

1 AN ACT amending the 2024-2026 State/Executive Branch biennial budget and
2 declaring an emergency.

3 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

4 ➔Section 1. 2024 Kentucky Acts Chapter 175, Part I, Operating Budget, J.
5 Postsecondary Education, 1. Council on Postsecondary Education, (13) Immunity for
6 Postsecondary Institutions, at page 1872, is amended to read as follows:

7 ~~{(13) Immunity for Postsecondary Institutions: Notwithstanding any statute to the~~
8 ~~contrary, a public postsecondary institution, including any affiliated corporation, its~~
9 ~~officers, employees, and agents, shall be immune from all claims, including class action~~
10 ~~claims for damages, a declaratory judgment, and equitable relief based on an act or~~
11 ~~omission if:~~

12 ~~(a) The claim arises out of or in connection with tuition paid to the public~~
13 ~~postsecondary institution for an academic term that included the months of March, April,~~
14 ~~and May 2020;~~

15 ~~(b) The claim alleges losses or damages arising from an act or omission by the~~
16 ~~public postsecondary institution during or in response to the COVID-19 emergency;~~

17 ~~(c) The alleged act or omission of the public postsecondary institution was related~~
18 ~~to protecting public health and safety interests in response to the COVID-19 emergency~~
19 ~~in compliance with federal, state, or local guidance, including but not limited to:~~

20 ~~1.—Transition to online or otherwise remote instruction;~~

21 ~~2.—Pause or modification to instruction available through the institution of higher~~
22 ~~education;~~

23 ~~3.—Closure of, or modification to, operation of on-campus facilities of the public~~
24 ~~postsecondary institution; or~~

25 ~~4.—The public postsecondary institution offered online and otherwise remote~~
26 ~~learning options that allowed students to complete the coursework in the academic term~~
27 ~~that included the months of March, April, and May 2020 and receive academic credit.]~~

1 ➔Section 2. Whereas individuals are entitled to seek redress for alleged losses or
2 damages arising from the acts or omissions of public postsecondary institutions during
3 the COVID-19 emergency, an emergency is declared to exist, and this Act takes effect
4 upon its passage and approval by the Governor or upon its otherwise becoming a law.