

Alaska Work Based Learning Guide

September 2003

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Foreword

“The Alaska Department of Education & Early Development (EED) is committed to develop, maintain and continuously improve a comprehensive, quality system to provide resources, data and world class support services that inspire quality learning for all.”

-- EED Vision Statement, July 2003

Career and Technical Education (CTE) is an important part of Alaska’s quality educational system. Employers want students who can demonstrate proficiency in academic, employability, and occupational skills. Work Based Learning is an excellent way to link CTE coursework and classroom learning with actual work site training. It gives students the opportunity to gain academic, occupational, and employability skills in a structured learning experience that reinforces and advances standards that are taught in the CTE classroom.

In this guide, we use the following definition for Work Based Learning:

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.

Work Based Learning is not simply a student having a part-time job. It is a planned program that includes structured learning at the work site, which is related to classroom learning. It fosters not only those employability skills that employers want, but also the academic and technical skills necessary to be successful in a particular career.

This guide starts with an introduction to and history of Work Based Learning, and then covers the legal issues and the responsibilities of those involved. Finally, it gives samples of common forms that are used in a Work Based Learning program. Please feel free to use the forms and modify them as necessary for your school or district.

A successful Work Based Learning program involves a great deal of work and coordination among all the partners—the student, the parent, the school, and the employer. This guide is intended to be a resource for everyone involved.

September 2003

Acknowledgements

This guide is a revision of the 1996 publication “Work Based Learning in Alaska.” It is intended to be a resource for all types of Work Based Learning (WBL) programs. The guide is available on CD or from our website at <http://www.eed.state.ak.us/tls/cte/workbase.html>.

Because the guide will continue to be updated, please refer to the website for the most recent version.

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Table of Contents

Foreword.....	iii
Acknowledgements.....	iv
I. Introduction to Work Based Learning.....	7
II. Work Based Learning Legal Issues.....	11
III. Work Based Learning Program Overview and Partner Responsibilities.....	24
IV. The Teacher-Coordinator’s Responsibilities.....	29
V. Preparing the Student and the Work Site Supervisor.....	40

I. Introduction to Work Based Learning

1. Background
2. What is Work Based Learning?
3. Advantages of Work Based Learning
4. Challenges of Work Based Learning

1. Background

Prior to the Twentieth Century, most children learned directly through working, either in household based economies, or as apprentices at small shops or firms. With the rise of industrialization and its consequent specialization of tasks, however, the spectacle of children laboring in mines and factories led to prohibitions against child labor and to compulsory schooling laws.

In the first half of the Twentieth Century, most laborers could still learn on the job, either through on the job training or through apprenticeship programs, and many left school after 6th or 8th grade. High school graduation became the culmination for others. A smaller number of technical and professional occupations required advanced schooling, with high schools preparing students for college, and college providing the advanced schooling.

In the second half of the Twentieth Century, however, as the economy moved away from manufacturing and became knowledge and technology based, this system no longer functioned smoothly. In the highly competitive world economy, businesses needed high school graduates who could function well in the workplace, had the knowledge and technology skills to succeed in the workplace, and the ability to benefit from advanced training. Increasing numbers of jobs required technical education at less than a bachelor's level. The educational system, however, was slow in adapting to this changed economy.

This was sufficiently apparent that in 1990 the federal government commissioned a study to determine the skills students should have to succeed in the new economy; it was released in 1992 with the title, the "Secretary's Commission on Achieving Necessary Skills", or SCANS. These skills emphasize Basic Skills, Thinking Skills, Personal Qualities, Use of Resources, Interpersonal Skills, Information Skills, Systems Comprehension, and Technology Skills.

In response to this demonstrated need, a number of pieces of legislation tried to address the problem. The federal government passed the School to Work Opportunities Act in 1994 to encourage linking education with the workplace in a variety of ways. The reauthorization of the Perkins Act in 1998 also incorporated the use of workplace learning. Similarly, the Workforce Investment Act encouraged the use of work experience to develop employability skills in its youth program.

As a result of these initiatives, a great variety of activities have resulted across the nation that in one way or another tie learning to the workplace.

2. What is Work Based Learning?

Given the numbers of federal laws encouraging learning connected to work, and the localized nature of the American educational system, it is not surprising that many types of activities have emerged.

This manual will focus on Work Based Learning, using the following Alaska definition:

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.

Some of the key components of this definition of Work Based Learning 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 Work Based Learning 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.

