

Michigan Department of Education/Office of Career and Technical Education

WORK-BASED LEARNING (WBL) OPPORTUNITIES CHART

An Overview of the Major Types and Related Legal/Liability Compliance Factors

Major Work-Based Learning Opportunities						
A. Program Description Factors	Student/Visitor	Volunteer	Work-Based Learning Non-CTE Programs (Paid and Unpaid*)	Work-Based Learning State -Approved CTE Programs (Paid and Unpaid*)	In-District/In-School Placements (Paid and Unpaid*)	Minor Employee with Work Permit (Not WBL)
<p>Program Types (Note: Local districts may call different types of work-based learning by different names. This is a local determination and an acceptable practice.)</p>	<ul style="list-style-type: none"> - field trip - career exploration - job shadowing - day on-the-job - work-site project 	<ul style="list-style-type: none"> - service learning - community service - service clubs - youth groups* <p>*some youth oriented agencies are exempt from the YESA; no work permit required</p>	<ul style="list-style-type: none"> -- Paid or unpaid work-based learning experiences (these can include apprenticeships) -- Work-Based Learning Experiences for Pupils with Disabilities -- **In-District Placement/Transitions 	<ul style="list-style-type: none"> -- Paid or Capstone Work-Based Learning Experience State-Approved CTE Programs (these can include apprenticeships) -- Unpaid Work-Based Learning Experience State-Approved CTE Programs -- **In-District Unpaid Work-Based Learning Experiences State Approved CTE Programs -- Unpaid Training State Approved CTE Less-Than-Class-Size (LTCS) 	<ul style="list-style-type: none"> -- 1. In-District Placement/Transitions (Unpaid Only) -- 2. In-District Unpaid Work-Based Learning Experiences State Approved CTE Programs (Paid and Unpaid) 	<ul style="list-style-type: none"> - Part-time work - Full-time work - Summer job - Volunteer work
<p>Key Components</p>	<ul style="list-style-type: none"> - school sponsored - guidelines established - no work performed 	<ul style="list-style-type: none"> - nonprofits ONLY - can't be required - agency has operating guidelines - work permit on file at work-site (exempt from YESA if the nonprofit is "youth-oriented") - complies with state And federal child labor provisions 	<ul style="list-style-type: none"> -- Students in grades 9-12 -- Training Agreement -- Training Plan listing performance elements (job skills) -- Refer to Pupil Accounting Manual for other requirements 	<ul style="list-style-type: none"> -- Students in grades 11-12 -- Training Agreement -- Training Plan listing performance elements (job skills) -- Refer to Pupil Accounting Manual for other requirements 	<p>In-District Agreement Training Plan -- listing performance elements (job skills)</p> <ol style="list-style-type: none"> 1. Placement must relate to student transition plan (copy of plan required) -- Students in grades 9 and above 2. Placement be for a student from a state-approved CTE program (PSN number required) -- Students in grades 11-12 	<ul style="list-style-type: none"> - work permit on file at work-site before working - work permit issued by schools - complies with child labor provisions

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Documentation	<ul style="list-style-type: none"> - parent permission - roles/responsibilities detailed appropriate to site - activities detailed - work-site monitored by school - safety orientation 	<ul style="list-style-type: none"> - program guidelines - roles/responsibilities detailed appropriate to site - activities detailed - safety orientation 	<ul style="list-style-type: none"> - work-site visited prior and during - student monitored at work by appropriately certified teacher employed by school - work-site mentor assigned to student - student progress is assessed using performance elements (job skills) - training agreement and training plan (must be filed at work-site prior to placement) - safety instruction is documented 	<ul style="list-style-type: none"> - work-site visited prior and during - student monitored at work by vocationally certified teacher employed by school - work-site mentor assigned to student - student progress is assessed using performance elements (job skills) - training agreement and training plan (must be filed at work-site prior to placement) - safety instruction is documented 	<ul style="list-style-type: none"> - work-site visited prior and during - student monitored at work by appropriately certified teacher employed by school - work-site mentor assigned to student - student progress is assessed using performance elements (job skills) - training agreement and training plan (must be filed at work-site prior to placement) - safety instruction is documented 	<ul style="list-style-type: none"> - original work permit on file at work-site: <i>CA-6 for youth 14 and 15 years old</i> <i>CA-7 for youth 16 and 17 years old</i> - copy of work permit on file at school - other appropriate documentation on file for minors working under exemptions
Injury to Participant	<ul style="list-style-type: none"> - parent health insurance may apply (medical only) - district may provide or make available short-term student accident insurance (medical only) - work-site general liability insurance should apply 	sponsoring organization's workers' compensation coverage and/or general liability policy should apply	<ul style="list-style-type: none"> - responsibility of the individual, parent and school (Usually the party responsible for the direct supervision and receiving the benefit) - work-site general liability insurance may apply - work-site workers' compensation coverage if student is determined to be "working" 	work-site workers' compensation coverage	work-site workers' compensation coverage	work-site workers' compensation coverage
Injury to Others Resulting From Participant's Role	<ul style="list-style-type: none"> - work-site general liability insurance - district general liability insurance may apply 	<ul style="list-style-type: none"> - work-site general liability insurance - district general liability insurance may apply 	<ul style="list-style-type: none"> - work-site general liability insurance - district general liability insurance may apply 	<ul style="list-style-type: none"> - work-site general liability insurance - district general liability insurance may apply 	<ul style="list-style-type: none"> - work-site general liability insurance - district general liability insurance may apply 	work-site general liability insurance

