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

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

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

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

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

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

(c) Nothing in this section shall provide immunity for the student or business for civil liability arising from gross negligence or willful misconduct.
(d) "Work-based learning program" means a learning program in a secondary curriculum that:

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

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

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

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

(e) "Business" means any corporation, association, partnership, proprietorship, limited liability company, limited partnership, limited liability partnership, organization or other legal entity, whether for profit or not for profit, that:

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

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

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

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

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

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