A number of types of activities to connect education and learning can fall under this umbrella of Work Based Learning. Specifically, *Cooperative Education*, *Internships*, *Service Learning*, *School to Apprenticeship* programs, and *School Based Enterprises* can all be considered forms of Work Based Learning. *Apprenticeship* also is a classic model of Work Based Learning. (See the “Glossary of Terms Related to Work Based Learning” in Appendix C.)

However, other types of activities, while valuable in their own right, do not constitute Work Based Learning. Activities that are primarily forms of career exploration, while they may visit a work site, do not have a work experience component. *Job Shadowing* or *Mentorships* are examples of these. (Even though job shadowing is not defined here as a true Work Based Learning experience, we have included a description and sample forms in Appendix B.)

Additionally, work that is not a planned school-fostered learning experience and/or that does not connect with instruction in the classroom is not considered Work Based Learning. Several activities are ambiguous in this regard. One is *Work Experience*. This can refer to simply working or holding a paying job. As such, with no planned instructional component tied to standards, it should not be an activity for which educational credit is received. Similarly, the term *On the Job Training* has the same problems as those just described for work experience. On the other hand, both of these terms have been used in conjunction with a planned program with complementary classroom instruction and connected learning at the work site. Consequently, these terms may or may not refer to Work Based Learning, depending upon their design and execution.

As a way of avoiding this ambiguity, consider avoiding use of the terms, *Work Experience* or *On the Job Training* within the context of a Work Based Learning program. This easily can be done by changing to terms that indicate Work Based Learning components are present, such as those listed above. Also, some educators use the term *Structured Work Experience* instead of just *Work Experience* when it is part of a Work Based Learning program. Similarly, *On the Job Learning* provides the connotation of a connection with classroom instruction and with planned learning at the work site that does not exist with *On the Job Training*.

For assistance in the use of any of these terms, please contact the Career and Technical Education office.

3. Advantages of Work Based Learning

Work Based Learning is made possible through partnerships between educational institutions, employers, the community, and labor organizations. The benefits derived from Work Based Learning in turn help to sustain these partnerships.

Advantages to Employers

Employers recognize that knowledgeable and skilled workers are a necessity in a highly competitive global economy, and that a labor shortage is looming with the upcoming retirements of the baby boom generation. Advantages of Work Based Learning for employers are that it:

- ❑ Provides an avenue of training and recruitment into their businesses that can help to meet their workforce needs
- ❑ Provides a means for businesses to become actively involved in the schools in their community
- ❑ Demonstrates to students the employment opportunities available and so encourages young adults to stay in their local communities
- ❑ Allows employers to identify students they might like to recruit
- ❑ Motivates employees because they face a school evaluation for their performance in addition to their workplace evaluation

Advantages to Schools

For school districts, employer involvement in the schools helps to foster community support for local schools and districts, and it can lend support for efforts to enhance school programs or engage in school reform efforts. Other advantages schools may derive from Work Based Learning are that it:

- ❑ Can broaden the curriculum through utilization of community resources
- ❑ Provides an avenue to successfully address individual differences in the interests and learning styles of students
- ❑ Provides feedback to school personnel on changing needs and practices in business and industry
- ❑ Reduces the dropout rate by providing relevant occupational training while also meeting students' financial needs

Advantages to Students

Work Based Learning connects the classroom and the world outside the classroom, motivating students by clarifying the relevance of their studies. Additionally, through Work Based Learning, students are able to:

- ❑ Experience employment 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 closely supervised and monitored work experience
- ❑ Gain skills to access better paying jobs from which they can finance further postsecondary education

4. Challenges of Work Based Learning

The biggest challenge in setting up a good Work Based Learning program is the need for time and the resources to make the time to devote to a program. It takes time to recruit employers, orient them, integrate Work Based Learning into the curriculum, develop work site training plans, monitor the training, conduct site visits, provide guidance to the students, and develop the skills and knowledge to do all the above. Some states have managed to hold on to the role of a coordinator for these tasks as a holdover from the School to Work programs that operated in the late 1990s. Others require that school boards commit to the program before one is developed.

In Alaska, there is no state funding for coordinators, nor is there any comprehensive legislation addressing Work Based Learning programs. Consequently, programs have emerged where committed teachers and/or administrators have worked to make it happen.

Potential Resources

Some districts have applied for Workforce Investment Act youth grants to fund positions which can devote time to employability skills and WBL programs. The WIA program itself requires a considerable amount of effort, but it also provides resources to devote to the project.

Other communities have found a partnership with labor union training entities can help to jumpstart a WBL program. Similarly, industry consortiums with workforce development arms can provide resources to develop programs in those industries.

