

House Substitute for SENATE BILL No. 91

By Committee on Commerce, Labor and Economic Development

3-29

1 AN ACT concerning high school work-based learning programs; relating
2 to liability for students and business, municipal and postsecondary
3 educational institution program providers; providing liability protection
4 for businesses that participate in work-based learning programs;
5 amending K.S.A. 72-18,101 and 72-18,102 and repealing the existing
6 sections.

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

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

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

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

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

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

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

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

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

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

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

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

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

20 Sec. 2. K.S.A. 72-18,101 is hereby amended to read as follows: 72-
21 18,101. The board of education of any school district may purchase
22 insurance contracts to insure against loss resulting from sickness or bodily
23 injury or death by accident, on the part of students who are injured on
24 school premises, or during ~~school-sponsored~~ school-sponsored activities.
25 *For purposes of this section, school-sponsored activities include, but are*
26 *not limited to, travel provided by the school to and from or participation in*
27 *a work-based learning program involving training or work activities*
28 *conducted at the premises of or under the direction of a business*
29 *participating in the program. For purposes of this section, "work-based*
30 *learning program" and "business" mean the same as defined in section 1,*
31 *and amendments thereto.*

32 Sec. 3. K.S.A. 72-18,102 is hereby amended to read as follows: 72-
33 18,102. The board of education of any school district may purchase
34 insurance contracts for the benefit of students, to insure against loss
35 resulting from loss, theft of, or damage to, the personal property of
36 students while on school premises, or during ~~school-sponsored~~ school-
37 sponsored activities. *For purposes of this section, school-sponsored*
38 *activities include, but are not limited to, travel provided by the school to*
39 *and from or participation in a work-based learning program involving*
40 *training or work activities conducted at the premises of or under the*
41 *direction of a business participating in the program. For purposes of this*
42 *section, "work-based learning program" and "business" mean the same as*
43 *defined in section 1, and amendments thereto.*

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

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