

# 100 WORK- BASED LEARNING FAQ's

Minnesota Department of Education  
Career and Technical Education  
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(Much of this information may be found in greater detail in *Connecting Youth to Work-Based Learning: Blueprint for a Quality Program*". The pages referenced throughout these questions can be found in the above listed document. You may purchase this in CD format, IBM and Macintosh compatible, for \$20.00, by calling Diane Hinz at 651-582-8386. Also referenced is the document entitled, *Work- Based Learning for Students with Disabilities soon to be available on the Minnesota Department of Education's web site. ([http://education.state.mn.us/html/mde\\_home.htm](http://education.state.mn.us/html/mde_home.htm)) Another reference is the document entitled, *Guideline from the Department of Labor: (Meeting the Needs of Youth with Disabilities, Handbook for Implementing Community-based Vocational Education Programs According to the Fair Labor Standards Act, second Edition, 1999)**

## GENERAL QUESTIONS

*What is work-based learning? ... (p.4)*

Work-based learning is formalized learning with instruction occurring at the school and a community-based setting. Work-based learning is a collaborative among a student, her/his parent(s), a business, and the school that engages students in real-world activities. Because the school is involved in this partnership and learning is clearly defined, students earn school credit for this supervised experience. The formalized activity involves an appropriately licensed teacher who closely supervises the worksite activities and is responsible for all the paperwork associated with this experience (training plans, agreements, safety training, seminar class, evaluations, recordkeeping, etc.). The experience provides students with opportunities to build career awareness, explore careers, and develop critical thinking skills and problem solving skills. Schools collect general education revenue for the credit hours that students spend in the program, including school hours that the student spends in the worksite.

*What is work release?*

Work release is not work-based learning. In work release, a school administrator releases a student from school to go out and work. The work experience is arranged by the student exclusive of any school involvement. No school credits are earned by the student and no general education revenue is earned for the time the student is released to work. Because work release is not a work-based learning program, careful consideration must be given to any liability for the time a student spends out of the school.

*What is career planning? ... (p.15)*

Career planning provides the foundation for young people to make informed decisions about their future. During the career planning process students may: become aware, explore, understand and prepare for life decisions/career decisions; they discover more about themselves, their interests, abilities, skills, talents and dreams; they explore the world of work and learn what is needed to succeed in a career field.

*What are the "six" career fields?*

Minnesota has identified six career fields:

- Agriculture and Natural Resources
- Arts, Humanities and Communications
- Business Management and Administration
- Engineering, Manufacturing and Technologies
- Health Services
- Human Services

*What are the "16" career clusters? <http://www.careerclusters.org/>*

The US Department of Education has identified 16 career clusters:

- Agriculture and Natural Resources
- Architecture and Construction
- Arts, A/V Technology and Communication
- Business and Administration
- Education and Training
- Finance
- Health Services
- Hospitality and Tourism
- Human Services
- Information Technology
- Law and Public Safety
- Manufacturing
- Government and Public Administration
- Retail/Wholesale Sales and Service
- Scientific Research/Engineering
- Transportation, Distribution & Logistics

*What are some career planning resources in Minnesota?*

- MN Career Information System  
([http://education.state.mn.us/html/intro\\_adult\\_career\\_info.htm](http://education.state.mn.us/html/intro_adult_career_info.htm))
- [www.mncareers.org](http://www.mncareers.org)
- [www.iseek.org](http://www.iseek.org)
- Labor Market Information (LMI) ([www.mnwfc.org/lmi](http://www.mnwfc.org/lmi))
- State Demographics ([www.mnplan.state.mn.us/demography/inden.html](http://www.mnplan.state.mn.us/demography/inden.html))

*What are some experiences found in a work-based learning program?*

Work-based learning programs may involve many different activities. While paid work experience is the most commonly considered type of work-based learning, the Minnesota Department of Education (MDE) considers any of the following activities, conducted outside the school for credit, to be work-based learning:

- Tours/site visits
- Job shadowing
- Mentoring
- Entrepreneurships
- Cooperative Education
- Internships
- Paid Youth Apprenticeships (800 or 2000 hours).

*What does the Department of Education expect to see in a work-based learning program?*

The Department of Education expects any work-based learning program to provide a positive learning experience for students, and a well-designed program that supports a student's individual learning goals. In addition, the Department expects the following documentation to show that a work-based learning program is safe and provides clear learning opportunities:

- Training agreements between the school, student, parent and employer that clearly spell out the responsibilities of each,
- Training plans that outline the specific learning to occur for each learner,
- In-school instruction sufficient for the district to complete its responsibilities for each student's learning,
- Documentation of safety instruction both general and specific to the job,
- Adequate supervision from both school and worksite personnel, and
- Clear record keeping documenting educational progress and progress toward the expectations outlined in the training agreement and training plan.

*What are the components for a work-based learning program?*

A comprehensive work-based learning program should link school-based and work-based learning. Proper planning is necessary to develop quality programs. The establishment of partnerships which link the school with community-based agencies is the foundation for creating meaningful activities. A very important step is to

establish an advisory committee early in the planning process. (p.7) A well-defined process for selecting students is needed. Defining the process is an excellent task for the advisory committee. (p.8) The work-based learning coordinator is responsible for the development, management, supervision, evaluation, student support and program marketing. (p.9) Career planning is comprised of career awareness, exploration and development. Career planning provides the foundation for young people to make informed decisions about their future.

