB Government Relations Director
DATE: January 11, 2021
RE: Testimony on LRB 21-1225 – Senate Substitute Amendment to ASSEMBLY BILL 1, relating to: state government actions to address the COVID-19 pandemic, extending the time limit for Emergency rule procedures, providing an exemption from emergency rule procedures, and granting rule-making authority.

Mr. Chairman and members of the committee. I am Dan Rossmiller, Government Relations Director for the Wisconsin Association of School Boards (WASB), a voluntary membership association representing all 421 of Wisconsin's locally elected public school boards.

Thank you for the opportunity to provide testimony on the proposed substitute amendment to Assembly Bill 1.

The WASB supports the civil liability provisions of the proposed substitute amendment to Assembly Bill 1 before you today. Our members have sought both protection from liability and clarity in the law about when that protection applies. The provisions before you provide both protection and clarity. We want to thank the chair and the vice-chair of the committee and their staffs for their work on these provisions and for their inclusion in the bill.

We appreciate that these provisions do not impact the existing limited governmental immunity that public schools already have against tort claims. That existing limited immunity provides some needed relief but still leaves school districts vulnerable to claims, including claims not based on merit but brought for their settlement value.

The provisions in the proposed substitute amendment to Assembly Bill 1 create an *additional* type of statutory immunity that a school district could raise as an affirmative defense if, for example, a student or a student's family member contracts COVID-19 and then files a lawsuit against the school.

The bill provides immunity protection if the entity in question, including a school, was in substantial compliance with or was consistently operating under any state statute, state rule, or state order related to COVID-19 that applied to the entity at the time of the alleged exposure.

The WASB is also appreciative that the bill before you removes a number of provision contained in the original Assembly version that we for problematic or objectionable.

For the above reasons, the WASB supports the proposal before you today.