



Alaska Work-Based Learning Guide

A Resource for School Districts and Employers

May 2020

Foreword

In January 2018, the State Board of Education and Early Development announced a strategic plan to provide transformative change to Alaska’s education system. Alaska’s Education Challenge—developed in collaboration with school commissioners, legislators, and partner organizations—provides a framework to increase educational outcomes. The framework focuses on establishing positive student performance trajectories via five goals:

1. Support ALL students to read at grade level by the end of grade 3.
2. Increase career, technical, and culturally relevant education to meet student and workforce needs.
3. Close the achievement gap by ensuring equitable educational rigor and resources.
4. Prepare, attract, and retain effective education professionals.
5. Improve the safety and well-being of students through school partnerships with families, communities, and tribes.

Alaska’s Education Challenge supports the state’s vision by using components of Career and Technical Education (CTE) to prepare, attract, and retain effective educators; increase high school graduation rates; and ensure communities and families are involved in planning quality CTE programs.

CTE programming in Alaska has shown to improve high school graduation rates, accelerate postsecondary enrollment, and increase employment and earning potential for both youth and adult students. Contemporary CTE programming provides students with rigorous academic and advanced technical instruction aligned with state academic standards and industry-validated skills. Coursework is intentionally sequenced across grades and connected to postsecondary programming, ensuring students who complete a sequence of high-quality CTE classes are prepared for both college and a career—not one or the other.

To support these transitions, many CTE programs offer students the option to earn college credit and/or an industry-recognized certification, as well as the basic employability skills employers value. Providing work-based learning opportunities to students is a powerful tool to extend the CTE school day programming and provide engaging career exploration prospects. This guide provides districts, schools, and employers a framework to extend the CTE classroom to a job site where students can practice skills in a real-world situation. These partnerships will help increase the number of students moving into high-demand jobs within Alaska’s workforce.

Acknowledgements

This guide is a revision of the 2003 publication, “Work-Based Learning Guide”. The latest version [Alaska Work-Based Learning Guide](http://education.alaska.gov/cte/wblguide) (education.alaska.gov/cte/wblguide). It is intended to be a resource for all types of Work-Based Learning (WBL) programs. The Department of Education & Early Development website offers the guide for use.

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Contents

Foreword	2
Acknowledgements	3
Introduction	7
What is Work-Based Learning?	7
Employers	8
Benefits for Employers	8
Role of the Employer	9
District and Schools	9
Benefits for Schools	9
Collaborative Tasks- Employer and Schools/Districts	10
Structured Training Plans.....	10
Work Site Evaluation.....	10
Program Overview and Development	11
Program Planning	11
Vision and Philosophy.....	11
Policies and Procedures	11
Community and Public Relations: Communication	12
Program Development	12
Recruitment of Employers/Work Sites	12
School-Based Instruction	14
Overview of Roles for Partners –	14
District and School Leadership.....	14
Teacher-Coordinator	15
School Counselors.....	15
Student	15
Parent	15
Appendices	17
Appendix A: Definitions	18
Appendix B: Checklists.....	23
District/School Leadership and Teacher-Coordinator Expectations.....	23
School Counselor Expectations	25
Employer Expectations	26
Student Expectations	26
Parent Expectations	27
Recruitment of Employers – Questions to Consider	27
Appendix C: Wage and Laws and Legal Considerations	28
Introduction.....	28
Safety Concerns	28
Wage and Hour and Child Labor Laws	29
Employees	29

Unpaid Interns	31
Paid Student-Learners	33
Miscellaneous Child Labor Provisions	35
Insurance and Liability Issues.....	35
Liability for the student at the workplace	35

Introduction

This guide is an attempt to provide a resource that can make setting up and operating a Work-based learning (WBL) program easier. It does so by providing information and sample forms and formats for programs, so that teachers and administrators will not have to research for all these materials themselves.

What is Work-Based Learning?

Work-based learning is a coordinated effort between school districts and employers in the Alaska workforce, and refers to learning that results from work experience. It is an opportunity for our high school youth to see firsthand some of the various work environments, to experience some of the job duties for a brief period while receiving classroom credit.

In order for students to participate in and receive credit for a WBL experience, they need to be part of a school organized activity such as a service learning experience, job-shadow, OJT, cooperative education agreement, etc. Any WBL experience with youth must address safety and liability. For employers, this means that students can engage in learning skills as an employee at a discounted rate for which they are covered under Workers Compensation or in an unpaid training experience if the organization is a government entity, a non-profit, or if the local school district provides their own indemnification insurance.

Key components of Alaska's definition of WBL are that it has a work experience component, that the work experience is connected to instruction in the classroom, and that it is a planned learning activity. Well-designed WBL will include a range of activities to reinforce learning before, during, and after the work site experience, and the work site experience will be planned to complement those activities.

The WBL experience for students consists of 60 hours of supervised work-based learning on a job site that corresponds to the technical instruction a student receives in the school setting. This experience provides students to participate in a real-world situation where an employer can help make students hireable, with a needed skill, to earn a living wage.

WBL is the connection between instruction in the classroom and work in the field. This type of hands-on learning can take the form of:

- Unpaid Internships (see page 28)
 - An extension of the classroom in a workplace setting,
 - The experience is for the benefit of the student,
 - The intern works under close supervision and does not displace regular employees,
 - The employer derives no immediate advantage from the activities of the intern,
 - The intern is not necessarily entitled to a job at the conclusion of the internship, and

- The employer and intern understand that the intern is not entitled to wages for the time spent in the internship
- Paid Student-Learners (see page 29)
 - Requires a work permit,
 - Work of the student-learner in particularly hazardous environments or activities shall be incidental to his training,
 - Work will be intermittent and be for short periods of time, and under the direct and close supervision of a qualified person,
 - Safety instructions shall be given by the school and correlated by the employer with the on-the-job training, and
 - A schedule of organized and progressive work processes to be performed on the job shall have been prepared.
- School Based Enterprises (see page 12)

Employers

Benefits for Employers

WBL is made possible through partnerships between educational institutions, employers, the community, and labor organizations. Schools are the principal supplier of employees for many businesses and industries, and the benefits derived from WBL in turn help to sustain these partnerships.