### *What are some curriculum suggestions?*

Work-based learning programs may take many forms depending on the individual needs of the participating students. MDE has identified two types of work-based learning: general work-based learning programs that focus on learning about work, and internships that capitalize on the skill sets gained in occupational preparation programs. For the latter, it is likely that specific workplace competencies will be addressed both in the classroom and worksite components of an internship. For general programs, however, more general skills are commonly addressed, including:

- All Aspects of the Industry
- SCANS (Secretary's Commission on Achieving Necessary Skills)
- Industry standards
- Career and Technical Education program standards and measures
- Assessment
- Career development
- Performance based skill assessments

### *What are some in-school seminar topics?*

Depending on the specific needs of the students, the in-school seminar gives an opportunity to reinforce general workplace skills common among a variety of work experiences. Many work-based learning programs in Minnesota address topics such as the following in their classroom components:

- Self awareness
- Career planning
- Seeking, applying for, and accepting employment
- Employee rights and responsibilities
- Employer responsibilities
- Communication on the job
- Succeeding in the work place

- Meeting employer expectations
- Problem solving and critical thinking
- Maintaining a safe and healthy work environment
- Work ethics and behavior
- Interpersonal relationships
- Teamwork and conflict resolution
- Personal finances - money management
- Personal portfolios
- College options and opportunities
- Sexual harassment and reporting procedures

*What are some safety training topics?*

It is important to address both general and work-specific safety in a work-based learning program. Some general safety topics that would be appropriate include:

- Basic first aid
- Basic safety rules
- Eye safety
- Health and safety hazards
- Proper use of safety equipment and protective clothing
- Ergonomics
- Proper handling and storage of materials
- Maintaining safe and clean work areas
- Safe practices with machines, tools and equipment
- Minnesota Employee/Worker Rights (p.59)
- Reporting of illnesses, injuries or unsafe conditions

*Where does one find information on Student Organizations? ... (p. 14)*

The Minnesota Foundation for Student Organizations is charged with supporting the state's secondary and postsecondary career & technical education student organizations. Contact: Emily Saed, Executive Director, Minnesota Foundation for Student Organizations, 1500 Highway 36 West, Roseville, MN 55113-4266, 651-582-8322, emily.saed@state.mn.us. You can also find information about specific Minnesota career & technical education student organizations at their corresponding web sites:

- BPA (business education) [www.mnbpa.org](http://www.mnbpa.org)
- DECA (marketing education) [www.mndeca.com](http://www.mndeca.com)

- FFA (agriculture education) <http://ffa.umn.edu>
- HOSA (health science education) [www.minnesotahosa.org](http://www.minnesotahosa.org)
- FCCLA (family & consumer science education) [www.fccla.umn.edu](http://www.fccla.umn.edu)
- FCCLA-HERO (service occupations) [herodir@bevcomm.net](mailto:herodir@bevcomm.net)
- SkillsUSA (trade and technical education) [www.mnskillsusa.org](http://www.mnskillsusa.org)

*What are some examples of paid and non-paid experiences? ... (p.26-43)*

The issue of pay for work is primarily dependent upon whether or not an employer gets a benefit from the activities of the student. While it is recognized that students in work-based learning situations are *learning*, it is also generally true that the students are *working*, providing a benefit for an employer. However, non-paid work-based learning experiences can and do exist. The following are common examples, though each specific situation must be examined on the basis of employer benefit:

Non-paid

- Worksite field trips
- Job Shadowing
- Career Mentorship
- Service Learning
- School Based Youth Entrepreneurship
- Non-paid Internship

Paid

- Individual Youth Entrepreneurship
- Paid Internship
- Cooperative Work Experience
- Youth Apprenticeship

*What is service-learning? ... (p.32)*

Service-learning is a form of experiential learning whereby students apply content knowledge, critical thinking and good judgment to address genuine community needs. Service-learning is a way of teaching and learning that engages all students in hands-on academic projects in the community to meet learning objectives and strengthen communities. Service-learning helps students understand the needs of their local community while gaining valuable skills that will benefit them as citizens and employees. Students gain organizational, team, problem-solving and critical thinking skills along with attitudes/capabilities necessary to succeed in work and

life. Service-learning is NOT the same as community service, field trips, time away from class, stand alone projects or a course add on. For further information on service-learning contact, Michelle Kamenov, [michelle.kamenov@state.mn.us](mailto:michelle.kamenov@state.mn.us), 651-582-8434.

*What is an example of service-learning?*

An example of service would be cleaning up a river bank and an example of learning would be participating in a natural resources classroom looking at water samples under the microscope. An example of service-learning would be students taking samples from the local water supply, analyzing, documenting and presenting the scientific information to a pollution control agency and reporting the impact of these results on future pollution control.

*What is WE/CEP? ... (p.13)*

The Work Experience/Career Exploration Program (WE/CEP) is a state-approved one-or two-year transition program designed for students, ages 14-15, who have had difficulties with their previous school experiences. Students may be employed during school hours in some occupations otherwise prohibited by federal and state child labor laws. WE/CEP is designed to provide a carefully planned work experience and a career exploration program that meets the participants' needs, interests and abilities. The program helps dropout prone youth to become reoriented and motivated toward education and helps to prepare them for the world of work.

*When may WE/CEP students be employed? ... (p.13)*

Students participating in WE/CEP may be employed for up to 3 hours on a school day, up to 23 hours during the school week, and time during school hours. Students may be permitted to be employed in certain otherwise prohibited activities and occupations.

*What information must WE/CEP programs keep on file? ... (p.13)*

WE/CEP programs must have the following information on file:

- A list of each student enrolled and her/his date of birth.
- A list of all credits earned in WE/CEP for classroom instruction and work

related activities and corresponding grade point averages.

- A list of each teacher-coordinator and the number of students in each unit.
- A list of the number of students in each class with an explanation being provided to the Department of Education for any class that has more than 25 students.
- An instruction schedule including a list of the state requirements for graduation and the classes in which each WE/CEP student was enrolled.
- A list of all regularly scheduled classroom instruction that was devoted to job-related employability skills.
- A copy of each specific training agreement.

*What amount of time is required for coordination for WE/CEP students?*

Federal WE/CEP laws require 30 minutes per student per week for coordination time.

*What is Contextual Learning?*

Contextual knowledge is learning that occurs in close relationship with actual experience. Contextual learning enables students to test academic theories via tangible, real world, hands on applications. Stressing the development of authentic problem-solving skills, contextual learning is designed to blend teaching methods, content, situation and timing.

*What is meant by All Aspects of Industry?*

All Aspects of the Industry refers to a student learning all aspects of the industry or industry sector the student is preparing to enter, including:

- Planning
- Management
- Finances
- Technical and production skills
- Underlying principles of technology
- Labor and community issues
- Health and safety issues
- Environmental issues

All aspects of the industry also include the array of occupations and careers that

comprise an industry, from the most basic to the most advanced.

### *What does SCANS mean?*

The SCANS Commission (Secretary's Commission on Achieving Necessary Skills) was convened by the US Secretary of Labor in February 1990 to examine the demands of the workplace and to determine whether the current and future workforce is capable of meeting those demands. The Commission was directed to:

- Define the skills needed for employment
- Propose acceptable levels in those skills
- Suggest effective ways to assess proficiency and
- Develop a strategy to disseminate the findings to the nation's schools, businesses and homes.

