**SAMPLE**

**Procedural Safeguards for**

**Work-Based Learning**

**May 2010**

**Procedural Safeguards for Work-Based Learning**

**Liability**

***Liability*** refers to obligations bound by law. For example, if a person knowingly causes harm or damage to another person or person’s property, he/she quite likely would be found to be liable for damages caused to that other person or person’s property. Liability issues arise when school personnel fail to use *reasonable care* towards another person or person’s property, including disregarding health and safety issues and breech of professional responsibility. This is referred to as ***negligence***. Schools have a responsibility to use reasonable care towards its students. This includes for activities occurring both on campus (e.g., classroom instruction, cafeterias, hallways, etc.) and off campus (e.g., field trips, athletic events, music events, work-based learning experiences). Typically, the following holds true for most school systems:

1. If a student is injured due to his/her own causing whether on or off campus, including WBL experiences in which the student is **not** **paid** (i.e., there are no employer-employee relationships), it is the responsibility of the student and his/her parent/guardian to remedy.
2. If a student is injured while in a WBL arrangement for which the student is being **paid** (e.g., cooperative vocational education, paid apprenticeships), the employer, regardless of the number of employees, is responsible for remedying the situation. By Tennessee law, if the business has **more than 5 employees**, it must carry Worker’s Compensation Insurance. ***Worker’s compensation*** is a plan arranged by an employer to provide benefits to employees injured on the job by accident or who contract occupational disease resulting from their employment. Worker’s compensation provides benefits to an injured worker regardless of whose fault the accident was and regardless of the financial condition of the employer.
3. If a student is harmed or injured due to negligence of the school or school personnel whether on or off campus, including WBL experiences, the school may be held responsible to remedy the situation.
4. If a student is injured due to a transportation accident while being transported by school buses, either the school, or, if the school contracts for transportation, the contractor’s or bus driver’s insurance, remedies the injury, as appropriate.
5. If a student is injured due to a transportation accident while being transported by his/her teacher using a school vehicle, the school system’s insurance will provide coverage.
6. If a student is injured while using public transportation for a school related activity, the school system’s insurance extends coverage where applicable.
7. If a student is injured due to a transportation accident while being transported by his/her teacher using his/her own vehicle, coverage depends upon what the system has arranged. Typically, school systems have either arranged for its own insurance to provide coverage or expected the teacher’s personal auto insurance to provide coverage. If the latter case is true, some systems have reimbursed its teachers for additional insurance coverage on their personal insurance policies.
8. If a student is injured in a transportation accident while being transported by a vehicle provided by the employer, the employer’s insurance coverage remedies.
9. If a student is injured while driving his/her own or parent’s vehicle, the student’s personal auto insurance remedies.

**Liability Safeguards Check List: TRANSITION**

(To be completed each year prior to students engaging in WBL)