- WBL programs provides a means for businesses to become actively involved with the schools in their community
- WBL offers an avenue for employers to identify students they might like to recruit, and demonstrates to students the employment opportunities available, encouraging young adults to stay in their local communities to meet their workforce needs
- WBL motivates students since they receive both a school and workplace evaluation for their performance
- WBL programs help employers avoid having to rely on uncertain information and costly methods of recruitment and selection
- WBL gives employers first hand evidence of a potential employee's skills and abilities
- Employers and schools working collaboratively on WBL can reduce the business costs of
 - Recruiting
 - Screening/Selecting
 - Training new workers
 - Employee turnover

WBL programs can help improve the performance of existing employees

- The process of developing WBL experiences for students can lead work site supervisors to examine their own activities in the work site

- Individuals who work with students also have an opportunity to develop managerial and supervisory skills
- Many students currently in high school have considerable occupational skills they can share with current workers

Role of the Employer

- Each employer in a work-based learning program works with students to focus on occupational, employability skills, and safety in all aspects of their industry while integrating the work site and school learning. Each employer will collaborate with the Teacher-Coordinator to create a structured training plan for the student, suggests refinement to the plan as needed, and helps evaluate the student's progress and performance on the work site. Working with the Teacher-Coordinator, the employer will learn techniques for effective communication, instruction and interaction with the students in their WBL program. They will serve as mentors to the students and provide consistent support and guidance to the students, set high expectations, and provide instruction in job- and industry-related skills.
- Work site organizations should have the capability and willingness to provide occupational training to students involved in the WBL program. The work site should be in a safe environment. Buildings, equipment, and grounds should meet local, state, and federal safety regulations. The employer must also comply with all state and federal labor laws and requirements. This includes wage and hour laws, child labor laws, worker's compensation laws, insurance and liability requirements, non-harassment policies, and ADA guidelines.

District and Schools

Benefits for Schools

- Reduces the dropout rate by providing relevant occupational/career training; making learning relevant to the student
- Employer involvement in the schools helps to foster community support for local schools and districts
- Lends support for efforts to enhance school programs or engage in school reform efforts
- May broaden the curriculum through utilization of community resources
- Provides an avenue to successfully address individual interests and learning styles of students
- Provides feedback to school personnel on current needs and practices in business and industry
- May assist in meeting students' financial needs

Advantages to Students

- Motivates students by clarifying the relevance of their studies

- Experience employment, paid or unpaid, within a career pathway
- Gain occupational, technical, and employability skills simultaneously while reinforcing and advancing classroom learning
- Gain access to jobs that require more knowledge and skills than the most common “youth” jobs through the connection to high-demand high-wage industries
- Transition to work more easily through a planned work experience
- Gain skills to access better paying jobs
- Develop the necessary skills and experiences to qualify for post-secondary training programs.
- Provides a way to help students with their financial needs, postsecondary education, etc.

Collaborative Tasks- Employer and Schools/Districts

Structured Training Plans

- To ensure that a student is learning the appropriate employability and occupational skills, the work site supervisor and the school’s teacher-coordinator will cooperate in setting up this training plan. It should include specific employability skills (e.g., punctuality, teamwork, communication skills) and specific occupational skills (e.g., making correct change; writing an automotive service order; formatting a letter) that the student will learn at the work site. Utilizing a comprehensive training plan provides assurances that all parties are aware of and adhering to federal and state labor laws, insurance, liability, and safety requirements. The training plan may also double as the evaluation instrument for the work site supervisor to assess the student’s progress.
- A student’s written WBL training plan should also include plans to learn workplace safety. Additionally, the agreement between the teacher-coordinator and the employer in a WBL situation should include specifics on how and what safety issues both the school and the employer will address. Basic safety training for students will be embedded in the CTE curriculum at the school. Once on site, the employer should deliver a health and safety orientation to the student. This orientation should include workplace health and safety practices and procedures.

Work Site Evaluation

- The teacher-coordinator should make regular visits to the work site to monitor the student and to make sure the training plan is being carried out. These visits also give the work site supervisor a chance to ask questions or discuss problems with the teacher-coordinator. Create a schedule for on-site visits by the teacher-coordinator that meets the goals of the program outlined in the district/school WBL policy.

Program Overview and Development

The best Work-Based Learning programs:

- Provide for ongoing cooperation, communication, and involvement among all partners and ensure that all partners know, understand, and comply with their responsibilities
- Structure the work site training so that students receive instruction in necessary skills—both employability skills and specific occupational skills
- Relate the work site training to appropriate classroom instruction and standards
- Place students in suitable and safe work sites with supervisors who are willing to participate in training plan development, supervise and train students, and perform student evaluations
- Have clear school district policies to guide them

To create an effective and successful work-based learning program, several components need to be in place to provide a framework for the development of a quality program.

Program Planning

Vision and Philosophy

District and school leadership should discuss WBL programs and program development with the local advisory boards in the area. Including the local Job Service and Chamber of Commerce for input helps create buy-in and advertisement for the program. Consider the needs of special population students while developing the WBL program. Special population students are groups of students with needs that require special attention in the educational setting. These groups include individuals with disabilities, students from economically disadvantaged families including students in foster care, and individuals preparing for nontraditional training and employment. Collaboratively, with stakeholders (parents, local advisory boards, school board, and community members), district and school leadership will formulate a vision and goals to guide the WBL program for their students.

Policies and Procedures

Clear WBL guidelines and policies need to be in place that comply with state and federal requirements for WBL. The section regarding legal considerations discusses wage and hour laws for child labor, workers' compensation laws, safety regulations, and insurance and liability requirements provide the legal references to help create WBL policies. It will be essential that these guidelines and policies are clear to all partners involved in the WBL program.

Establish specific criteria for student selection and retention in the WBL program. The collaboration established with all WBL partners, specifically school counselors, will provide strength to the programs.

Community and Public Relations: Communication

Utilize community resources available to enrich WBL design for internal and external public relations plans (Chamber of Commerce, industry trade groups, local employers, etc.). Successful WBL programs have strong public support. Conducting a variety of public relations events and utilizing local news and social media will help publicize the potential a WBL program can provide. Additionally, print media created for dissemination to potential work sites can help later for the recruitment of employers. Anytime the WBL program(s) can be highlighted, take advantage of it. Having students and employers talk about their positive experiences will support future WBL programs within the district.

Build relationships

- Community involvement is good business practice
- Employers receive the satisfaction of interacting with young people and contributing to their educational development
- Employers benefit from an improved local education system and a positive image projected throughout the community
- Reduce crime in the community, increase business, and improve overall community health.

Program Development

Recruitment of Employers/Work Sites

To build effective WBL programs it is best to meet with employers on their place of business or work site. Employers may not know that the local schools work with local businesses. Effective marketing strategies will be essential for building a program. Word of mouth can be one way to promote the program (school board members, volunteers, local advisory boards, etc.). However, reaching out to local businesses that mirror school based CTE programs build the WBL opportunities outside the classroom. In addition, building relationships with employers may extend their partnerships into the classroom by participating as guest speakers, volunteers, etc.

Large organizations may offer a greater breadth of opportunities and resources than small organizations; however, in many communities, small, locally-owned businesses may be the only employers. Because of their size, these businesses are in a position to provide unique learning opportunities that larger, more bureaucratic companies cannot. This includes exposure to all aspects of industry—the full range of activities necessary to run a business and the development of entrepreneurial skills.

