



Testimony before the

House Commerce, Labor and Economic Development Committee
on

HB 2507
by

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Testimony provided on behalf of the USA-Kansas and KASB

Mr. Chairman and members of the committee,

Thank you for this opportunity to address the committee.

Our organization stands as a Neutral to HB 2507.

As a member of the Governor’s Council on Education over the last two years, I’ve taken part in a number of conversations regarding student internships, apprenticeships, and on-the-job training opportunities, and everyone involved in those conversations feel these experiences can enhance learning and interest. As a high school principal for 16 years, I’ve had the practical experience of working with local business partners, teachers, students, and families setting up these extended classroom experiences.

This is an important bill, and, as we represent school districts and school leaders. We are supportive of a bill that can potentially remove barriers for Kansas businesses and schools to support our Kansas kids through these work-based learning programs. Although, as this bill is currently written, we have identified a few sections which may support business/industry participation but limit K-12 participation. Specifically, we request the committee consider deleting New Section 1(a)(3) and New Section 1(b).

This bill is designed to keep business and student liability with the school district when a student is involved in a work-based learning program. Some schools already carry student accident insurance, which provides coverage for schools if students are involved in accidents within the learning environment. If an accident occurs in a school and or a business during a work-based learning experience the schools and business should be covered with this simple policy. However, schools insurance policies do not provide coverage when a student is negligent and this negligence results in the student's own injury. We believe it would be difficult to find insurance coverage for a school district under these circumstances if the student and business are not held responsible for their or, in the case of businesses, their agents' negligence during these experiences, at which time the students are outside of the school district's control. If insurance did exist to cover this expanded liability, it is likely it would not be utilized as cost prohibitive. See lines 6-26.

Additionally, current Kansas Statute 72-1146 would prevent any schools from entering into any contracts or agreement with indemnification or hold harmless provisions wherein districts assume the liability for actions of others outside their control. The statute reads:

(a) It is the public policy of the state of Kansas that all contracts entered into by the board of education of a school district, or any officers or employees thereof acting on behalf of the board, provide that the school district and board of education shall be responsible solely for the district's or board's actions or failure to act under a contract.

(b) The board of education of a school district or any officers or employees thereof acting on behalf of the board shall not have the authority to enter into a contract under which the school district or board agrees to, or is required to, indemnify or hold harmless against damages, injury or death resulting from the actions or failure to act on the part of any party to a contract other than the board or district.

(c) The provisions of any contract entered into in violation of this section shall be contrary to the public policy of the state of Kansas and shall be void and unenforceable.

While we recognize it is within this Legislature's ability to amend present law or create new laws as it deems appropriate, we find the language stating it would be contrary to the public

policy of the state of Kansas for a school district to shoulder the liability or financial burden of an entity when it cannot control its actions persuasive with regard to this bill and these learning opportunities as well.

Schools and businesses are already expected to maintain a certain duty of care in conducting their operations. If either entity fails to provide for the duty of care of their facility or employee, that entity would be held responsible for the negligent act. If a student is involved in a work-based learning accident, the school district would be responsible to provide appropriate support if it shared fault in that accident. However, if a student is found to be negligent in their own injury, the student and the family would be held responsible for the student's own action. This is the current practice for schools and business already working together in work-based learning programs, and it reflects the way insurance policies provide coverage to these entities.

If school districts are expected to be fully responsible for the negligence of a business or its employees without input into or control over their facilities, operations, or agents, we believe schools would ultimately be unable to participate in these important learning opportunities for their students. As districts either could not obtain or afford insurance for these endeavors, the risk and opportunity cost would be too great.

Therefore, we encourage the committee to consider the bill and its protections for businesses without inclusion of New Section 1(a)(3) and New Section 1(b). We believe this would keep the spirit of the legislation without providing additional barriers to students having these extremely rewarding experiences.