B. Legal and Compliance Factors Cont.	Student/Visitor	Volunteer	Work-Based Learning Non-CTE Programs (Paid and Unpaid*)	Work-Based Learning State - Approved CTE Programs (Paid and Unpaid*)	In-District/In-School Placements (Paid and Unpaid*)	Minor Employee with Work Permit (Not WBL)
Hours Worked	N/A, participant not working	- restricted by state child labor provisions	- restricted by both state and federal child labor provisions - districts should have local policy mirroring state standards concerning hrs for 16 & 17 year olds	- restricted by federal child labor provisions, - districts should have local policy mirroring state standards concerning hrs for 16 & 17 year olds	- restricted by federal child labor provisions, - districts should have local policy mirroring state standards concerning hrs for 16 & 17 year olds	restricted by state and federal child labor provisions, exemptions for 16 & 17 year olds
Hazardous Occupations	N/A, no employee status, school operating policies should conform with acceptable practices	yes, school or agency operating guidelines must conform with state and federal child labor provisions	Not allowed	Certain exemptions can be applied if granted but only in limited areas - 16 & 17 year olds	Not allowed	Not allowed
Occupational Safety or Health Hazard	yes, must comply with all MIOSHA regulations and standards	yes, must comply with all MIOSHA regulations and standards	yes, must comply with all MIOSHA regulations and standards	yes, must comply with all MIOSHA regulations and standards	yes, must comply with all MIOSHA regulations and standards	yes, must comply with all MIOSHA regulations and standards
Safety Training	yes, essential, both prior and during	yes, essential, both prior and during	yes, essential, both prior and during	yes, essential, both prior and during	yes, essential, both prior and during	yes, essential; employer's responsibility
Applicability of Unemployment Insurance	N/A, no employee status	N/A, no employee status	N/A, no employee status	time during training agreement is exempt	time during training agreement is exempt	paid by employer
Applicability of Workers' Comp. and General Liability Insurance	N/A, participants not working	coverage needed; liability under Act determined on a case-by-case basis	Employer coverage required.	Employer coverage required.	Covered by school	coverage needed; typically extended by employer
Pupil Accounting (State Aid Membership)	experience must be documented if considered part of the instructional program	experience must be documented if considered part of the instructional program	-can be released no more than 1/2 of students' FTE	-can be released no more than 1/2 of students' FTE	-can be released no more than 1/2 of students' FTE	part-time employment hours cannot count toward membership

C. Age Factors	Major Work-Based Learning Opportunities					Minor Employee with Work Permit (Not WBL)
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Under 14	yes	yes; restricted to district and agency guidelines with child labor law provisions	no	no	no	Some exemptions under the Youth Employment Standards Act (YESA)
14 and 15	yes	yes	yes	No	1) yes 2) no	yes, limited hours and work
16 and 17	yes	yes	yes	yes, limited hours and work, some flexibility under certain conditions	yes, limited hours and work, some flexibility under certain conditions	yes, limited hours and work, some exemptions allowed
18 and Over; Still in High School	yes	yes	yes, limited by local program policies	yes, limited by local program policies	yes, limited by local program policies	no

***For unpaid work-based learning experience, specific, unduplicated skills that the pupil will be learning need to be listed for each 45 hours of placement**

****Unpaid Trainees must meet the 6 federal criteria for trainee as listed below:**

- 1- progressive training
- 2- benefit of trainee
- 3- no displacement
- 4- no direct benefits to employer
- 5- no job entitlement
- 6- no wage entitlement

[Prepared as a working document, information in this chart is a general description only and does not carry the force of legal opinion. Applicable to Michigan only.]