

HOUSE BILL 7019

By Ogles

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 34; Title 49; Title 58, Chapter 2 and Title 68, relative to COVID-19 exposure.

WHEREAS, the in-person education of students in this State is vitally important to literacy; and

WHEREAS, a student's interaction with the student's teacher is a vital learning experience, and a lack thereof contributes to significant learning loss; and

WHEREAS, an inability to attend school in person hampers course access and inhibits a student's opportunity to access additional coursework to further the student's learning; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 30, is amended by adding the following as a new section:

**49-6-3026.**

(a) In order to encourage in-person instruction, increase course access, and mitigate further learning loss among students in this state related to the COVID-19 pandemic, notwithstanding §§ 68-1-201 and 68-1-203, a local board of education or public charter school governing body may adopt and implement policies and procedures relative to COVID-19 quarantining.

(b) There is no cause of action against a local board of education or public charter school governing body for any loss, damage, injury, or death caused by or resulting from a policy adopted under this section, unless the claimant proves by clear and convincing evidence that the loss, damage, injury, or death was proximately caused

by an act or omission of the local board or charter school governing body or its employee or agent constituting gross negligence or willful misconduct. The requirements of § 29-34-802(c) apply to any such cause of action when applicable.

(c) For purposes of this section:

(1) "COVID-19" means the novel coronavirus, SARS-CoV-2, and coronavirus disease 2019, commonly referred to as COVID-19, including any mutation of SARS-CoV-2 or COVID-19; and

(2) "Quarantine" or "quarantining" means a period of time in which a student, teacher, or other school personnel are isolated from other students, teachers, or other school personnel or are prohibited from entering school property for school activities, including classroom instruction.

SECTION 2. Tennessee Code Annotated, Section 58-2-107, is amended by adding the following as a new subsection:

(n) During a state of emergency, major disaster, or natural disaster, a political subdivision, the commissioner of health, or a local health department, shall not unilaterally prohibit a local board of education or charter school governing body from adopting or implementing a policy authorized under § 49-6-3026.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.