



School Inspections: **What Local Health Departments in Kansas Need to Know**

K.S.A. 65-202 requires that the local health officer of each county “shall upon the opening of the fall term of school, make or have made a sanitary inspection of each school building and grounds, and shall make or have made such additional inspections thereof as are necessary to protect the public health of the students of the school.” The duty of the local health officer to conduct a sanitary inspection of each school building is a clear mandate. It requires a sanitary inspection and such additional inspections of the building and grounds to protect the public health of students. While there may be other agencies or offices that carry out inspections of school buildings, e.g. local fire departments, the Department of Agriculture (food service), this statute places the responsibility of a sanitary inspection and other necessary inspections to protect public health on the local health officer.

K.S.A. 65-202 does not indicate what constitutes a sanitary inspection. Therefore, each local health officer has discretion to determine what specific sanitary issues the local health officer should look for during this inspection. However, an inspection is required. This statute also requires the local health officer to make or have additional inspections (other than sanitary inspections) made as are necessary to protect the public health of students. This also provides the local health officer discretion as to what other inspections may be required and to coordinate inspections with other agencies, such as inspections for fire safety and food service.

With regard to liability of failure to make an inspection, counties and county employees are covered by the Kansas Tort Claims Act. While there may be exemptions from liability contained within K.S.A. 75-6104 that may be applicable to the making of or failure to make an inspection, local health officers should consult with their county counselors to determine to what extent they are protected by the Tort Claims Act or what liability they risk by failing to make an inspection required under K.S.A. 65-202.

The requirement to inspect schools requires inspections of K-12 public and private schools. However, it does not include colleges and universities. (See Kansas Attorney General Opinion 93-79)

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