|  |  |
| --- | --- |
| LEA carries “general liability insurance”. Policy covers students for WBL. | Date Completed |
| Determine transportation options to be used. Personal vehicles are not permissible. Ensure that the school system’s insurance coverage includes those specific options, including public transportation options, as it relates to liability. There is a written document disseminated to school personnel and students explaining the covered options. |  |
| The WBL agreement includes provisions for those securing WBL sites to ask participating employers to provide proofs of general liability insurance and, if the student is being paid, workers’ compensation insurance, sometimes provided as a “certificate of insurance”. The employer signs the WBL agreement. |  |
| During the development of the IEP and/or the well-focused plan of study, obtain parent and student signatures on the WBL agreement. |  |
| The WBL agreement requires parents/guardians to provide written, informed consent for specific travel arrangements to and from the work sites |  |
| The WBL agreement documents that only personnel licensed as commercial drivers will transport students if transported in school vehicles. |  |
| The WBL agreement ensures that school personnel document and employers maintains documentation that students (a) have received effective training in the proper operation or use of any equipment or tools to be operated or used BEFORE being allowed to operate or use **independently**. This system should ensure that students are never permitted to operate independently without first being trained and checked out under the supervision of a work site supervisor. |  |
| The WBL agreement includes a statement that students must receive proper supervision from school personnel and/or employers, including ensuring that they wear, when/where appropriate, proper personal protective equipment. |  |
| Each student’s instructional program includes, where necessary, instructional programs related to safety plan deficit areas and strategies for ongoing progress monitoring. (Each plan should (a) identify all safety instruction to be provided by the school, employer, or other party and (b) include a written checklist documenting when the safety instruction was provided, by whom, and (c) performance of the student as per the data on ongoing progress monitoring.) |  |
| The WBL agreement documents that each employer is informed of the non-discrimination policy of the LEA. |  |
| A document has been developed outlining emergency plans and procedures for WBL experiences. These include procedures for: transportation problems, minor medical emergencies, major emergencies, discipline emergencies, locating lost students, accidents, other emergencies as determined by school personnel. |  |
| The WBL agreement documents that both school staff and employers are aware of and, as appropriate, implement the emergency procedures as evidenced by their signatures. |  |
| The WBL agreement requires that emergency procedures be on file in a central location within each school, employer, Student Support Services office, and posted in all areas where the principal and employer deems necessary. |  |
| Each school will keep a sign out sheet/board in the classroom in a place prominently displayed and known by all classroom staff, office secretary, and school principal, to document students leaving for and returning from WBL experiences. The sign out sheet/board includes date, name of the student, WBL name and location, time left, time returned, staff initials to verify. |  |
| The WBL agreement documents that each student has an identification card which includes an emergency contact person telephone number, and important medical information. |  |

**Emergency Procedures for Work-Based Learning**

**LEA Administrative Policy on Emergency Procedures**

Each school in LEA shall ensure that emergency procedures for dealing with the following issues are known and implemented by all personnel teaching/supporting students in work-based learning opportunities:

1. students who are lost in school or non-school environments

2. medical emergencies

3. transportation accidents

4. discipline emergencies

5. other issues as deemed necessary by the school principal and staff.

The emergency procedures shall be filed in the school office with the principal and posted in all school areas where the principal deems necessary. These emergency procedures must be known and implemented by all staff members. It is suggested that these emergency procedures be shared with parents of students participating in work-based learning opportunities.

All emergency procedures shall be reviewed by the school principal annually. Any changes shall be made and the written revisions circulated among staff and parents and posted in appropriate areas in the school.

The following set of suggested emergency procedures have been reviewed by the administration of LEA and \_\_\_\_\_\_\_\_\_\_\_\_\_ school and have been found to be a sound set of procedures for addressing safety of students engaging in work-based learning opportunities.

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(Superintendent’s signature) (date)

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(Career & Technical Education Coordinator signature) (date)

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(Special Education Director’s signature) (date)

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High School Principal’s signature) (date)

**Procedures for Locating Lost Student on Campus (If there is no policy in the building)**

1. Teacher follows school policy for lost student on campus, or, if not in existence, teacher or paraprofessional (if a paraprofessional has been left in charge of a classroom/group of students) will send a reliable student or paraprofessional to the office to ask for assistance or “buzz” office using intercom and ask for assistance.

2. Principal and/or Assistant Principal will locate at least one adult in addition to him/herself to search for the missing student.

3. Principal/Assistant Principal will search immediate area and building perimeters beginning with area in which the student should currently be.

4. If the lost student is not found in the searched area within 10 minutes, Principal and/or Assistant Principal will seek help from additional adults or reliable students.

a. Principal or Assistant Principal will make search assignments and give directions to searchers for each hallway designating a time and place to meet again as well as communiqué for having found missing student.

b. Searchers will meet at designated time and place and report status.

5. If student is not found, proper authorities will be notified and search turned over to them. At this time parents/guardians should be notified of missing child an efforts to locate missing student.

6. An incident report is filed by adult responsible for classroom at the time the student was noticed missing.

**Procedures for Emergencies Off Campus/During Work-based learning**

In case of emergency situations in the community, the major concerns are:

* Supervision and safety of all students and
* Notifying proper authorities with clear, concise information.

