

HOUSE BILL No. 2507

By Representatives Tarwater, Blex, W. Carpenter, Corbet, Croft, Delperdang, Dietrich, Dove, Erickson, Esau, Frownfelter, Hineman, Hoheisel, Huebert, Humphries, Mason, Mastroni, Owens, Resman, Rhiley, L. Ruiz, Samsel, Seiwert, E. Smith, Sutton, Thimesch, Thomas, Warren, Wasinger and Williams

1-27

1 AN ACT concerning high school work-based learning programs; liability
2 for students and businesses; amending K.S.A. 72-18,101 and 72-18,102
3 and repealing the existing sections.
4

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

6 New Section 1. (a) (1) A business that accepts a secondary student in
7 a work-based learning program shall not be subject to civil liability for any
8 claim arising from the student's negligent act or omission during the
9 student's participation in the work-based learning program at the business
10 or worksite.

11 (2) A business that accepts a secondary student in a work-based
12 learning program shall not be subject to civil liability for any claim for
13 bodily injury to the student or sickness or death by accident of the student
14 arising from the business' negligent act or omission during the student's
15 participation in the work-based learning program at the business or
16 worksite.

17 (3) A student who participates in a work-based learning program shall
18 not be subject to civil liability for any claim arising from the student's
19 negligent act or omission occurring within the scope of the work-based
20 learning program during the student's participation in the work-based
21 learning program at the business or 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 student or business during the student's participation in
26 the work-based learning program.

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

30 (d) "Work-based learning program" means a learning program in a
31 secondary curriculum 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;

1 (2) is incorporated into coursework or related to a specific field of
2 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 corporation, association, partnership,
9 proprietorship, limited liability company, limited partnership, limited
10 liability partnership, organization or other legal entity, whether for profit or
11 not for profit, that:

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

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

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

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

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

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