

1995 SESSION

INTRODUCED

LD6668812

SENATE BILL NO. 960

Offered January 23, 1995

A BILL to amend the Code of Virginia by adding a section numbered 8.01-220.1:2, relating to civil immunity for teachers under certain circumstances.

Patrons—Stolle, Benedetti, Calhoun, Chichester, Norment, Potts, Stosch and Wampler; Delegates: Albo, Cox, Forbes, Rollison and Watkins

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-220.1:2 as follows:

§ 8.01-220.1:2. Civil immunity for teachers under certain circumstances.

A. Any teacher employed by a local school board in this Commonwealth, or any teacher employed in any school operated by the Commonwealth having children in residence or custody, shall not be liable for any civil damages for any acts or omissions resulting from the supervision, care or discipline of students when such acts or omissions are within such teacher's scope of employment and are taken in good faith in the course of the supervision, care or discipline of students, unless such acts or omissions were the result of gross negligence or willful misconduct.

B. Any school teacher employed by a local school board in this Commonwealth, or any teacher employed by a school operated by the Commonwealth having children in residence or custody, shall not be liable for any civil damages for any acts or omissions resulting from the good-faith rendering of health-related assistance during an emergency or upon authorization of the child's parent or guardian unless such acts or omissions were the result of gross negligence or willful misconduct. This provision shall not (i) apply to any instructional personnel who are health professionals regulated by any health regulatory board within the Department of Health Professions while rendering care within the scope of their practice or (ii) be construed to authorize an unqualified individual to render services which may only be provided by such regulated health care practitioners.

C. This section shall not be construed to limit, withdraw or overturn any defense or immunity already existing in statutory or common law or to affect any claim occurring prior to the effective date of this law.

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