Before leaving the school building, staff members must complete the “Community Checklist” and carry all the necessary materials required for training.

**Off Campus Checklist**

This form should be completed by all staff before leaving the building with students.

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **DATE:** |  |  |  |  |  |  |  |  |  |  |  |  |
| **STAFF Materials/Concerns** |  |  |  |  |  |  |  |  |  |  |  |  |
| Copy of Student Emergency Information (staff) |  |  |  |  |  |  |  |  |  |  |  |  |
| Copy of Emergency Procedures & List of Contacts(staff) |  |  |  |  |  |  |  |  |  |  |  |  |
| Data Sheets for Instructional Programs (student) |  |  |  |  |  |  |  |  |  |  |  |  |
| Copy of Behavior Support Plans.(staff) |  |  |  |  |  |  |  |  |  |  |  |  |
| Cell Phone and Phone Numbers of School (staff) |  |  |  |  |  |  |  |  |  |  |  |  |
| Sign Out/On line Sign Out Sheet Completed (student & staff) |  |  |  |  |  |  |  |  |  |  |  |  |
| Staff ID (staff) |  |  |  |  |  |  |  |  |  |  |  |  |
| Inform Staff of Any Change in Medications or Other Pertinent Student Issues (staff) |  |  |  |  |  |  |  |  |  |  |  |  |
| **CHECK STUDENTS FOR:** |  |  |  |  |  |  |  |  |  |  |  |  |
| Appropriate Clothing (student) |  |  |  |  |  |  |  |  |  |  |  |  |
| ID/Wallet (student) |  |  |  |  |  |  |  |  |  |  |  |  |
| Communication Books (if appropriate) (student) |  |  |  |  |  |  |  |  |  |  |  |  |
| Money (if needed) (student) |  |  |  |  |  |  |  |  |  |  |  |  |
| Cell Phone (if appropriate) |  |  |  |  |  |  |  |  |  |  |  |  |
| **INITIALS OF PERSON**  **COMPLETING CHECKLIST:** |  |  |  |  |  |  |  |  |  |  |  |  |

**Procedures for Locating Lost Students Off Campus**

1. While looking for student, the supervising adult, if not the teacher, who is at the scene, should contact the supervising teacher from the student’s school and give the location and pertinent details of the situation. Supervising teacher will contact the school principal.

Phone Numbers:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. If only one adult is present, he/she should search the premises with the entire group. In addition, he/she should request assistance from available security or other personnel.
2. If two adults are present, one should search for the lost student and one should remain with the other students.
3. If the student is not found within ten minutes contact the appropriate law enforcement agency. Be sure to have student information available, including a description of what the student was wearing, the site of the disappearance, and any other information that might be helpful in locating the student. Refer to emergency sheet.
4. Contact your school administration and update them on the actions you have taken. Contact Student Support Services at 473-4130 about the emergency.
5. Have your administrator notify the family of the missing student.
6. Notify ALL appropriate persons when the student is located.
7. Write a summary of the incident and give a copy to the appropriate building and central office personnel.

**LEA Procedures for Medical Emergencies**

**Non-Threatening Medical Emergencies**

1. Determine the feasibility of remaining in the community.
2. Locate a restroom or quiet area to attend to the student.
3. Ensure the student’s physical and emotional well being before returning him/her to work or community based instruction.
4. Notify the supervising teacher and bus driver, if transportation is required.

Phone numbers:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Follow the emergency and medical procedures for that student.
2. Notify the family after discussing with teaching staff and other school personnel.
3. Document the illness or injury when back at school.

**Major Medical Emergencies**

1. If the student has a medical plan, follow it.

2. If no medical plan:

A. Dial 911 for assistance. If you are the only school staff on site, contact 472-4130. If no answer, call 472-4000. Report the emergency. Request assistance.

(1) Ask for paramedic assistance.

(2) Give location of emergency.

(3) State the severity of the accident/injury

B. Contact Principal or Assistant Principal.

(1) Provide necessary student information.