The Commission identified five competencies (skills necessary for workplace success) and three foundations (skills and qualities that underlie competencies).

Competencies - effective workers can productively use:

- resources
- interpersonal skills
- information
- systems
- technology

### Foundations

- Basic skills
- Thinking skills
- Personal qualities

For more information, contact the US Department of Labor at:

<http://wdr.doleta.gov/SCANS/>

### *What is the definition of a course credit? ... (p.21)*

A course credit is equivalent to a student's successful completion of an academic year of study or a student's mastery of the applicable subject matter, as determined by the local school district (M.S. 120B.024). Students may work in standards and earn course credits by engaging in real-world learning experiences outside the traditional curriculum. The statutory language after the "or" allows school districts to assess whether a student has mastered subject matter regardless of where the learning has taken place.

*How many credits do students earn in these programs?*

Students earn credits in both the seminar/classroom instruction and the supervised work site. The school determines the number of credits the student will earn usually depending upon their own credit system.

*What is the class size for these programs? ... (p.21)*

There is no rule of the state that sets a maximum number of students to be monitored in a work-based learning program. As part of its program planning activities, the school determines the appropriate class size but must be able to assure the Department they provide a safe work environment and a quality learning experience that includes the skills needed by the students to be successful at the worksite. The school must also be able to adequately supervise the students in the work place so should provide sufficient time for school personnel to provide this supervision. While not a rule, 1/2 hour per student per week is recommended.

*What are the requirements for the school-based seminars and the work-based learning coordination time?*

The rules stating time requirements were repealed by the Legislature and have not been re-established. However, to be an approved program you must demonstrate to the Department how your decisions about class load, seminar time and coordination time allow you to address all necessary components to ensure that the student is in a safe and effective learning environment.

*What documents must be kept on file in the school?*

It is essential that the school carefully documents all aspects of a work-based learning program and that this documentation is kept on file for a minimum of five years. Documents should include:

- Individual Training Agreement
- Documentation of Hours and Earnings
- Performance Evaluations
- Statement of Assurances ... (p.105)
- Coordinator Observation Reports
- Record of Safety Instruction in the School and on the Worksite

*Can an outside agency place students in a work-based learning experience? ... (p.25)*

Yes, with agreement of the school. However, these agencies serve as a placement vehicle and DO NOT function as the employer or the work-based learning coordinator. The actual employer at the worksite and the work-based learning coordinator at the school or nonprofit under contract with the school are responsible for the training agreement/plan, the supervision and safety of the student and the necessary documentation.

*Is an advisory committee necessary? Why?*

Yes. An advisory committee is a requirement to gain state-approval of your work-based learning program. In addition, your advisory committee can be your program's greatest asset for many reasons:

- It allows you to develop close ties with business, industry and labor,
- Your advisory committee provides you with a wealth of expertise, personnel and technologies,
- Your advisory committee will help you in program design, development and implementation,
- Advisory committee members can help in evaluation and revision of your program and curriculum
- Advisory committee members can assist you with program promotion and advocacy.

*Who should be on the advisory committee?*

Your advisory committee should be comprised primarily of employers, but be sure to give consideration to including:

- Individuals who are able to identify jobs that don't yet exist
- Individuals who can identify skills needed for students' employability
- Students, parents, teachers, school administrators, WorkForce Center personnel, labor, members of the Chambers of Commerce, civic organizations, postsecondary educators and employees of social service agencies.

*What is a workable size for an advisory committee?*

6-12 members is ideal

*Is there a record keeping system available to use in a work-based learning program?*

Several different electronic record-keeping systems have been developed that could support work-based learning programs. The Department has reviewed the VTECS Connect 2.0 system and believes it is a particularly effective tool to keep records on student participation and learning in work-based learning programs. VTECS Connect 2.0 is a software program where detailed information can be maintained and easily updated. It comes with more than 70 industry-validated task lists that can be customized to the individual training plan. Once the training has been input into the software, VTECS generates reports, records & certificates of achievement. VTECS Direct 4+ is a software program which includes standards, instructional materials, and more than 600 test items. Work-based learning coordinators can use these materials to develop a “stand alone” workplace skills course, or infuse them into their ongoing program. Contact: Barb Herrmann, [barbherrmann@comcast.net](mailto:barbherrmann@comcast.net), 651-770-6719.

*How do you code the work-based learning including internships for each of the career and technical education fields?*

Each of the career and technical education fields has a program code and course code for work-based learning:

Program Codes

019090 .....Agriculture Cooperative Work Experience  
079090 .....Health Occupations Cooperative Program  
099090 .....Service Occupations Cooperative Program  
049090 .....Marketing Occupations Cooperative Program  
149090 .....Business/Office Cooperative Programs  
179090 .....Trade and Industrial Cooperative Programs

Course Codes

87 .....Occupational Relations (CTE field)  
88 .....Agriculture Leadership  
89 .....Cooperative Coordination (CTE field)  
89 .....Agriculture Internship

## LICENSING QUESTIONS

(Please see also the Transition-Disabled Section beginning on page 27 for information about licensure specifically for transition-disabled programs, career & technical education programs *specifically designed* for learners with disabilities.)

*What is the appropriate licensure for teaching general career exploration classes?*

A Career Exploration class is designed to help students identify and evaluate personal goals, priorities, aptitudes and interests in the pursuit of effective career decision-making. Topics include investigation of current trends and research of career options and preparation for job application and interviewing. Currently an individual teaching Career Exploration must hold one of the following licenses:

- Administrative Support Occupations
- Agricultural Education
- Business
- Consumer and Homemaking Occupations
- Consumer and Homemaking/Family Life
- Family and Consumer Science
- Health Occupations
- Home Economics
- Industrial Arts
- Legal Secretarial Occupations
- Social Studies
- Teacher/Coordinator Work-Based Learning
- Teacher/Coordinator Work-Experience Disadvantaged/Handicapped
- Technology
- Vocational Agriculture

*What license is required to teach/coordinate a work-based learning class?*

The Minnesota Board of Teaching requires an individual teaching/coordinating a work-based learning course to hold either a teacher-coordinator license issued under the vocational teaching licensure rules of the state or a combination of a work-based learning license *plus* a secondary classroom teaching license.

