

AMENDMENT TO RULES COMMITTEE PRINT

118-2

OFFERED BY MR. LANDSMAN OF OHIO

At the end of the bill, add the following:

1 **TITLE VII—LIABILITY PROTEC-**
2 **TION AND LEGAL DEFENSE**

3 **SEC. 701. LIABILITY PROTECTION; FUNDS FOR LEGAL DE-**
4 **FENSE.**

5 (a) APPLICATION.—This section applies to any claim
6 for harm—

7 (1) allegedly caused by an act or omission—

8 (A) of—

9 (i) a local educational agency, or an
10 administrator, or other official of such an
11 agency;

12 (ii) an elementary school teacher, in-
13 structor, principal, administrator, or other
14 school official; or

15 (iii) a secondary school teacher, in-
16 structor, principal, administrator, or other
17 school official;

18 (2) that relates to, or arises out of, this Act or
19 an amendment made by this Act; and

1 (3) if that claim is filed on or after the effective
2 date of this Act.

3 (b) **LIMITATION ON LIABILITY.**—No individual or en-
4 tity described in subsection (a)(1)(A) shall be liable for
5 harm caused by an act or omission described in subsection
6 (a) if—

7 (1) the individual or entity was acting within
8 the scope of the individual or entity’s employment or
9 responsibilities to a school or governmental entity;
10 and

11 (2) the harm was not caused by willful or crimi-
12 nal misconduct, gross negligence, reckless mis-
13 conduct, or a conscious, flagrant indifference to the
14 rights or safety of the individual allegedly harmed.

15 (c) **LEGAL DEFENSE FUND.**—To the extent provided
16 in advance in appropriations Acts, the Secretary of Edu-
17 cation shall provide grants for the payment or reimburse-
18 ment of legal fees or expenses incurred in investigative,
19 civil, criminal, or other legal proceedings relating to, or
20 arising out of, this Act or an amendment made by this
21 Act.

22 (d) **CONSTRUCTION.**—Nothing in this section shall be
23 construed to any investigative, civil, criminal, or other
24 legal proceeding brought by any school or any Federal,
25 State, or local governmental entity.

1 (e) PREEMPTION.—This section preempts the laws of
2 any State to the extent that such laws are inconsistent
3 with this section, except that this section shall not preempt
4 any State law that provides additional protection from li-
5 ability.

6 (f) DEFINITIONS.—In this section:

7 (1) The terms “elementary school”, “local edu-
8 cational agency”, and “secondary school” have the
9 meanings given the terms in section 8101 of the Ele-
10 mentary and Secondary Education Act of 1965 (20
11 U.S.C. 7801).

12 (2) The term “harm” includes physical, non-
13 physical, economic, and noneconomic losses.