(2) Principal or Assistant Principal will contact the parent and appropriate central office personnel as to the nature of the emergency and the action that was taken.

C. If two adults are present, one is to go in the ambulance with the student.

D. If one adult is present, despite requesting assistance from central office, he/she should provide student information to the paramedics and remain with the group.

E. Complete necessary emergency or accident reports at the school site according to school system procedures.

3. After addressing the medical emergency:

A. Inform the school nurse at student’s home school.

Your number to call is\_\_\_\_\_\_\_\_\_\_\_.

B. Inform the supervising teacher, if needed.

C. Supervising teacher contacts the parent and Student Support Services. A follow-up phone call may be advisable from the school nurse.

D. Complete the necessary emergency or accident reports.

**Transportation Problems Including Breakdowns**

(Refer to LEA policies and procedures. Add details if needed.)

It is the responsibility of all staff and students to adhere to the “Bus Guide for Safety”

**Accidents with NO injury**

A. Notify the police of accident

B. Notify the school of accident

C. Notify employer(s) of accident and inform the employer(s) that student(s) will not be at work today

D. Obtain accident report from officer.

E. Notify appropriate professional to repair or transport vehicle

F. Obtain transportation to return student(s) to school.

G. Turn in accident report to appropriate personnel at school building

H. Complete LEA incident report

**Accidents with injury**

A. Dial 911 and describe accident and possible injuries

B. Do not treat, wait for professionals

C. Stay with injured student(s) and try to calm them

D. Once emergency personnel have arrived notify school of accident and have them notify parents of student(s) ensuring that parents know where son/daughter will be taken for treatment. Also have school notify appropriate professional to repair or transport vehicle and obtain transportation to return student(s) to school.

E. If two adults are present, one is to go in the ambulance with the student.

F. If one adult is present, he/she should provide student information to the paramedics and remain with the group.

G. Complete necessary emergency or accident reports at the school site according to school system procedures.

**Procedures for Behavior Emergencies**

If a student has a positive behavior support plan it is to be taken with the student in the community at all times. All personnel working with the student should be trained to implement the support plan.

1. Those students whom the teacher suspects have the potential of creating a behavior emergency (student with chronic challenging behavior{s}) should have a comprehensive support plan in place and known by all who will support him/her in the community. If a behavior emergency occurs, follow the behavior support plan.

2. If inappropriate behavior persists, contact supervising teacher, if not onsite, who will, in turn, determine the necessary action.

3. If the decision is to return to school and if the student refuses to return to school, phone the Principal or Assistant Principal and request assistance. The administrator may then contact the appropriate person for assistance. If it is not possible to phone, ask an adult at the site to phone the school for you.

4. Fill out an Incident Reporting Form if restraint was involved, and/or, document the incident and give to the school principal and Student Support Services.

**Fair Labor Standards Act**

The Fair Labor Standards Act (FLSA), administered by the U.S. Department of Labor significantly impacts students who wish to experience WBL opportunities. The FLSA is a law that, among other things, defines the conditions under which students under the age of 18 may work. Included are the criteria for determining an employment relationship, limitations of hours, wage requirements and allowances, and allowable jobs. In addition to the federal requirements, Tennessee’s Wage Regulations Act and Child Labor Act delineate added criteria for employing minors which are more stringent that the federal regulations. These criteria supersede federal criteria in the state of Tennessee (c.f., T.C.A. 50-2-103-106, 111,115, & 202).

When negotiating WBL experiences, teachers and coordinators, including transition coordinators, should underscore with employers that they are still subject to the FLSA. Employers must understand that this is true regardless of whether the WBL experiences are part of the students’ purposeful and focused plans of study or are part of individualized education plans (IEPs), if students are eligible for special education services. **Under no circumstance, may the Federal FLSA and TN Wage Regulations Act and Child Labor Act be waived!**