There are additional requirements for teachers of specialized work-based learning programs that are an extension of an occupational preparation program (internships) and for work-based learning programs specifically designed for

students with disabilities (work experience-handicapped). To teach an internship program, the instructor must be licensed both with the work-based learning endorsement (or appropriate teacher-coordinator license) *and* the appropriate license for the occupational subject (e.g. business education). To teach a work experience-handicapped program, the instructor must be licensed both with the work-based learning endorsement (or any teacher-coordinator license) *and* one of several secondary special education classroom teaching licenses.

*Is a license required to supervise any of the short term work-based learning experiences such as mentorship, non-paid internship, service learning, job shadowing, field trips?*

No work-based learning license is required if the short term experience consists of 40 hours or less per year, per experience.

*Who offers the work-based learning endorsement?*

Any secondary licensed teacher or Special Education teacher is eligible to complete the coursework for the work-based learning endorsement. Coursework (10 credits) for this endorsement is offered through the University of Minnesota, Twin Cities and Bemidji State University. Both offer options for in-class and distance learning. For more information, contact:

- Bemidji State University, contact Kathy Jackson [kjackson@bemidjistate.edu](mailto:kjackson@bemidjistate.edu); 218-755-3876
- University of Minnesota, contact Tom Stertz [ster0112@tc.umn.edu](mailto:ster0112@tc.umn.edu); 612-625-7250

*What is the appropriate licensure for each of the programs under the transition-disabled funding?*

There are six programs that qualify for state funds under M.S. 124D.454, the state's Transition-Disabled program. Each of the programs, and appropriate licensure options, is listed below.

000670 .....Career Accommodation Specialist

*Any of the following:*

000670 .....Support Service Facilitator

000680 .....Supervisor of Special Needs Programs

000710 .....Vocational Evaluator  
199900 .....Career Accommodation Specialist

000710 .....Career & Technical Education Evaluation

*Any of the following:*

000670 .....Support Service Facilitator  
000710 .....Vocational Evaluator  
199900 .....Career Accommodation Specialist

000750 .....Work Experience Handicapped

000740.....Teacher/Coordinator Work Experience Disadvantaged/Work  
Experience Handicapped, OR

000750 .....Teacher/Coordinator Work Experience Handicapped, OR

*Any one from Column A and any one from Column B*

Column A

000745 .....Teacher/Coordinator Work Experience Handicapped  
019090 .....Teacher/Coordinator Agriculture Co-Op Program  
049090 .....Teacher/Coordinator Marketing Occupations Co-Op Program  
079090 .....Teacher/Coordinator Health Occupations Co-Op Program  
079091 .....Teacher/Coordinator Public Affairs/Community Service  
099090 .....Teacher/Coordinator Service Occupations Co-Op Program  
099094 .....Teacher/Coordinator Foods Occupations Co-Op Program  
099096 .....Teacher/Coordinator Child Care Occupations Co-Op Program  
149090 .....Teacher/Coordinator Business Occupations Co-Op Program  
160000 .....Teacher/Coordinator of Work-Based Learning  
179090 .....Teacher/Coordinator Trade and Industry Co-Op Program

Column B

000670 .....Support Service Facilitator  
190200 .....Emotionally/Behaviorally Disordered  
190201 .....Specific Learning Disabilities  
190300 .....Physically Handicapped  
190310 .....Physical and Health Disabilities  
190490 .....Oral/Aural Deaf Education  
190497 .....Deaf or Hard of Hearing  
190498 .....Blind or Visually Impaired  
199800 .....Developmental Disabilities  
199801 .....Mild to Moderate Mentally Handicapped  
199802 .....Moderate to Severe Mentally Handicapped

199803 .....Mildly Handicapped  
199900 .....Career Accommodation Specialist

000755 .....Work Experience/Career Exploration (WE/CEP)

Licensure rules for 000750 apply

000790 .....Technical Tutor/Paraprofessional

000790 .....Supplemental Support/Technical Tutor, OR  
Non-licensed paraprofessional meeting No Child Left Behind (NCLB)  
paraprofessional qualifications

000023 .....Other Approved Programs (contact MDE for permission to use this  
code)

*When can individuals who have been given a license variance qualify for the work-based learning endorsement?*

The Minnesota Board of Teaching may grant waivers or variances that allow a person, not otherwise appropriately licensed, to teach in Minnesota. Waivers and variances are generally available for only one year at a time, and most have limits on the number of times an individual or school district can apply. Such a waiver or variance for a work-based learning endorsement is no longer necessary when the individual has completed the program requirements for the University of Minnesota or Bemidji State University and has been recommended for the work-based learning endorsement.

*Can a district apply for a variance for both work-based learning and Special Education?*

No. Even though there is a box on the variance form that indicates Special Education, it is not possible for a district to have a dual variance.

## LEGAL REQUIREMENTS: ... (p.82-98)

*What legal requirements should a work-based learning coordinator know and adhere to closely?*

A work-based learning coordinator should be knowledgeable of the following laws and adhere to them closely:

- Child Labor Laws ([www.doli.state.mn.us/childlbr.html](http://www.doli.state.mn.us/childlbr.html))
- Minnesota OSHA ([www.doli.state.mn.us/mnosha.html](http://www.doli.state.mn.us/mnosha.html)) 651-284-5050
- Fair Labor Standards Act ([www.doli.state.mn.us/laborlaw.html](http://www.doli.state.mn.us/laborlaw.html))
- Americans with Disabilities Act ([www.ada.gov](http://www.ada.gov))
- Workers Compensation ([www.doli.state.mn.us/workcomp.html](http://www.doli.state.mn.us/workcomp.html))
- Civil Rights Legislation ([www.humanrights.state.mn.us](http://www.humanrights.state.mn.us)) 651-296-5663/800-657-3704
- Equal Employment Opportunity Commission ([www.eeoc.gov](http://www.eeoc.gov)) 612-335-4040

*What takes precedence when there are federal, state and local laws pertaining to the employment of students?*

The most strict standard must always be observed.

