



Testimony before the
House Commerce, Labor and Economic Development Committee
on
HB 2351
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 2351

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

This is an important bill speaking on behalf of school districts and school leaders, we support a bill that can potential remove barriers for Kansas business and schools to support our Kansas kids through these work-based learning programs. Although as written we are concerned, Section 2 on page 1, lines 14-27 of HB 2351 could potentially prohibit an affordable insurance option as discussed in Section 3 on page 2, lines 30-40.

This bill is designed to keep student liability with the school district when a student is involved in a work-based learning program. Schools should not deny the responsible of preparing a student to participate in these experiences and provide the appropriate insurance coverages for the school. Many schools already carry student accident insurance which provides coverage for a student involved in accidents within the learning environment. The challenge is a school's accident insurance coverage for a student would only cover a student's injuries, not the injury to a non-school employee or any loss to the business. Since students are not listed on a school districts general liability coverage, this policy could not be utilized to cover losses to a business.

Schools and Businesses are expected to maintain a certain level of duty of care, if either entity fails to provide for the duty of care of their facility or employee, traditional the entity at fault 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, but if a student is found to be negligent in their own injury the student and the family could be held responsible. This is the current practice for schools and businesses already working together in work-based learning programs.

With the current language in Section 2 on page 1, lines 19-21, stating a participating business would not be responsible for "the business' negligent act or omission during the student's participation in the work-based learning program at the business or worksite." The language in this section becomes problematic, we believe it would be difficult to locate an appropriate insurance policy or carrier to meet the coverage expectations (being responsible for the neglect act of a business). If such policy is found or established by stating a school district would waive the "duty of care" for the business this type of policy could be unaffordable.