A major impact of the FLSA begins with an understanding of the definition for employer-employee relationships. These are relationships in which work performed is for wages and under a contract of hire that is written or oral, expressed or implied. If an employer-employee relationship exists, then students must be paid at least the federal minimum wage for work performed. The FLSA minimum wage is $7.25 per hour (July 24, 2009). In addition, overtime must be paid at the rate of 1.5 times the regular pay for each hour worked in excess of 40 hours per week. Most traditional WBL experiences (e.g., Cooperative Education, Youth Apprenticeship, Registered Apprenticeship) are ones in which employer-employee relationships exist and, as such, are ones in which students receive pay for work performed. Payment for work performed is not only legally required but also educationally relevant. Having paid employment experiences before exiting school is one of the best predictors of obtaining and maintaining paid employment after exiting school. Paid WBL experiences allow students to receive natural reinforcers, or rewards, and provide opportunities to teach students various activities involving purchasing, money management, and budgeting.

Under the FLSA, there are some allowances for subminimum wages. These are as follows (cited from: *Education Edge Work-Based Learning Legal Issues Guide*, TN DOL, September 1998 and <http://www.dol.gov/dol/topic/wages/subminimumwage.htm> ):

1. Students under 20 years of age may receive a subminimum wage not less than $4.25 per hour during the first 90 consecutive calendar days of employment with an employer. Employers opting for this, however, are prohibited from displacing any employee or reducing any employee’s hours, wages, or employment benefits.

2. Full-time students employed by certified retail or service firms, agriculture, or institutions of higher education may be paid 85% of the applicable minimum wage.

3. Students with disabilities may be paid wages commensurate to their individual productivity under the Special Education School Work Experience Certificate. In determining a commensurate wage, employers must first take into account the prevailing wages earned by typical employees performing the same job. A typical employee is expected to perform a job in a specified amount of time within specified quality guidelines and, consequently receives an established wage, typically based on education and experience. Under the Special Education School Work Experience Certificate, if a student performs the same job with competence, training, and experience, similar to a typical employee, then the student’s wage must be the same as the prevailing wage for the worker without disabilities. If, on the other hand, the student performs with less productivity or quality compared to typical employees, then the employer may pay proportionately based on the student’s individual productivity. This has been weighted at 90% productivity and 10% quality. An example of a situation that might be appropriate for subminimum wage arrangements is as follows: It takes workers without disabilities in one department store two hours to open shipments of coats packed in boxes and hang them up. They receive $6.00 per hour. A student takes four hours to open shipments of packed coats and hang them up in the same or similar department store. The student is working at 50% the rate of typical workers and therefore may, with appropriate approvals, legally, receive $3.00 per hour for work performed.

4. Part-time Cooperative Vocational Education students and apprentices may be paid 75% of the applicable minimum wage under certain conditions.

5. Apprentices in an apprenticeship registered with DOL may be paid 50% of the journeyman’s rate as authorized by the apprenticeship agreement.

If pursuing a subminimum wage certificate for student learners, TN DOL advises that this should occur “ only … when it will help a student gain employment in an occupation in which they might often be disregarded. Consideration should be given to the welfare of the student and the circumstances of the training station for just cause in using the special minimum wage.” (TN DOL, draft September 1998, p. 17). The DOL, Division of Wage and Hour, must approve subminimum wages. In Tennessee, applications for subminimum wage certificates may be obtained from the USDOL, Wage and Hour Division, 1321 Murfreesboro Road, Suite 511, Nashville, TN 37217-9884, (615)781-5344.

Subminimum wages are typically secured by the business who applies for the specific subminimum wage certificate. Teachers and coordinators may have more success in negotiating WBL sites if they were aware of the procedures for securing the certificates and assisted the employers in their applications. For some students with disabilities, one of the only ways to secure paid WBL opportunities is if the schools apply, where appropriate, for Sheltered Workshop Certificates (Form WH-226-MIS) from DOL. In essence, the school then becomes the employer to the students. This may be applied for one or more students who perform work in one or more community businesses. Payment comes from subcontract arrangements between the business and school for work performed by each student(s). With the Sheltered Workshop Certificate, the school becomes responsible for conducting time samples based on workers without disabilities, documenting student work performance with DOL, and paying each student commensurate wages based on individual work productivity.