*Where does one get questions answered on wages, conditions and hours (Chapter 181), child labor (Chapter 181A), child labor standards (Chapter 5200), minimum wages (Chapters 177.21 - 177.44)?*

A work-based learning coordinator may contact the Minnesota Department of Labor and Industry (DOLI) for detailed information and brochures and to get answers to her/his more difficult questions:

MN Department of Labor and Industry - Labor Standards  
443 Lafayette Road N.  
St Paul, MN 55155-4307  
800-342-5354  
651-284-5005

*Does a work-based learning coordinator need to be concerned about liability insurance?*

Yes. It is essential the work-based learning coordinator becomes familiar with the

educational agency's and the employer's insurance coverage *BEFORE* the student begins any work-based learning activity. Liability insurance is required for all work-based learning activities.

*Where would the work-based learning coordinator go in the school to find out information concerning liability insurance?*

The work-based learning coordinator could go to the following school personnel:

- Business manager
- Superintendent
- School's director
- Agency's insurance carrier
- Career and Technical Education Coordinator
- School district attorney

*What does the work-based learning coordinator need to know from the business concerning liability insurance?*

The business/employer must prove they have adequate insurance coverage and provide Worker's Compensation as required by law. (p.128). A Certificate of Insurance should be on file at the school for each work experience site or, at minimum, verification of the company name and number of the policy.

*What are some suggestions for addressing liability issues? ... (p.84)*

Some suggestions for addressing liability issues would be:

- Involve insurance carriers early on
- Check with parents/guardians regarding individual medical coverage
- Be sure employer has Worker's Compensation if student is an employee
- Have on file written documentation of liability insurance or, at minimum, verification of the name of the insurance company, the policy number and the dates of coverage.
- Have Individual Training Agreement and Training Plan with roles/responsibilities signed and on file
- Provide and document safety training at school and on the worksite
- Review Fair Labor Standards Act (FLSA)
- Review Minnesota Child Labor Laws to prevent young people from working in prohibited occupations

- Conduct regular worksite visits prior to and during the placement and document your evaluations
- Identify employee at the work site who will be responsible for supervising the student. Provide training to this person and maintain regular communication with that person

*What should the work-based learning coordinator require concerning Worker's Compensation?*

The work-based learning coordinator should require the following:

- employers with one or more employees carry workers compensation insurance.
- the employer to submit a statement indicating they carry such insurance, who the carrier is and the policy number. The coordinator must keep that on file at the school.
- Paid experiences such as Youth Internship, Youth Apprenticeship and Cooperative Work Experience all must have Worker's Compensation coverage.

*What should the work-based learning coordinator require concerning transportation of students? ... (p.84)*

The work-based learning coordinator should address transportation issues BEFORE the student begins the work-based learning experience. It is up to the local educational agency to establish policies regarding transportation of students. For example, if the student rides the school bus, then the school bus insurance covers the liability of the student. If the student uses public transportation, then the transporter's insurance covers the liability of the student. If the student drives her/his own vehicle, then the student's personal auto insurance covers the liability. However, all of this needs to be clearly understood and established before the student begins the work-based learning experience. A signed agreement with the parent/guardian should be on file in the school when the student drives her/his own personal vehicle.

*Does the work-based learning coordinator need to do anything special if the student drives her/his own vehicle?*

Yes, a transportation agreement should be signed by the parent or guardian and be

on file at the local educational agency. Conditions should be clarified, documented and on file concerning:

- verification of a student's valid drivers license & insurance coverage
- limited transportation to student driver only (no passengers)
- limited transportation to and from worksite *only*.

*What is Fair Labor Standards Act (FLSA)? ... (p.86-92)*

The Fair Labor Standards Act is a federal law enacted to protect the rights, safety and well being of workers in the United States, especially youth workers. It restricts the types of jobs and the number of hours students may work. You may contact the Minnesota Department of Labor and Industry at 651-284-5005 or [www.doli.state.mn.us](http://www.doli.state.mn.us).

*When is a work-based learning experience NOT subject to FLSA? ... (p.86)*

A work-based learning experience is not subject to the FLSA when the activities occurring in the workplace do not involve work or employment. For example, career awareness/exploration, field trips and job shadowing are not subject to FLSA. A short-term, non-paid work-based learning experience is not subject to FLSA. The recommendation by the Department of Education for short term is a maximum of 40 hours in length during a year. When a student is not an employee, wages are not paid and Federal Child Labor Laws do not apply, the experience is not subject to FLSA.

*What activities are prohibited under Hazardous Occupations under FLSA?*

This is a general overview; refer to *Connecting Youth to Work-Based Learning* for more detailed information (p.91); to obtain specific information contact the U.S. Department of Labor, Minneapolis office, 612-370-3371 or email <http://www.dol.gov/dol/allcfr/Title29/Part570/SubpartE.htm>

Prohibited activities include:

- Manufacturing or storing explosives
- Driving a motor-vehicle and being an outside helper on a motor vehicle
- Logging and saw milling
- Using power-driven woodworking machines including saws
- Exposure to radioactive substances and to ionizing radiations
- Operating of power-driven hoisting devices, including forklifts, cranes and

non-automatic elevators

- Use of power-driven metal forming, punching and shearing machines
- Mining
- Slaughtering or meat-packing, processing or rendering including the use of power driven meat slicing machines
- Operation of power-driven bakery machines
- Use of power-driven paper product machines including paper balers
- Manufacturing of brick, tile, and similar products
- Use of circular saws, band saws and guillotine shears
- Wrecking, demolition and ship-breaking
- Roof operations
- Excavating including work in a trench as a plumber

*Are there any exemptions with state approved career and technical education programs? ... (p.91)*

Students aged 16 or 17 in state approved career and technical education programs may be employed in the following seven hazardous occupations, if they are employed under a written agreement:

- Using power-driven woodworking machines including saws
- Use of power-driven metal forming, punching and shearing machines
- Slaughtering or meat-packing, processing or rendering including the use of power-driven meat slicers
- Use of power-driven paper product machines including paper balers
- Use of circular saws, band saws and guillotine shears
- Roofing operation
- Excavating including work in a trench as a plumber

Under this regulation, the Individual Training Agreement must state:

- Any work in a hazardous occupation is incidental to training,
- Work in hazardous activity is intermittent and for short periods only and is in close supervision of a qualified person,
- Safety instruction is provided, and
- A schedule of progressive work processes (Individual Training Plan) has been written.