Likely Partners:

- types of businesses that are generally open to partnerships with the education system include: local utilities, such as communication systems, electric and gas companies
- medical and health industry
- hospitality, tourism, restaurant industry, and retail businesses
- banking and finance institutions
- information technology and marketing
- construction industry and trades
- Municipal, State, and Federal Government
- Tribal Organizations, Alaska Native Corporations (local and regional)

When searching for business/industry partners for a WBL programs, consider those who:

- Demonstrate a commitment to education
- Represent a growth business/industry where there is a demand for trained workers
- Are visionary and goal-seeking
- Have a long-term commitment to the community
- Are familiar with WBL concepts or exhibit a willingness to learn
- Promote a proactive safety culture

Consider School Based Enterprise

A school-based enterprise allows students to practice what they learn in the classroom by running a small business at the school. Some common school-based enterprises are espresso stands, snack bars, small banks, school supply stores, etc. The money the business earns can then be used to fund student organizations, materials, equipment, facilities, improvement, and other items necessary to maintain or improve the program or school. While participating in these activities, students learn overall business operations such as managing costs, ordering supplies, working under pressure, providing good customer service, conserving supplies, and maintaining facilities. A school-based enterprise may function as the work site for WBL if all program requirements are met (i.e., required forms; compliance with labor law, safety, and liability issues; a student training plan that details employability skills and specific occupational skills to be learned; and a teacher or coordinator who is willing to act as the work site supervisor in developing and implementing the training plan and then training and evaluating the student).

School-Based Instruction

- Work with career and technical education instructors to develop standards and curriculum for related classroom instruction
- Develop general WBL goals and utilize these for student and performance objectives
- Identify, review, and evaluate curriculum materials based on the goals and objectives of the district CTE program
- Develop individualized objectives for special population students related to classroom and on-the-job training
- Devise methods for students to evaluate their own progress
- Establish specific criteria and methods for evaluating student learning
- Evaluate instruction and curriculum using input from students, work site supervisors and advisory committee members
- Program Evaluation
 - Prepare, administer, and analyze annual student and employer follow-up surveys
 - Seek evaluation from advisory committee members. For districts receiving Carl D. Perkins funds, input from a local advisory committee is required while building a CTE program.
- Prepare and analyze a budgetary evaluation
- Establish an evaluation process for the WBL program utilizing district advisory committee input that includes *evaluating* curriculum and WBL opportunities for school and district specific career pathways.

Overview of Roles for Partners – See Appendices checklists

District and School Leadership

District and School Administrators facilitate information and collaboration between all entities that contribute to WBL programs. This includes educators, school counselors, and the teacher-coordinator about the program and provides support to run it effectively. The administrators are responsible for providing adequate training and on-going professional development, facilitating curriculum/program development, providing input on the evaluation of the program and ensuring that the district has clear WBL program policies.

Once approval to implement a WBL program is secured, administrators provide support for developing the program, assume responsibility for developing policies that serve the unique needs of the students, and work to eliminate or reduce problems related to the day-to-day operation of the WBL program.

Teacher-Coordinator

The teacher-coordinator is the school staff member responsible for planning, developing, implementing, operating, and evaluating the district's WBL program. The main responsibility is the program administration, operation and management of the WBL. This includes the selection of worksites, worksite coordination, the training of worksite personnel regarding the expectations of the program, selecting and placing students in worksites, evaluating programs, and ensuring the goals of the WBL programs are met.

School Counselors

Intentional coordination between school counselors and career and technical education (CTE) educators ensure that all students are receiving career assessment and advisement. This includes working with students within special populations that require special consideration and attention in an educational setting (individuals with disabilities; individuals from economically disadvantaged families; including foster children; individuals with limited English proficiency; and any individual with other barriers to educational achievement). Clear expectations that school counselors and CTE staff coordinate both class and WBL offerings will only build the CTE program within a school and district.

Counselors should assist students in determining a career path that might lead to a WBL placement or a job orientation by providing information on relevant sources and local opportunities as well as coaching them on interview techniques. Sharing up-to-date labor market information provides context for both CTE instruction within the school as well as in determining optimal WBL programs. Holding regular conferences regarding student progress in class and on the job will keep students on track to be successful in the workplace.

Student

Selected students will actively engage in learning in school as well as at the work site. While on the work site the student will learn occupational and employability skills in all aspects of the industry while complying with all requirements (safety, timeliness, behavior, etc.). The student will agree to adhere to all school and work site rules and procedures.

Parent

Parents support their children in career exploration activities and help their child to identify skills and education required for potential occupations. They guide their child to make appropriate decisions about careers that match the interest, skills, and expectations with WBL program offerings. Parents need to fully understand the legal and liability issues involved with the WBL experience and help their child understand the expectations, as well as encourage their child to comply with all requirements of the

program. Parents' collaboration and cooperation with the teacher-coordinator is needed to provide feedback about their child's WBL experience as well as their experience with the program.

Appendices

Appendix A: Definitions

Appendix B: Checklists

Appendix C: Wage and Laws and Legal Considerations

Appendix A: Definitions

Term	Definition
Apprenticeship	See Registered Apprenticeship, Youth Apprenticeship, School to Apprenticeship, and Pre-apprenticeship. Apprenticeships are not work-based learning experiences for high school students. Individuals participating in apprenticeships are employees.
Community Service Learning	See Service Learning
Cooperative Education	A method of instruction of vocational education for individuals who, through written cooperative arrangements between the school and employers, receive instruction, including required academic courses and related vocational instruction by alternation of study in school with a job in any occupational field. The two experiences must be planned and supervised by the school and employers so that each contributes to the student’s education and employability. Source: Perkins regulations, 34CFR Part 400.4 (b); also in NDCCTE
Internships	A supervised WBL experience that links a learner with an employer for a planned set of activities often designed to give the learner a broad overview of a business or occupational field. Source: MTAG. <i>Note: May be short term or long term, paid or unpaid.</i>
Job Shadowing	Activity in which an individual spends time with a worker on the job, observing actual workplace tasks in order to explore a potential career interest. Source: ERIC Thesaurus
Mentor, Mentoring	<ol style="list-style-type: none"> <li data-bbox="418 1329 1403 1486">1. Within the context of WBL: Mentoring is a one-on-one relationship in which an experienced employee fosters the development of a less experienced person by providing challenges, encouragement, guidance, and resources. Source: OTA <li data-bbox="418 1518 1403 1633">2. Within the context of Career Pathways/Clusters: An organized system of pairing a student with an adult who is working in the student’s chosen field. Source: CORD Glossary <li data-bbox="418 1665 1403 1822">3. Within the context of youth programs: A mentor is an adult who, along with parents, provides young people with support, counsel, friendship, reinforcement, and constructive example. Source: National Mentoring Partnership