WBL experiences, however, need not be exclusively ones with established employer-employee relationships in which students must receive wages for work

performed. Students may receive WBL experiences without the employers being obligated to pay wages. These situations are particularly applicable to students who are 16 and 17 years old. WBL experiences in which employers are not obligated by law to pay students occur under two major conditions: (a) If it can be established that no employer-employee relationships exist and (b) that the service performed is considered traditional or established volunteer services. FLSA stipulates the following criteria, **ALL** of which must be met, to determine that there is no employer-employee relationship established:

1. The student receives on-going instruction at the employer’s work site and receives close on-site supervision throughout the learning experience, with the result that any productive work that the student would perform would be offset by the burden to the employer from the training and supervision provided.
2. The training is similar to that given in a vocational school.
3. The placement of the student at a work site during the learning experience does not result in the displacement of any regular employee.
4. The training is for the benefit of the trainee (student).
5. The student is not entitled to a job at the completion of the learning experience.
6. The employer, student, and parent or guardian understands that the student is not entitled to wages or other compensation for the time spent in the learning experience.

Prior to P.L. 103-239 (School to Work Opportunities Act), in a collaborative effort including the Departments of Education and Labor, Simon et al. (1994) generated guidelines specifically as it related to students with disabilities accessing WBL experiences. These guidelines detailed " the criteria to be met by educational agencies to ensure that the U.S. Department of Labor will not assert an employment relationship for purposes of the FLSA". The guidelines are as follows:

Where ALL of the following criteria are met, the U.S. Department of Labor will NOT assert an employment relationship for purposes of the Fair Labor Standards Act.

1. Participants will be youth with physical and/or mental disabilities for whom competitive employment at or above the minimum wage level is not immediately obtainable and who, because of their disability, will need intensive on-going support to perform in a work setting.

2. Participation will be for vocational exploration, assessment, or training in a community-based placement work site under the general supervision of public school personnel.

3. Community-based placements will be clearly defined components of individual education programs developed and designed for the benefit of each student. The statement of needed transition services established for the exploration, assessment, training, or cooperative vocational education components will be included in the students' Individualized Education Program (IEP).

4. Information contained in a student's IEP will not have to be made available; however, documentation as to the student's enrollment in the community-based placement program will be made available to the Departments of Labor and Education. The student and the parent or guardian of each student must be fully informed of the IEP and the community-based placement component and have indicated voluntary participation with the understanding that participation in such a component does not entitle the student-participant to wages.

5. The activities of the students at the community-based placement site do not result in an immediate advantage to the business. The Department of Labor will look at several factors.

a) 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.

b) The students are under continued and direct supervision by either representatives of the school or by employees of the business.

c) Such placements are made according to the requirements of the student's IEP and not to meet the labor needs of the business.

d) 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.

6. 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:

Vocational exploration 5 hours per job experience

Vocational assessment 90 hours per job experience

Vocational training 120 hours per job experience

7. Students are not entitled to employment at the business at the conclusion of their IEP. 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 (U.S. Department of Education Memorandum, September 21, 1992).

If there is a violation of FLSA (i.e., no wages provided but employer-employee relationship exists as result of not all 6 criteria being met), the employer will bear the brunt of potential financial penalties, including fines and/or having to pay lost wages. Schools will also be punished if there is a violation, as it will more than likely deter other employers from agreeing to host as an extension of the classroom and, thus, have a negative impact on the design of effective school to work endeavors.