There is also an exemption from these seven hazardous occupations for youth apprentices. This exemption applies only for approved youth apprenticeships registered with the Minnesota Department of Education.

*Should students be taught how to recognize sexual harassment and abuse?*

Yes. This is an important aspect and probably the most troublesome situation an educator will face when dealing with students and employers in work-based learning situations. This is a topic for the in-school seminar class that should not be overlooked. Students should be taught to recognize sexual harassment and abuse. They should learn the appropriate reaction in the situation. They should receive training regarding the school's and business's sexual harassment policy and reporting procedures. Every agreement/contract used for work-based learning needs a section indicating that an employer is expected to maintain a safe working environment. A safe working environment includes protection from discrimination and sexual harassment. The work-based learning coordinator needs to be aware of local and state policies related to the appropriate actions which should be taken.

*How long does the school need to keep work-based learning records (training agreements/plans, employer evaluations, safety documentation, etc.) on file?*

5 years

*What are prudent practices concerning safety training?*

Safety training must occur in both the classroom/seminar setting and on the worksite. Detailed documentation must be kept on file at the school for both.

*What are some examples of safety practices being used successfully by employers?*

- Different colored smocks are issued to employees under the age of 18 so supervisors know who is not allowed to operate the electric meat slicer.
- An employer developed a computerized tracking system to ensure teens under the age of 16 aren't scheduled for too many hours during the school week.
- One employer took the unusual step of posting signs offering a \$100 reward to workers under 18 who report they have been asked to perform hazardous jobs.
- Many employers have taken the simple, but critical, step of training all their supervisors in the requirements of the FLSA.
- Some employers place special "warning stickers" on equipment that teenagers may not legally operate or clean.

*What are the laws on power driven lawn and garden equipment?*

Minors under the age of 16 *MAY NOT* use any power driven lawn and garden equipment.

*What do Child Labor Laws cite as Prohibited Hazardous Occupations/Activities in agriculture? ... (p.93)*

It is highly recommended that all youth, working on a farm, complete a Safe Operations of Agricultural Equipment course available through a county extension office and/or agricultural education program.

The U.S. Secretary of Labor has designated, as listed below, the following Hazardous Occupations that apply to 14- and 15-year-old youth engaged in agricultural work and to those younger children permitted to work on farms under limited circumstances:

- Operating or assisting in the operation of specified machinery and equipment
- Working in a yard, pen or stall occupied by specified animals
- Felling, loading, bucking or skidding timber more than six inches in diameter
- Working from a ladder or scaffold at a height of over 20 feet
- Driving a vehicle transporting passengers or riding on a tractor
- Working in certain silos, storage areas and manure pits
- Handling toxic chemicals, blasting agents and anhydrous ammonia

There are some exemptions applicable to tractors and certain other farm machinery to 14- and 15-year-old student learners enrolled in approved career and technical education programs and holders of certificates of completion of training under the Safe Operations of Agricultural Equipment courses.

*What are the limited hours for youth employed in agriculture? ... (p.94)*

The following standards apply to minors employed in farm jobs:

- Persons aged 16 and older may be employed in any farm job at any time.
- 14- and 15-year-old farm workers may be employed outside school hours in any occupation not declared hazardous.
- With written parental consent, 12- and 13-year-old youth may be employed outside school hours in any non-hazardous job on the same farm where their parents are employed.
- Minors under 12 years of age may be employed outside school hours in any

hazardous job with written parent consent but only on farms not subject to the minimum wage provision of FLSA.

- Minors of any age may perform work at any time on a farm owned or operated by the minor's parents or person standing in place of the parents.

*Are students eligible to apply for unemployment benefits when involved in cooperative education programs?*

The Minnesota Department of Employment and Economic Development, (DEED) (651-284-3033), states former students can apply for unemployment benefits covering their paid work-based experiences at high school. Students must graduate to be eligible for unemployment benefits. Benefits are based on a number of qualifying criteria including the student wages reported by the employer. Under the FLSA, it is the employer's responsibility to make sure that students receive a statement of earnings and have their wages reported (just like other employees). ... (p.82)

In this situation, the employer will need to check with the DEED office to find out if the student wages are covered under the state unemployment laws. The employer can protest and appeal the benefit. The student may be ineligible for benefits if s/he resigned the position.

*What is the legal definition of long term work-based and short term work-based learning hours?*

There is no statutory definition. The 40 hours provision came by agreement with the Minnesota Board of Teaching to determine when the work-based learning environment was required, generally to clarify that the endorsement is not needed for "short term" community based experiences such as field trips, job shadowing, mentoring and service activities. Whether or not an activity is spread over two semesters for under 40 hours each semester, but falls under the same definition of activity, it is considered a single activity by its definition. The teacher/coordinator would need the work-based learning endorsement if the time exceeded a total of 40 hours.

## PAYMENT/FUNDING ISSUES

*When are students considered full-time for the purpose of General Education Revenue?*

A student is considered full-time for the purpose of collecting general education revenue when the student is assigned to a licensed instructor and daily attendance is maintained at the school and the worksite, and the combination of school and work hours equals or exceeds the hours for a full-time student.

*Can a student who does not attend school but is on an IEP placed in work-based learning, paid employment, be considered a full time student for purposes of general education revenue?*

To receive credit and to be eligible for funding, this student must be in an approved work-based learning program following all of the parameters of implementation of that program, including attending school.

*What funds can Charter Schools access?*

Charter Schools can access transition disabled funding if they have an approved program, and Perkins funds if they have an approved program and have appropriately licensed staff and become a member of a Perkins Consortium. They are not eligible for career and technical education levy funds.

*Can a school use Contracted Services money or Perkins money to pay student's salary?*

No

*Can students be paid cash for work-based learning programs?*

Students can be paid cash only if they are provided a payroll statement with all the legal deductions listed.

## SPECIAL EDUCATION AND TRANSITION DISABLED

*How is it determined which students with disabilities participate in work-based learning?*

The determination is based on the individual student's needs taking into account the student's preferences, abilities and interests. This placement would be considered a major change for most students and would require a change in the Individual Education Plan. The education agency must invite the student to any meetings considering transition services or participation in work-based learning.