Term	Definition
On The Job Training (OJT)	<p>1. OJT is usually a paid work experience in which a person is taught specific job skills by an employer. OJT is usually associated with employment and training programs such as the Workforce Investment Act, Vocational Rehabilitation, or Alaska Temporary Assistance. Source: MTAG.</p> <p>2. The term “on-the-job training” means training by an employer that is provided to a paid participant while engaged in productive work in a job that</p> <ul style="list-style-type: none"> (A) Provides knowledge or skills essential to the full and adequate performance of the job (B) provides reimbursement to the employer of up to 50% of the wage rate of the participant, for the extraordinary costs of providing the training and additional supervision related to the training; and (C) is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate. <p><i>Note: One connotation of “on the job training” is its being opposed to training through a school or formal training program. Consequently, when the term is used <u>within</u> the context of a school program, it is inherently confusing. It is probably better for educators to use other terms, such as work experience or cooperative education.</i></p>
Paid Student-Learner	<p>A paid student-learner receives compensation from the employer at the rate of 75% of Alaska minimum wage. Students receiving compensation are required to obtain a work permit. The work is intermittent and for short periods with supervision by qualified people. The student will participate in a schedule of organized and progressive work processes to be performed on the job. The employer may benefit from the work of the paid student-learner.</p>
Pre-apprenticeship Programs	<p>Nonprofit organizations, schools, and government agencies administer training programs to help people to qualify for apprenticeships. They target specific groups, including high school students, disadvantaged youth, veterans, and women. <i>Note: School to Apprenticeship is one variant of a pre-apprenticeship model, as is the HUD Step-Up program.</i> Source: Apprenticeships.</p>
Registered Apprenticeship	<p>Apprenticeship is a structured training model that combines on-the-job training and related technical instruction in which workers learn the practical and theoretical aspects of a highly skilled occupation. Registration is with the</p>

Term	Definition
	Department of Labor’s Office of Apprenticeship and ensures standards of fairness, safety and training. Registered Apprenticeship training is more formal than most other types of on-the-job training. Source: Apprenticeships; see also Perkins regulations, 34CFR Part 400.4 (b), apprenticeship training program.
School Based Enterprise	Students work part-time in a school-owned business and take elective classes that develop the required occupational and entrepreneurial skills. Source: OTA
School to Apprenticeship	A cooperative education program for secondary students that integrates academic and occupational instruction, includes a paid work experience, and leads to entrance into a registered apprenticeship program. After graduation, participants become full time apprentices and have already completed a number of the requirements. Source: OTA, Apprenticeships.
Service Learning	Learning through community service (or public service in a wider sphere), usually integrated with regular instruction in school. Source: ERIC Thesaurus.
Special Populations	<p>Special populations are defined as:</p> <ul style="list-style-type: none"> a. individuals with disabilities b. individuals from economically disadvantaged families, including low-income youth and adults c. individuals preparing for non-traditional fields d. single parents, including single pregnant women e. out-of-workforce individuals f. English learners g. Homeless individuals (McKinney-Vento Homeless Assistance Act) h. Youth who are in, or have aged out of, the foster care system i. Youth with a parent who- <ul style="list-style-type: none"> a. Is a member of the armed forces b. Is on active duty
Stakeholder	A person with an interest or concern in CTE programs such as parents, community member, local businesses, school board members, school personnel, etc.
Unpaid Intern	An unpaid intern will practice the tasks associated with the job or trade at the work site with direct supervision. A work permit is not required for an unpaid intern. The experience is for the benefit of the student, not the employer. If the unpaid intern begins to perform tasks that benefit the employer

Term	Definition
	<p>(responsible for all of the filing, finishing projects, or taking on the responsibilities of an employee), the student will need to be identified as a paid student-learner and receive compensation from the employer and obtain a work permit. Unpaid interns can participate in the seven exempt activities listed above as long as the expectation is that the student is practicing the skill with direct supervision and is not responsible for a finished product.</p>
Work-based learning	<p>Work-based learning refers to learning that results from work experience that is planned to contribute to the intellectual and career development of students. The work experience is supplemented with instruction and activities that apply, reinforce, refine, or extend the learning that occurs during work, so that students develop attitudes, knowledge, skills, and habits that might not develop from work experience alone. Source: OTA</p>
Work Experience Programs	<p>On-the-job experiences are designed to increase the employability of participants -- included are a variety of federal job training, vocational, career education, and corrections programs often less structured than cooperative education programs. Source: ERIC Thesaurus.</p> <p><i>Note: "On the job experiences" not to be confused with "on the job training".</i></p>
Work Study Program	<p>Programs, generally federally funded, providing part-time employment to students who need financial aid to begin or continue their education -- usually at the postsecondary level and different from "work experience programs" in that "work study" emphasizes financial aid and not employment experience. Source: ERIC Thesaurus</p> <p><i>Note: Term is used in Alaska workers' compensation statute (AS 23.30.237) as a synonym for a high school cooperative education program.</i></p>
Youth Apprenticeship	<p>A term connected to the School to Work Opportunities Act, it refers to a coordinated learning program that integrates academic and occupational instruction, includes paid work experience, extends from high school through postsecondary education, and leads to an industry-recognized certificate.</p> <p><i>Note: The term is not widely used in Alaska, and varies somewhat in its meaning from state to state. Some definitions from the US Department of Labor (wdr.doleta.gov/research/youth/stw.cfm) see it as for students planning no postsecondary education. The term is separate and distinguished from registered apprenticeship. The state CTE office believes it is better to use other terms if possible, because it is confusing to use the term,</i></p>

Term	Definition
	“apprenticeship”, for a program that is not in fact connected to a registered apprenticeship. Sources: OTA, MTAG, Experiences.

Appendix B: Checklists

The checklists included in this guide are suggested activities. Refer to district policies and procedures.

District/School Leadership and Teacher-Coordinator Expectations

Administrative

1. Informs teachers and school counselors about the program and gains their support.
2. Assigns a school-based teacher-coordinator and provides for adequate in-service training and on-going professional development.
3. Facilitates curriculum development Helps evaluate and refine the program.
4. Ensures that the district has clear WBL program policies.
 - a. Work with the Alaska Department of Labor and Workforce, Wage and Hour Administration to obtain work permits for students between the ages of 14 and 17 for students participating as a paid student-learner. [Work permit applications](https://labor.alaska.gov/lss/forms/workpermit.pdf) (labor.alaska.gov/lss/forms/workpermit.pdf) can be filled in and scanned then emailed to: statewide.wagehour@alaska.gov. Approvals (or denials) are granted daily, when received before 4:00 p.m.

General Expectations

1. Coordinates with employers, school staff, students, and parents.
2. Ensures that all partners are in compliance with all state and federal legal requirements and that and that all issues of liability, labor laws, and insurance have been satisfied.
3. Oversees recruitment of employers and students.
4. Creates the means by which partners come to formal agreement about their roles and responsibilities, and ways to ensure accountability.
5. Provides coordination and support for curriculum development.
6. Ensures that student selection and match procedures are equitable and that they provide access for all students.
7. Provides effective orientation and training for all partner groups Ensures that safety is maintained during all aspects of the program.
8. Creates an ongoing evaluation and assessment system.
9. Maintains all necessary paperwork, including training agreements, training plans, employer information, and student and parent information.
10. Regularly visits students at their work sites; evaluates their progress; and gets feedback from students and employers.
11. Develops training plans that ensure students will be instructed in employability and occupational skills, and that work site instruction is related to classroom instruction.

