

House Substitute for SENATE BILL No. 91

AN ACT concerning high school work-based learning programs; relating to liability for students and business, municipal and postsecondary educational institution program providers; providing liability protection for businesses that participate in work-based learning programs.

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

Section 1. (a) (1) 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) 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.

(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 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 that:

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

(2) is incorporated into secondary 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 city, county or township, including, but not limited to, a fire department or law enforcement office or department, public university, municipal university, community college, technical college or not-for-profit private postsecondary educational institution, 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. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE adopted

Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE

as amended _____

HOUSE adopted

Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.