*What is meant by the term "under the general supervision" of public school personnel?*

What this means is that the public school or education agency has primary responsibility for the work-based learning program. Under the federal Individuals with Disabilities Education Improvement Act (IDEA), failure to deliver free appropriate educational services constitutes a violation of the rights of students with disabilities. This phrase places responsibility for ensuring that the work-based learning programs meet this mandate squarely on the shoulders of public school personnel. While different agencies or groups may deliver these educational services, public school personnel must act as the central agency overseeing the program.

*How might educators document their fulfillment of the general supervision criteria?*

Educators can document the general supervision criteria by developing the student's IEP. If a third party, such as a community-based rehabilitation program, is being utilized to carry out the provisions of the IEP, it should be so noted. The education agency must ensure that these guidelines are fully understood and will be followed by the provider.

*Is a Work Experience Handicapped (WEH) class a Career and Technical Education class or a Special Education class?*

It is a career and technical education class requiring career and technical education program approval.

*What is the appropriate licensure code under transition disabled funding?*  
Refer to the licensure section where all of these licenses are listed.

*When does a school district apply for Career and Technical Education (CTE), Transition Disabled funding? When does a school district apply for Special Education funding?*

Both special education and transition-disabled programs (such as work experience – handicapped) are designed to meet the needs of students with disabilities, so both are subject to the requirements of the federal Individuals with Disabilities Education Improvement Act (IDEA). However, at any time that a student with a disability is involved in transition activities that involve the student in an “employment relationship”, those transition activities must be part of a state-approved transition-disabled (career and technical education) program. Transition disabled activities may be supported by either federal special education funds or state transition-disabled funds, but *not* state special education funds.

*Are job coaches/paraprofessionals reimbursable?*

Yes. According to MN statute 124D.454 which directs the state’s transition-disabled programs, these are allowable expenses under an approved transition-disabled program, as long as the paraprofessional either holds a technical tutor license (a non-teaching license that is no longer offered by the Board of Teaching but may be renewed by individuals holding the license) or meets the Minnesota requirements for paraprofessionals designed to meet the requirements of the federal No Child Left Behind (NCLB) legislation. This is generally seen as two years of college OR reading and mathematics ability at the level of 2 years of college AND the ability to assist students to learn reading and mathematics at that level.

*How does one report technical tutors/paraprofessionals involved in transition-disabled programs?*

With program approval from career and technical education, technical tutors/paraprofessionals are reported on EDRS under the program approval code # 790. For detailed information on EDRS reporting procedures, refer to *Secondary Career and Technical Education Data Reporting for Career and Technical Education Revenue and Categorical Aid - Transition Disabled Programs* which can be found on the MDE website ([http://education.state.mn.us/html/mde\\_home.htm](http://education.state.mn.us/html/mde_home.htm)).

*May the Commissioner of Education withhold any Special Education funds?*

Yes, the Commissioner of Education may withhold all or any portion of the aid for programs which receive grants from federal funds or special grants from other state sources.

*Does Special Education need program approval?*

Yes, by June 1 of each year an application must be submitted to the Commissioner of Education along with the budgets for the next fiscal year.

*Does Career and Technical Education (Transition- Disabled) need program approval?*

Yes. Program approval form (ED-00381-14) submission date is December 1 in order to be included in that fiscal year. Forms received after that date may be approved for the following fiscal year.

*What are the six approved programs that apply to Transition Disabled funding?*

The six programs are:

- 000670 - Career Accommodation Specialist
- 000710 - Career & Technical Education Evaluation
- 000750 - Work Experience Handicapped
- 000755 - Work Experience/Career Exploration Program
- 000790 - Technical Tutor/Paraprofessional
- 000023 - Other Approved Programs (contact MDE for permission to use this code)

*What form is needed to apply for program approval for work- experience handicapped (WEH) and where does one get this form? In addition to the form, what else needs to be submitted for program approval?*

Form # ED-00381-14 can be obtained from the Minnesota Department of Education web-site ([http://education.state.mn.us/html/mde\\_home.htm](http://education.state.mn.us/html/mde_home.htm))

The following additional materials must be submitted with the program approval form:

- The list of the advisory committee members' names/addresses/roles of

representatives related to business, industry, labor and community-based organizations. Also attach a statement on how often the committee meets and what the committee does for the work-experience handicapped program.

- An explanation of program curriculum to include the course description, student objectives, areas of study and how students will be assessed in relation to required assurance # 5.
- The number of hours needed to earn credit for both the in-school seminar and the worksite experience in this program.
- A copy of a certificate, if one is granted.
- Any articulation agreements, if any are in place.

Form must be signed by both the Career and Technical Education Director or the Superintendent and the Director of Special Education

*Will districts that have no base revenue for a new work-experience handicapped program generate new district revenue that first year?*

Yes, if the district has no current transition-disabled base revenue calculated.

*Can a district report under both M.S. 124D. 454 (Career and Technical Education) and M.S. 125A. 76 (Special Education)?*

Not for the same activity. A district must choose one or the other which will be determined by the activities involved in the program; however, there are instances where a staff person may be employed in both special education and transition-disabled programs. In those cases, the employee is split funded between Special Education and Transition Disabled based on the time allocated to each.

*Can regular education students be in a Work Experience Handicapped (WEH) class?*

Generally NO because the school has set up this particular program to meet the needs of these students. However, work-experience handicapped (WEH) and work-experience disadvantaged (WED) programs might be combined in which case the school must report the number of students in each program so that a percentage can be determined for fiscal reimbursement.

*How much does the IEP need to say about the experience the student should have for work-based learning?*

The student's present level of performance, needs, goals and objectives should all be included in her/his IEP as should the process for evaluating progress toward goals and objectives.

*Can students, particularly those with disabilities, participate in work-based learning activities for no pay if the district refers to the experience as service learning?*

NO

*Can a school accept a "donation" for services special education students provide to a community agency and not pay the students?*

If the school district has an approved program on file in Career & Technical Education at the Minnesota Department of Education, they must follow the laws and assurances listed on the program approval form. Are these students in a learning situation and are they providing a service to the employer? The decision about payment is connected to the benefit derived by the employer. The employer and school need to observe the Child Labor Laws along with the Fair Labor Standards Act and pay these students if the benefit to the employer exceeds the costs to the employer associated with the activity. We recognize that in some cases for non-profit entities, students (especially students with disabilities) may be involved in learning activities where the non-profit receives some benefit. It is incumbent upon the school to demonstrate how this activity is a learning situation and not an employment situation.