Guidance, Counseling, and Advising

1. Cooperate with school counselors in determining student participation, coordinate with other staff or other agencies who are placing students in WBL situations, e.g., probationary placements or special education program placements.
2. Provide career assessment and advisement for potential student participants
Interview prospective students for entry into the program.
 - i. Assist students in determining appropriate placement.
 - ii. Counsel students regarding job orientation and interview techniques.
 - iii. Hold regular conferences concerning student progress in class and on the job.
3. Know and help provide for the needs of special population students.
4. Help students in developing good work habits.
5. Advise students regarding the need for classroom and work site evaluations.
6. Recognize when a student needs counseling or advising from another staff member and obtain appropriate assistance.
7. Keep up-to-date on labor market information.

Work Site Instruction and Coordination

1. Recruit, evaluate, select, and establish potential work sites.
2. Select applicable work sites to meet the unique needs of special population students.
3. Inform the work site and the work site supervisor of applicable school policies.
4. Orient work site supervisors to the specific objectives of WBL.
5. Obtain parental or guardian approval for student participation.
6. Advise students of the specific skills to be learned at the work sites.
7. Schedule students for work site interviews.
8. Identify specific on-the-job learning experiences with work site supervisors.
9. Prepare training agreements and other necessary paperwork (including a work permit, if necessary), before students report to the work site.
10. Assist work site supervisors with the training task.
11. Develop training plans in conjunction with work site supervisor.
12. Visit work sites in person to observe the students and to confer with work site supervisors concerning student performance and progress.
13. Assist work site supervisors to comply with state and federal labor and safety laws.
14. Seek input regarding the student's work qualities, attitudes, and habits while at the work site.
15. Develop criteria by which the work site supervisor can evaluate student progress.
16. Assess the measurable skills learned via work site supervisor evaluation and student self-evaluation.

17. Seek student, parent, and work site supervisor evaluation of the work site and the WBL program.
18. Comply with local, state, and federal laws relating to career and technical education, employment of minors, and safety.
19. Hold conferences with students, employers, and parents.
20. Resolve any problems that arise between the student and the work site supervisor.

Program Administration, Operation, Management

1. Establish and utilize an advisory council.
2. Obtain or develop all necessary forms required for the program.
3. Develop and file written training plans and agreements signed by students, agency representatives, parents, and work site supervisors.
4. Keep abreast of relevant state and federal labor laws and regulations.
5. Assure that all partners are in compliance with state and federal labor laws and regulations.
6. Understand agency law, code, liability, etc., as related to work site experience.
7. Ensure student-learners' safety and protection.
8. Maintain work site opportunities for special population students.
9. Establish and publicize agency policies regarding such items as discipline, absenteeism, work schedules, wages, job transfer, etc.
10. Ensure that planned learning activities relate to the work experience and the student's chosen career pathway.
11. Complete training agreement and training plan with student, work site supervisor, parent, and administrator.
12. Record coordination visits and conferences with work site supervisors and students.
13. Measure student achievement of tasks on the job.
14. Evaluate the job market to secure additional work sites.
15. Maintain teacher-coordinator records.
16. Be aware of records retention requirements that may be mandated by specific funding programs, the school district, or partnering agencies.
17. Keep accurate records of state and federal funds utilized.
18. Prepare an annual WBL budget if required by district policy and procedures.
19. Order and account for teaching materials, supplies, texts, and equipment.

School Counselor Expectations

1. Develops and maintains methods to keep students informed about WBL opportunities.
2. Learns about future trends in work and learning, and communicates them clearly to participating students.
3. Helps all students understand the need for advanced skills and education for future work.

4. Helps students bridge the emotional and social gap between school and work expectations with acceptable behavior.
5. Helps to evaluate and refine the program.

Employer Expectations

1. Helps specify desired skill levels and assists in development of student training plan.
2. Helps develop curriculum that focuses on occupational and employability skills and all aspects of industry, integrating work site and school learning.
3. Helps clarify legal rights, responsibilities, and liabilities of partners Informs employees about the program and gains their support.
4. Maintains regular contact with teacher-coordinator.
5. Adheres to structured learning plans; refining them as appropriate in cooperation with the teacher-coordinator.
6. Evaluates and records student progress.
7. Provides teacher-coordinator access to the work site.
8. Helps evaluate and refine the program.
9. Learns techniques for effective communication and interaction with adolescents.
10. Informs the student about work site norms and customs, social aspects and expectations of the work site.
11. Provides consistent support and guidance to the student; set high expectations.
12. Provides instruction in job- and industry-related skills as well as employability skills
13. Educates the student in work site safety.
14. Reports serious concerns, behavioral difficulties or student needs to the teacher-coordinator.

Student Expectations

1. Actively engages in work and learning in school and at the work site.
2. Explores potential career fields.
3. Contributes to a positive atmosphere in school and at the work site.
4. Talks to teacher-coordinator or work site supervisor immediately about any questions regarding assignments, expectations, and appropriate behavior.
5. Signs training agreement and adheres to agreed-upon program guidelines for conduct and attendance at school and work.
6. Learns and complies with employer's work site policies and safety procedures.
7. Demonstrates specified learning outcomes through a portfolio or other means that display academic and technical skills.
8. Helps to evaluate and refine the program.
9. Obtains a work permit before beginning work (applies only to students in a paid student-learner program). See Administrative Expectations for additional information.

10. Maintains a record of their work experience as prescribed by district/school expectations.
11. Contacts the teacher-coordinator when a problem occurs at the work site.
12. Knows and complies with the district's transportation policies for getting to and from their work site.
13. Reports any injury, accident, chemical exposure, infection or disease incurred in the course and scope of the WBL experience to their work site supervisor immediately and the teacher coordinator as soon as reasonably possible.
14. Follows the attendance and behavior policies of the school and the work site.
15. Maintains a good employment record.

Parent Expectations

1. Helps student identify skills and education necessary to enter potential career fields.
2. Helps student make appropriate decisions matching his or her interests, skills, and expectations with WBL program offerings.
3. Works with the teacher-coordinator to offer feedback about student's WBL experience.
4. Helps other parents and community members understand the value of the program.
5. Understands the legal, insurance, and liability issues involved in the student's WBL experience.
6. Reads and signs the training agreement and encourages student to comply with all requirements.

Recruitment of Employers – Questions to Consider

1. What will this program cost in wages, training time, and other costs?
2. Will my staff have to do a lot of paperwork?
3. Will my liability insurance and workers' compensation premiums increase?
4. Who has the ultimate responsibility for program administration and governance?
5. How will I know that my firm will get adequate program support once students are coming to my work site?
6. What kind of students will be recruited?
7. Will I be able to choose which students are placed at my work site?
8. Who is responsible for addressing attitudinal or disciplinary problems with students?
9. What assurances will I have that the schools will keep their end of the partnership?
10. What training will I receive in how to supervise and train young people?