**Safeguards To Comply with FLSA: School Site Specific**

**General: Relating to All WBL Experiences**

|  |  |
| --- | --- |
|  | Date Completed |
| Each high school student’s four year focused plan of study and/or IEP Transition Plan, documents how each WBL experience (a) is appropriate to the student’s long term career goal(s), (b) is appropriate to the student’s physical abilities, (c) exposes the student to all aspects of an industry, as appropriate to each student’s career goals and educational needs, (d) allows for real or simulated performances that push the student to develop higher order thinking and problem solving skills. |  |
| For each WBL experience, there is a signed agreement of understanding between the school and employer that delineates expectations from all parties, including schools, and is kept in each student’s file at school and on file with each business. |  |
| Each student’s four year plan and/or IEP Transition Plan (current performance levels and goals sheets), as appropriate, includes specific goals and objectives related to the acquisition, retention, and transfer of employment skills, including workplace social skills, work habits, and positive workplace attitudes, resulting from each WBL experience. |  |
| For each WBL site, there is a work site mentor/co-worker who is both (a) knowledgeable about the educational needs of the student(s) and requirements of the job and (b) responsible for training and supervision from the employer’s perspective. |  |
| Each student has received safety training, especially if regular employees are so required to do so, and received instruction regarding proper procedures in case of fire. Students are not permitted to operate or use tools independently without being approved to do so by work site mentor or designee. |  |
| Each student’s supervising teacher conducts onsite visits to the business a minimum of **three** (3) times each month. |  |
| Each student’s progress toward his/her WBL goals/objectives is routinely monitor and evaluated by school personnel, during each WBL experience. |  |
| All hours spent in each WBL experience as it relates to career exploration, assessment, and training is documented. |  |

**Subminimum Wage WBL Experiences**

A copy of each subminimum wage certificate secured either by the employer or with assistance from school personnel, is maintained in the student’s file for a period of three years after the student exits public schools. For more information, visit <http://www.dot.gov/compliance/laws/comp-flsa.htm>.

**Nonpaid/Training WBL Experiences**

|  |  |
| --- | --- |
| Each student has an assigned worksite mentor(s)/co-worker(s) and will work alongside or under the direct supervision of him/her during the WBL experience. |  |
| To caution against violation of profiting employer, school personnel discusses with each WBL site employer that benefits have been interpreted by the courts to mean increased profits. As such, employers should not receive unusual profits contingent upon on one or more students receiving training at their places of business. |  |
| Each student and his/her parents/guardians will provide written acknowledgement that there are no expectations for wages during training and no expectations for employment after training. |  |
| School personnel document (a) any damage to materials or inappropriate procedures that hamper business operations, and/or (b) the time work-site mentor, supervisors and/or coworkers spend teaching the student. |  |
| School personnel document all hours spent in each WBL experience as it relates to (a) career exploration, (b) assessment, and (c) training and ensure that times per job type do not exceed 5, 90, and 120 hours, respectively. |  |
| School personnel routinely conduct situational assessments and collect data on goals and objectives to monitor and evaluate progress and to ensure the job training experience continues to benefit the student. |  |

**Procedural Safeguards Checklists**

The following checklists are to be completed by teachers supporting students who engage in work-based learning. These checklists ensure the management of the many facets of procedural safeguards for work-based learning. For each student participating in work-based learning in community businesses one of each of the following checklists is to be completed and placed in the student’s work-based learning folder. The work-based learning folder is a sub-part of each student’s cumulative record and/or IEP.

The business procedural safeguards checklist must be completed and submitted, along with the completed WBL Training Agreement, Progress Report/Safety Training Record, Insurance and Emergency Information forms, to the Student Support Services, within one week of student beginning the WBL experience.

. **Procedural safeguards CheckList for Transition WBL**

**School Site: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DAte: \_\_\_\_\_\_\_\_\_**

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| School personnel are aware of insurance coverage options available through LEA. |  |
| School personnel have “commercial driver’s licenses” if they routinely transport students in school vehicles. |  |
| School has a written set of emergency plans and procedures for WBL experiences. These include procedures for: transportation problems, minor medical emergencies, major emergencies, discipline emergencies, locating lost students, other emergencies as determined by school personnel. |  |
| School staff is aware of and implement the emergency procedures. |  |
| Emergency procedures are on file in a central location with the school and posted in all areas where the principal deems necessary. |  |
| Each school has established procedures for signing out and in for WBL experiences. This may be a paper copy or online sign out/sign in form. Information includes date, name of the student, WBL name and location, time left, time returned, staff members initials verifying. |  |

