



Testimony before the  
**House Commerce, Labor and Economic Development Committee**  
on  
**HB 2442**  
by

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**Testimony provided on behalf of USA-Kansas and KASB**

Mr. Chairman and members of the committee

Thank you for this opportunity to address the committee.

Our organization stands as Neutral to HB 2442

Our concerns for this bill remain almost unchanged from HB 2351. We do appreciate the adjustment made on page two, lines 24 and 35, removing “business” from the travel with work-based learning. The substance of this bill has not changed, and without insurance coverage from a policy type that currently does not exist, we believe this bill will reduce participation as compared to growing participation. Kansas Schools have hundreds of students participating in work-based learning opportunities each year, pre-COVID, and we anticipate opportunities returning in the near future. We do not believe that will happen if this bill passes as written if schools are expected to carry the burden of loss for a business or employees of the business. It becomes an undue responsibility and liability for the school district.

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 only cover a student's injuries if the school is negligent and does not cover 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 22-27, 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.