Appendix C: Wage and Laws and Legal Considerations

Employers, schools and students are affected by a number of labor laws as they participate in WBL activities. Child labor laws were enacted to protect minors from injury in the workplace and to prevent work from interfering with education, to ensure proper wages are paid to all minor employees. These laws generally apply whenever an employer-employee relationship exists between the student and an employer and the student is under eighteen years of age.

Introduction

Legal issues surround any work-based learning (WBL) program. The following section identifies some of these issues and provides guidance in order to help all involved in the WBL programs recognize that have more reasons to participate, than not. This section has also been included to make it clear that DEED, DOLWD, and DEC fully support and encourage Alaska workforce development through WBL programs. It is not, however, legal advice. In order to comply with federal, state, and local statutes, regulations, and policies, it is recommended to consult with district leadership regarding the legal issues associated with WBL.

Legal concerns related to work-based learning fall into three broad areas:

1. Safety concerns;
2. Wage and hour/child labor law concerns, and
3. Insurance/liability concerns.

This guide will not attempt to cover all the general legislation that applies to employers and school districts regarding their employees and students. In addition to the child labor laws, numerous other laws apply to schools and to employment, such as the Americans with Disabilities Act, the Drug Free Workplace Act, the Civil Rights Acts of 1964 and 1991, and more. For a full listing of anti-discriminatory legislation, visit the [Equal Employment Opportunity Commission webpage](http://www.eeoc.gov/) (www.eeoc.gov/). For Alaska-specific health and safety information, visit the [Division of Labor Standards and Safety web page](http://www.labor.state.ak.us/lss/) (www.labor.state.ak.us/lss/).

Safety Concerns

Child labor laws and the regulations and policies derived from them are the main tools designed to protect the health and safety of minors at work. In addition, health and safety laws that generally apply to students and/or to employees also apply for learners in a WBL program.

Before accepting a student placement with an employer or agency for a WBL experience, the teacher-coordinator should perform an inspection of the work site to ensure that it is a safe and appropriate environment.

Employers can receive assistance in setting up or improving a safety and health program from the State of Alaska's Labor Standards and Safety Division, Alaska Occupational Safety and Health (AKOSH). AKOSH Consultation and Training section provides this

service free of charge. AKOSH Consultation and Training can be reached at (907) 269-4955 or toll free at 1-800 656-4972.

There are useful resources focused on young workers, employers, as well as parents and educators available through [OSHA's webpage](http://www.osha.gov/SLTC/teenworkers/index.html) (www.osha.gov/SLTC/teenworkers/index.html)

At no cost to the schools, AKOSH's youth trainer conducts safety presentations and training exercises on the topics of general workplace safety and construction safety to high school students throughout Alaska. If your high school is interested in having a representative come to your school and speak to students about workplace safety, contact the Chief of Consultation and Training at elaine.bando@alaska.gov.

Wage and Hour and Child Labor Laws

A limited number of employment possibilities exist within the ambit of Alaska's wage and hour laws permitting a minor (16 and over) to work lawfully in a business. The experiences discussed in this publication, are those of an Unpaid Intern, and a Paid Student-Learner.

As they participate in WBL activities, employers, schools, and students are all affected by a number of labor laws. Child labor laws were enacted to protect minors from injury in the workplace, to prevent work from interfering with education, and to ensure proper wages are paid to all minor employees. These laws generally apply whenever an employer/employee relationship exists between the student and an employer, and the student is under eighteen years of age.

In order for students to participate in and receive credit for a WBL experience, the student must be a participant in a school-organized activity, such as the ones described in this guide. For employers, this means that students can learn skills within the employer's business as a trainee on a *quid pro quo* basis. That is, the student is able to experience firsthand the details of the business operation and the job duties, and the employer can witness and assess the abilities of the student as he/she is trained in the basics of the work environment.

Students participating in work-based learning programs are not to be utilized as, or considered to be, independent contractors.

Employees

This section's focus is on non-agricultural employment covered by the [Fair Labor Standards Act \(FLSA\)](http://www.dol.gov/agencies/whd/flsa) (www.dol.gov/agencies/whd/flsa) and/or Alaska state child labor laws. Alaska wage and hour and child labor laws can be very complex, and may require further explanation. For questions, contact your regional Wage and Hour Administration office by email at statewide.wagehour@alaska.gov.

Employers who employ minors under the age of 17 must have an approved work permit on file with the Alaska Wage and Hour Administration before the minor can lawfully start working. The approved work permit requirement applies only to Paid Student-Learners (See the section on State of Alaska Child Labor Laws for more information). This permit, providing consent from the parent or legal guardian, and approved by the Wage and Hour

Administration, assures certain protections for the minor, including lawful wages and restrictions from certain prohibited work duties. See the section on Hazardous Occupations for more information.

The Fair Labor Standards Act (FLSA)

The *FLSA* is a group of federal laws enforced by the U.S. Department of Labor's Wage and Hour Division. It covers employees of most non-agricultural businesses, and its provisions apply whenever an employer/employee relationship exists. The *FLSA* and its associated regulations affect employment in two primary areas, (1) wages and hours, and (2) child labor safety [laws](#).

Some businesses in Alaska that do not engage in interstate commerce and have a limited gross revenue may not be covered by federal law; however, they are still likely to be covered under state laws. The business itself should know if it is subject to either or both.

State of Alaska Child Labor Laws

The Alaska Department of Labor and Workforce Development, [Wage and Hour Administration](#) enforces laws related to wages, hours, and child labor, which, for the most part, mirror the requirements of the *FLSA*, but are often more strict. Several areas where they differ will be pointed out in the applicable section.

When both state and federal laws cover the same area, the more restrictive of the two applies.

The labor laws apply when an employment relationship exists. The *FLSA* defines the term "employ" very broadly as "suffer or permit to work." Generally, individuals who are "suffered or permitted" to work must be compensated under the law for the services they perform for an employer.

Alaska wage and hour laws provide an exemption for minors allowing them to be employed and compensated at the federal minimum wage (currently \$7.25 per hour), if the minor does not work more than 30 hours a week. Contrary to what many think, minors employed in their parents' businesses are not exempt from the state minimum wage laws, although they are exempt from the requirement of obtaining a work permit.

For specific questions regarding the Alaska minimum wage, contact the Wage and Hour Administration by email at statewide.wagehour@alaska.gov thorough the [Wage and Hour Administration website](#) (www.labor.state.ak.us/lss/whhome.htm) or nearest office at:

Anchorage: (907) 269-4900

Fairbanks: (907) 451-2886

Juneau: (907) 465-4842

Unpaid Interns

An unpaid intern participating in a 60-hour program will practice the tasks associated with the job or trade at the work site with direct supervision.