*Which students may participate in work-based learning under the policy guidelines for non-employment relationships?*

Student's who meet state guidelines for special education may participate if it is determined appropriate for them.

*Do the policy guidelines supersede individual State Departments of Labor regulations?*

No. It is important that work-based learning programs comply with both U.S.

Department of Labor regulations and State Department of Labor regulations. Where the two do not agree, the regulations with the more stringent requirements for protecting individuals in work settings must apply.

*Is special or extra liability coverage for students required?*

Work-based learning is considered part of the student's individualized education program. In non-employment relationships, the worksite is perceived as an extension of the school. In other words, the student is pursuing instructional objectives in a work-setting. Since these students are not employees, they are not eligible for the usual worker's compensation or insurance coverage provided to employees. If the student is a paid employee of the business, then the employer is responsible for offering her/him the same liability coverage offered to other employees. If the student's participation in workplace activity can be considered instructional and part of a non-employment relationship, then the school may be responsible for liability coverage. Generally, the same insurance and liability policies that apply to other off-site school experiences (i.e. athletic events, field trips) should apply. Each school district must work out its own policies regarding liability.

*What are the implications of the "continued and direct supervision" requirement for educators and employer?*

Student participation in work-based learning programs is considered a valid part of a student's instructional program. As such, she/he is expected to be closely supervised by school staff or employees of the business. Direct supervision can include: 1) one-to-one instruction, 2) small group instruction, 3) supervision in close proximity, and 4) supervision in frequent, regular intervals.

Supervision in frequent, regular intervals is permitted when the goal is to assess ability to work independently or to demonstrate mastery of the vocational skill.

*What is the difference between an educational relationship and an employment relationship?*

In an employment relationship, the student is actually providing services that are of immediate benefit to the employer. The student may be completing assignments normally completed by regular employees. As a result of these activities vacant paid positions in the business may remain unfilled and regular employees may be

displaced or relieved of their normally assigned duties. In an educational relationship, the student engages in work activities as part of an organized educational activity designed to benefit the student. The guidelines on implementing work-based learning programs consistent with the FLSA outline the distinction between an employment relationship and a valid educational experience. If it is determined that a student's involvement in work-based learning constitutes an employment relationship rather than part of an organized educational activity, then the participating business or school can be held responsible for full compliance with the FLSA regulations. This would include compliance with the FLSA's minimum wage and overtime pay provisions.

To show that an "employment relationship" does *not* exist, all of the following conditions must be met:

1. The activities of the student at the work site do not result in an immediate advantage to the business. The Department of Labor looks at the following factors to determine if this guideline is being met:
  - There has been no displacement of employees, vacant positions have not been filled, employees have not been relieved of assigned duties and the students are not performing services that, although not ordinarily performed by employees, clearly are of benefit to the business.
  - The students are under continued and direct supervision by either a representative of the school or by an employee of the business. Such placements are made according to the requirements of the student's IEP and not to meet the labor needs of the business.
  - The periods of time spent by the students at any one site or in any clearly distinguishable job classification are specifically limited by the IEP.
2. While the existence of an employment relationship will not be determined exclusively on the basis of the number of hours, as a general rule, each component will not exceed the following limitation during any one school year:
  - Career exploration - 5 hours per job experienced
  - Career assessment - 90 hours per job experienced
  - Work related training - 120 hours per job experienced
3. Students are not automatically entitled to employment at the business at the conclusion of their IEP. However, once a student has become an employee, the student cannot be considered a trainee at that particular community-based placement unless in a clearly distinguishable occupation.

Schools and participating businesses are responsible for ensuring that all of these guidelines are met. If any of these guidelines are not met, an employment relationship will exist, and participating businesses can be held responsible for full compliance with the FLSA.

*What is the distinction between benefit to student vs. benefit to employer?*

Benefit to the employer occurs when the employer recognizes an immediate advantage by having the student working on the premises. An immediate advantage can be described in terms of increased profitability or production for the business. Benefit to the student occurs when the work-based learning program can be considered a valid educational experience for the student. The courts and experts in the field suggest that for work-based learning to represent an educationally valid experience the following instructional practices should be implemented:

- Students receive adequate orientation and instruction before performing new tasks.
- Students' goals and objectives to be met in the work-based learning education program are clearly defined.
- Activities in the work-based learning setting relate directly to students' goals and objectives.
- Students' activities in the work-based learning program are closely monitored.
- Records of students' progress are maintained.
- The necessary support and time for students to develop proficiency at new tasks is provided.

*What is the educator's role in assuring that regular employees will not be displaced by the student trainee in the workplace?*

The work-based learning experience must be primarily for the benefit of the student. Also, regular employees must not be displaced or relieved of assigned duties and vacant positions should not go unfilled. Two strategies are available to educators for ensuring that this criterion is met. First, the educator can confirm that all parties, the employer, the student and the parents, understand that the students in the work-based learning program must not displace regular employees. An agreement documenting this understanding should be signed by all involved. Secondly, those who provide direct supervision to the student at the worksite may observe when employee displacement and other violations are occurring and take steps to correct the situation.

*If the activity is ordinarily not performed by employees and yet is beneficial to the business, can the student perform the activity?*

The student should either not perform the activity or be paid appropriate wages. Although regular employees have not been displaced or relieved of assigned duties, the student is still providing services which are of benefit to the business. Therefore, an employment relationship exists between the student and the employer. This would not be the case if the activity were of no benefit to the employer and consisted of “busywork” designed to develop or improve a student’s skills. For example, reorganizing materials awaiting shipment into sets of five would not constitute an employment relationship if the business did not ship the materials in that manner.

*Can students accept an offer of paid employment at a worksite where they were placed for work-based learning?*

Yes. Students may accept an offer of paid employment at a worksite where they received instruction and training. The student would then become an employee of the business and the employment relationship would ensue. This means that the employer is responsible for full compliance with the FLSA, including minimum wage and overtime pay provisions.

*Could the student be paid less than the minimum wage?*

Yes. Employment below the minimum wage rate is permitted in instances when a worker’s disability impairs their ability to perform the job. This special minimum wage rate is based on the productivity of the worker with disabilities as compared to the productivity of a worker without disabilities. Employers must apply to the U.S. Department of Labor for authority to employ workers with disabilities at these special minimum wage rates.