**Procedural Safeguards CheckList for Transition WBL: Employer/business**

**Employer/BUSINESS:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_**

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| Employer provides proof of general liability insurance and, if the student is receiving pay, workers’ compensation insurance, sometimes provided as a “certificate of insurance”. |  |
| School personnel and employer have documented that students have the physical ability to perform identified WBL tasks. |  |
| School personnel and employer have documented that students have received effective safety training on any equipment to be operated or tools to be used BEFORE student is allowed to operate or use **independently.** |  |
| School personnel and employer have documented that students receive proper supervision from school and/or employer, and (d) where, appropriate, have and wear proper personal protective equipment. |  |
| School personnel and employer have documented that students, where appropriate, have and wear proper personal protective equipment. |  |
| School personnel and employer have collaborated to develop a safety training plan for each student. The plan identifies all safety instruction to be provided by the school, employer, or other party. The plan includes a written checklist documenting when the safety instruction was provided, by whom, and performance of the student. |  |
| Employer has been informed of the non-discrimination policy of the school. |  |
| Employer is aware of and implements the emergency procedures. |  |
| Emergency procedures are on file in a central location with the employer and posted in all areas where the employer deems necessary. |  |
| Employer has a copy of each student’s personal identification before student(s) begin the WBL experience. This includes an emergency contact person and telephone number. |  |
| There is a signed agreement of understanding between the school and employer that delineates expectations from all parties. |  |
| There is/are a work site mentor(s) who is/are both (a) knowledgeable about the educational needs of the student(s) and requirements of the job and (b) responsible for training and supervision from the employer’s perspective. |  |
| If no employment relationship at the business, then each student works alongside the mentor and co-worker(s). |  |
| If no employment relationship at WBL, school personnel document (a) any damage to materials or inappropriate procedures that hamper business operations, and/or (b) the time work-site mentor, supervisors and/or coworkers spend teaching the student. |  |
| If no employment relationship at WBL, employer has been advised that benefits have been interpreted by the courts to mean increased profits. As such, employers should not receive unusual profits contingent upon one or more students receiving training at their places of business. |  |

**Procedural Safeguards CheckList For Transition wBL: Student**

**Student:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_WBL SITE:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_**

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| Parents/guardians have provided written, informed consent for each WBL experience. This embedded in the student’s IEPs, if appropriate. |  |  |  |
| Parents/guardians provide written, informed consent for specific travel arrangements to and from the job site(s). If student drives personal vehicle, ensure that he/she (a) has a valid driver’s licenses, (b) has appropriate insurance coverage, (c) takes no passengers, and (d) uses transportation for the sole purpose of getting to and from the work site. |  |  |  |
| Before beginning each experience, student provides or updates two copies of his/her personal identification. These include an emergency contact person and telephone number. One copy is kept on the student at all times. |  |  |  |
| The student’s IEP/Transition Plan documents how each experience is appropriate to the student’s long term career goal(s). |  |  |  |
| Student’s IEP/Transition Plan documents how each experience is appropriate to the student’s physical abilities. |  |  |  |
| Each signed agreement of understanding between the school and WBL employer is kept in student’s file at school and at business. |  |  |  |
| Student has received safety training including proper procedures in case of fire. An individualized training plan and verification of safety instruction for the student is on file in the appropriate school office and job site. |  |  |  |
| Student is not permitted to operate or use tools **independently** without being approved to do so by work site mentor or designee. |  |  |  |
| Student receives proper supervision as per his/her educational needs. |  |  |  |
| Student’s progress toward his/her IEP goals/objectives is routinely monitored and evaluated by school personnel, during each WBL experience. |  |  |  |
| School personnel document all hours spent in each job site as it relates to (a) career exploration, (b) assessment, and (c) training and ensure that times per job type do not exceed 5, 90, and 120 hours, respectively. |  |  |  |
| A copy of each subminimum wage certificate, if applicable, is maintained in the student’s file for a period of three years after the student exits public schools |  |  |  |
| If no employment relationship, student and his/her parents/guardians provide written acknowledgement that there are no expectations for wages during training and no expectations for employment after training. |  |  |  |