The Test for Unpaid Interns

Please note that this section is regulated by federal requirements. The language presented below comes directly from federal statute and regulation. Where appropriate to provide clarity, Alaska specific language has been inserted.

There are some circumstances under which individuals who participate in "for-profit" private sector internships or training programs may do so without compensation. This may apply to interns who receive training for their own educational benefit if the training meets certain criteria. The determination of whether an internship or training program meets this exclusion depends upon all of the facts and circumstances of each such program.

The following six criteria must be applied when making this determination:

1. The internship, even though it includes actual operation of the facilities of the employer, is similar to training which would be given in an educational environment;
2. The internship experience is for the benefit of the intern;
3. The intern does not displace regular employees, but works under close supervision of existing staff;
4. The employer that provides the training derives no immediate advantage from the activities of the intern; and on occasion its operations may actually be impeded;
5. The intern is not necessarily entitled to a job at the conclusion of the internship; and
6. The employer and the intern understand that the intern is not entitled to wages for the time spent in the internship (though a stipend may be paid for expenses).

When all of the six factors listed above are met, an employment relationship does not exist under the *FLSA* or Alaska wage and hour laws, and neither minimum wage and overtime provisions would apply. Some of the most commonly discussed factors for "for-profit" private sector internship programs are considered below.

In general, the more an internship program is structured around a classroom or academic experience, as opposed to the employer's actual operations, the more likely the internship will be viewed as an extension of the individual's educational experience (this often occurs where an educational entity exercises oversight over the internship program and provides educational credit). The more the internship provides the individual with skills that can be used in multiple employment settings, as opposed to skills particular to one employer's operation, the more likely the intern would be viewed as receiving training. Under these circumstances, the intern does not perform the routine work of the business on a regular and recurring basis, and the business is not dependent upon the work of the intern. Unpaid interns will practice the tasks associated with the job or trade while at the work site. On the other hand, if the interns are engaged in the operations of the employer or are performing productive work (for example, filing, performing other clerical tasks, or assisting customers), then the fact that they may be receiving some benefits in the

form of a new skill or improved work habits will not exclude them from the *FLSA's* minimum wage and overtime requirements. In Alaska, this means that students may learn and practice these tasks at the job site as long as the employer is not relying on the students to be solely responsible for completing tasks that will benefit the employer or take on the responsibilities of a regular employee.

The experience of an unpaid intern is for the benefit of the student, not the employer. If the unpaid intern begins to perform tasks that benefit the employer (responsible for all of the filing, finishing projects, or taking on the responsibilities of an employee), the student will need to be identified as a paid student-learner and receive compensation from the employer as well as obtain a work permit.

Displacement and Supervision Issues

If an employer uses interns as substitutes for regular workers or to augment the business's existing workforce during specific time periods, these interns should be paid at least the minimum wage and overtime compensation for hours worked over eight hours a day for over 40 straight-time hours in a workweek. If the employer had hired additional employees, or required existing staff to work additional hours had the interns not performed the work, then the interns would be viewed as employees and entitled to compensation under the *FLSA* and Alaska wage and hour laws. Conversely, if the employer is providing job shadowing opportunities that allow an intern to learn certain functions under the close and constant supervision of regular employees, but the intern performs no or minimal work, the activity is more likely to be viewed as a bona fide education experience. On the other hand, if the intern receives the same level of supervision as the employer's regular workforce, this would suggest an employment relationship, rather than training, and appropriate compensation would be required.

Job Entitlement

The internship should be of a fixed duration, established prior to the outset of the internship. Further, unpaid internships generally should not be used by the employer as a trial period for individuals seeking employment at the conclusion of the internship period. If an intern is placed with the employer for a trial period with the expectation that he or she will then be hired on a permanent basis, that individual generally would be considered an employee under the *FLSA* and Alaska wage and hour laws.

Where to Obtain Additional Information

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

For additional information, visit the federal [Wage and Hour Division webpage](http://www.wagehour.dol.gov) (www.wagehour.dol.gov) and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).

Paid Student-Learners

A student-learner is one who is enrolled in a course of study in a State-recognized educational entity, and such student-learner is employed under a written agreement, provided by the Alaska Department of Labor and Workforce Development, Wage and Hour Administration, and must provide:

1. That the work of the student-learner in particularly hazardous environments or activities shall be incidental to his training;
2. That such work shall be intermittent and shall be for short periods of time, and under the direct and close supervision of a qualified person;
3. That safety instructions shall be given by the school and correlated by the employer with the on-the-job training; and
4. That a schedule of organized and progressive work processes to be performed on the job shall have been prepared.

A student-learner is still an employee and is therefore restricted to certain occupations. However, of these restricted operations, there are seven, which the student is allowed to perform intermittently, for short periods of time and with direct supervision from another qualified employee. Further, they must be paid at a rate of pay no less than 75% of the current Alaska minimum wage. The minimum federal requirement for minimum wage is \$7.25 per hour. For Alaska, 75% of the State's 2020 minimum wage is \$7.64 per hour. This will adjust annually.

HAZARDOUS OCCUPATION LIMITATIONS
(29 CFR 570, Subpart E)

There are seventeen Hazardous Occupations described in the law. Minors under age 18 may not be employed to work in these occupations unless they are employed as a *student- learner*. Sixteen and seventeen year old student-learners can work in Hazardous Occupations numbered 5, 8, 10, 12, 14, 16 and 17. There are no exemptions allowed for Hazardous Occupations numbered 1, 2, 3, 4, 6, 7, 9, 11, 13, and 15.

Hazardous Occupations

HO Number	CANNOT BE EXEMPTED	HO Number	CAN BE EXEMPTED
1	Manufacturing and storing of explosives or explosives components	5	Power-driven woodworking machines
2	Motor vehicle driving and outside helper (riding outside the cab)	8	Power-driven metal-forming, punching or shearing machines
3	Coal mining	10	Meat packing or processing
4	Logging and sawmilling	12	Power-driven paper-product machines
6	Exposure to radioactive substances	14	Power-driven circular saws, band saws, and guillotine shears
7	Use of power-driven hoisting apparatus	16	Roofing operations
9	Mining, other than coal mining	17	Excavation operations
11	Power-driven bakery machines	n/a	n/a
13	Manufacturing brick, tile and related products	n/a	n/a
15	Wrecking, demolition, and ship breaking operations	n/a	n/a

HAZARDOUS OCCUPATIONS EXEMPTIONS
(29 CFR 570.50)

Wages in Alaska

Under Alaska statute, minors under the age of 18 who work up to 30 hours per week must be paid at least the federal minimum wage. For those working more than 30 hours per week, the state minimum wage applies. (AS 23.10.065; AS 23.10.055; 8AAC 05.040)

Paid Student-learners (as defined above) may be paid at not less than 75% of the state minimum wage. (8 AAC 15.125) Application must be made to the nearest office of the state’s Wage and Hour Administration.

