

As Amended by House Committee

Session of 2020

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

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

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

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

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

1 (d) "Work-based learning program" means a learning program in a  
2 secondary curriculum that:

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

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

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

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

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

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

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

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

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

1 *section 1, and amendments thereto.*

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

3       Sec. 5. This act shall take effect and be in force from and after its

4 publication in the statute book.