

HOUSE BILL No. 2351

By Committee on K-12 Education Budget

2-10

1 AN ACT concerning high school work-based learning programs; liability
2 for students and business, municipal and post-secondary educational
3 institution program providers; amending K.S.A. 72-18,101 and 72-
4 18,102 and repealing the existing sections.

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6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. (a) (1) If a school district has purchased applicable
8 insurance coverage pursuant to K.S.A. 72-18,101 or 72-18,102, and
9 amendments thereto, then a business that accepts a secondary student in a
10 work-based learning program shall not be subject to civil liability for any
11 claim arising from the student's negligent act or omission during the
12 student's participation in the work-based learning program at the business
13 or worksite.

14 (2) If a school district has purchased applicable insurance coverage
15 pursuant to K.S.A. 72-18,101 or 72-18,102, and amendments thereto, then
16 a business that accepts a secondary student in a work-based learning
17 program shall not be subject to civil liability for any claim for bodily
18 injury to the student or sickness or death by accident of the student arising
19 from the business' negligent act or omission during the student's
20 participation in the work-based learning program at the business or
21 worksite.

22 (b) Except as provided by subsection (c), the school district shall be
23 solely responsible for any loss to a student resulting from bodily injury or
24 sickness or death by accident arising from any negligent act or omission
25 on the part of the school district or business during the student's
26 participation in the work-based learning program at the business or
27 worksite.

28 (c) Nothing in this section shall provide immunity for the student or
29 business for civil liability arising from gross negligence or willful
30 misconduct.

31 (d) "Work-based learning program" means a learning program that:

32 (1) Includes, but is not limited to, work study, on-the-job training, job
33 shadowing, internships, clinicals, practicums, apprenticeships, co-ops and
34 industry-led service-learning projects;

35 (2) is incorporated into secondary coursework or related to a specific
36 field of study;

1 (3) integrates knowledge and theory learned in the classroom with the
2 practical application and development of technical skills and proficiencies
3 in a professional work setting; and

4 (4) shall not include wages, salary or other compensation to the
5 secondary student.

6 (e) "Business" means any city, county or township, including, but not
7 limited to, a fire department or law enforcement office or department,
8 public university, municipal university, community college, technical
9 college or not-for-profit private postsecondary educational institution,
10 corporation, association, corporation partnership, proprietorship, limited
11 liability company, limited partnership, limited liability partnership,
12 organization or other legal entity, whether for profit or not for profit, that:

13 (1) Has entered into an agreement with a school district for a work-
14 based learning program; and

15 (2) directly supervises a student who is participating in the work-
16 based learning program, either on the premises of the business or at
17 another location.

18 Sec. 2. K.S.A. 72-18,101 is hereby amended to read as follows: 72-
19 18,101. The board of education of any school district may purchase
20 insurance contracts to insure against loss resulting from sickness or bodily
21 injury or death by accident, on the part of students who are injured on
22 school premises, or during school sponsored activities. *For purposes of*
23 *this section, school-sponsored activity shall include travel provided by the*
24 *school or business to and from and participation in a work-based learning*
25 *program involving training or work activities conducted at the premises of*
26 *or under the direction of a business participating in the program. For*
27 *purposes of this section, "work-based learning program" and "business"*
28 *mean the same as defined in section 1, and amendments thereto.*

29 Sec. 3. K.S.A. 72-18,102 is hereby amended to read as follows: 72-
30 18,102. The board of education of any school district may purchase
31 insurance contracts for the benefit of students, to insure against loss
32 resulting from loss, theft of, or damage to, the personal property of
33 students while on school premises, or during school sponsored activities.
34 *For purposes of this section, school-sponsored activity includes travel*
35 *provided by the school or business to and from and participation in a*
36 *work-based learning program involving training or work activities*
37 *conducted at the premises of or under the direction of a business*
38 *participating in the program. For purposes of this section, "work-based*
39 *learning program" and "business" mean the same as defined in section 1,*
40 *and amendments thereto.*

41 Sec. 4. K.S.A. 72-18,101 and 72-18,102 are hereby repealed.

42 Sec. 5. This act shall take effect and be in force from and after its
43 publication in the statute book.