For specific questions regarding minimum wage, contact the nearest [Wage and Hour Administration office webpage](#) (www.labor.state.ak.us/lss/whhome.htm) or phone numbers are:

Anchorage: (907) 269-4900
Fairbanks: (907) 451-2886
Juneau: (907) 465-4842

Miscellaneous Child Labor Provisions

Blood Borne Pathogens

The state prohibits the employment of minors under 18 in positions where there is daily exposure to blood borne pathogens. Blood borne pathogens are pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, Hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

This section does not apply to the incidental contact to blood.

(8 AAC 05.115) Occupations in hospitals, clinics, dental, orthodontic, or other medical or dental offices that involve exposure to blood borne pathogens are hazardous and prohibited to minors, unless the minor is:

1. at least 16 years of age and is enrolled in or has successfully completed a state-certified nursing training course or a health care career program in conjunction with a high school, either as part of the curriculum or through a school-to-work partnership between the school district and an employer or group of employers, including the student-learner program; or
2. 17 years of age and is enrolled in or has successfully completed a health care career program approved by the commissioner that is offered by a training facility other than a school.

Ionizing Radiation

State regulations prohibit minors from occupations involving exposure to ionizing radiation as well as those involving exposure to radioactive substances. (8 AAC 05.110)

Insurance and Liability Issues

Insurance issues are a concern for both the school district and the employer in a WBL situation. The concerns generally fall into four categories:

1. Injury occurring to the student while at the workplace;
2. Injury occurring to the student while in transit to or from the workplace;
3. Injury to the patrons or employees of the workplace; and
4. Damage to the employer's property.

The following information provides some general guidelines for understanding these issues; it does not substitute, however, for legal advice or local policy.

Liability for the student at the workplace

Paid Work Experience

For Profit Employer: If engaged in a paid work experience, students are covered under

the employer's workers' compensation insurance.

Nonprofit Employer: Under Alaska statute, a high school student engaged in a "course that combines academic instruction with work experience outside the school for a public or private *nonprofit* employer" is an "employee of the state" for workers' compensation purposes. (AS 23.30.237, emphasis added) If an employer and employee fit under this provision, if the student- learner is injured at the workplace or anywhere else where the student was in the course and scope of performing work, the employer is required to file a report of injury with the Alaska Department of Administration, Division of Risk Management, within 10 days from the date the employer has knowledge of an injury alleged by the student or any third party. Questions about this process may be addressed by contacting the State of Alaska Risk Management office at (907) 465-2180.

Unpaid Work Experience

For students in unpaid work experiences for private or public nonprofit organizations, the situation may be more complicated. Upon filing of a workers' compensation claim for benefits, the Alaska Workers' Compensation Board assumes jurisdiction over disputes regarding whether or not an employer/employee relationship existed at the time of injury, and whether or not a work-related injury is compensable. Nonprofit employers may also choose to extend coverage to volunteers.

Workers' compensation insurance is the exclusive remedy for work-related injuries. The only exception to this rule is when an employer does not have the required workers' compensation insurance in place, and then the injured worker has the option of either filing a workers' compensation claim or civil lawsuit against the employer. Medical and liability insurance policies may deny claims for work-related injuries. If negligence by an employee or agent of the employer is involved, the employer's general liability insurance may ultimately provide coverage in the course of administrative or legal action between insurance companies. Employers should consult with their insurance brokers or carriers to ensure adequate coverage is in place for their participation in a WBL program. Some larger school districts provide liability insurance for WBL opportunities.

Injury occurring to student while in transit to or from the work site

In general, liability for injuries or accidents during transit lies with the party providing the transportation. Thus, the student is responsible if driving a personal or family vehicle, the district is responsible if traveling in school-provided transportation and the employer is responsible if employer-provided transportation is used. If a public transportation system is used, its insurance coverage applies. This general rule does not apply when transportation is included in the course and scope of the work itself (e.g., transportation is required to get from one worksite to another during work hours). In this case, workers' compensation is likely to be the exclusive remedy.

The school district transportation policy may have to be reviewed and revised to accommodate WBL. The transportation issues are similar to those for extra-curricular activities and for field trips. A transportation agreement signed by the student and parents is recommended when personal vehicles are used. Conditions in such an

agreement might relate to verification of insurance coverage, number and type of passengers allowed, and limiting the transportation solely to and from the work site.

Injury to patrons or employees of a business

If a student in a work experience causes, through negligence, injury to patrons or employees of a business, a liability exists. The question becomes whether that liability is covered by an insurance policy. If the student is in a paid work experience, the employer's general liability insurance provides coverage. In addition, if the student is in an unpaid work experience, but is under the direct supervision of school district personnel, the school district's general liability insurance usually will provide coverage. Situations other than these two are less clear and will depend on the specifics of various policies.

School district general liability policies ordinarily cover negligent acts by employees and volunteers, but not students. Similarly, an employer's general liability insurance usually covers employees, but may or may not cover visitors or unpaid trainees. In each case, endorsements to the policies could extend coverage to unpaid trainees in a WBL program.

Damage to the employer's property

If the student causes damage to property at the workplace, the employer's property insurance may provide coverage. However, liability may still exist for the deductible amount.

Liability Shields

A WBL program can use a liability shield in an attempt to lessen liability. Four commonly used types are waivers, consent forms, permission slips, and indemnification agreements.

- Waivers ask participants to waive their rights to bring a lawsuit in the event of injury or damage. They are, in general, not effective tools to use with minors, since minors rarely have legal standing to waive their rights, and others, including the parents, cannot waive those rights either. Additionally, employees cannot waive their rights to workers' compensation. See a sample Liability Waiver in Appendix A.
- Informed consent forms inform the participant and parents or guardians in detail of the risks involved in the activity. Participants sign the document indicating that they have read and understood the risks, and agree not to bring a lawsuit for harm resulting from those risks. These do not excuse a company or school from any liabilities resulting from negligence on their part.
- Permission slips inform participants and parents or guardians about the nature and details of an activity. The main benefit is that well-informed parents are less likely to file a suit.
- Indemnification agreements shift financial burden for damages from one party to another. A risk management agent or attorney should be consulted before signing

one of these.

- An indemnification agreement could be used to shift the liability for the deductible in the case of property damage, mentioned above in number 4.4, from the school district or the participant to the employer, for example.

Risk Management

Issues relating to liability and insurance are complex. Consequently, if the school district has a person in charge of risk management, it would be wise to discuss these issues with that person. Additionally, insurance coverage should be clearly laid out and understood as part of the agreement between the school district, the student and parents, and the work site employer.

We recommend that the school district adopt policies to ensure that coverage is in place before proceeding with individual placements. For example, it can require proof of insurance before approving a plan for the student to use a personal vehicle to get to and from the workplace. In addition, it can require proof of an employer's general liability insurance before accepting a placement of a student at a work site.