For information on connecting to these resources, contact the state Career and Technical Education office.

This manual is an attempt to provide a resource that can make setting up and operating a 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. Currently it is divided into three major sections. One provides guidance on program operation, another addresses the legal issues connected with WBL, and the third is sample forms that can be used in WBL programs.

II. Work Based Learning Legal Issues

1. Introduction
2. Safety Concerns
3. Wage and Hour and Child Labor Laws
4. Insurance and Liability Issues

1. Introduction

Numerous legal issues surround any Work Based Learning (WBL) program. The following section identifies some of these issues and provides guidance about them. It is not, however, legal advice. Please consult an attorney for legal advice. It also is not complete and comprehensive. Rather, it provides informal guidance regarding significant issues a district or agency needs to consider in establishing and administering a WBL program. The district should obtain complete advice and guidance from its regular legal advisors.

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.

The issues vary depending on the status of the youth involved and the nature of the WBL experience. This section of the Alaska Work Based Learning Guide will look at these three areas in turn, with the largest amount of attention being paid to the wage and hour and child labor law provisions.

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 web page at: <http://www.eeoc.gov/>. For Alaska-specific health and safety information, visit the Division of Labor Standards and Safety web page at: <http://www.labor.state.ak.us/lss/>.

2. 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 Work Based Learning 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. A sample work site inspection form is included in Appendix A (Evaluation of Prospective Work Site). Other examples of work site inspection forms for the states of Washington and Nebraska can be seen at

<http://www.k12.wa.us/CareerTechEd/wbl/default.asp> and <http://www.nde.state.ne.us/techprep/wbl/COOPforms.htm> respectively. Students should not be placed in sites that have not been approved by the school district or the teacher-coordinator.

A student's written WBL training plan (see Chapter IV for more details) should 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 will be addressed. An orientation to workplace health and safety should be conducted prior to the WBL experience, and, once on site, the employer should deliver a health and safety orientation to the student. (See the Health and Safety Checklist in Appendix A for ideas on what to include.)

The National Institute of Occupational Safety and Health has a pamphlet that you may wish to utilize in your pre-work experience orientation. It can be found at: <http://www.cdc.gov/niosh/adoldoc.html>. An additional useful resource is the website focused on teen workers that is maintained by the Occupational Health and Safety Administration: <http://www.osha.gov/SLTC/teenworkers/index.html>. It has sections designed for educators, parents, employers, and teens. Finally, you can access the Alaska Safety Instruction Manual at the Career and Technical Education website by clicking on the "resources/publications" link at the following site: <http://www.eed.state.ak.us/tls/CTE/home.html>.

Employers can receive assistance in setting up or improving a safety and health program from the U.S. Department of Labor's Occupational Safety and Health Administration (see cite in the prior paragraph). Employers can also access the State of Alaska's Labor Standards and Safety Division's free and confidential consulting service at (907) 465-4855 (Juneau) or (907) 269-4955 (Anchorage).

3. Wage and Hour and Child Labor Laws

Employers, schools and students are affected by a number of labor laws as they participate in Work Based Learning activities. Child labor laws were enacted to protect minors from injury in the workplace and to prevent work from interfering with education. 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.

This section's focus is on non-agricultural employment covered by the Fair Labor Standards Act (FLSA) and/or Alaska state child labor laws. For agricultural occupations information can be accessed through the U.S. Department of Labor internet resources at <http://www.dol.gov/dol/topic/youthlabor/Agriculturalemployment.htm>. Be aware that what is presented here is not legal advice or official guidance. For legal advice, hire an attorney.

3.1 Applicable Laws

The Fair Labor Standards Act

The FLSA, originally passed in 1938, is a federal law enforced by the U.S. Department of Labor's Wage and Hour Division. It covers employees of ninety percent of non-agricultural businesses and its provisions apply whenever an employment relationship exists. The law and its associated regulations affect Work Based Learning in two primary areas, (1) wages and hours, and (2) child labor laws.

State of Alaska Child Labor Laws

The State of Alaska also has laws related to wages and hours and child labor, which, for the most part, mirror the requirements of the FLSA. Several areas where they differ will be pointed out at the applicable part.

When there are both state and federal laws covering a particular area, the more restrictive of the two applies.

Some businesses in Alaska that do not engage in interstate commerce and have a limited size of gross revenue may not be covered by the federal law, but are still likely to be covered under state laws. The business itself should know whether or not it is subject to the Fair Labor Standards Act.

3.2 Employment Status

The labor laws apply when an employment relationship exists. A vast body of law has developed around whether a person is or is not an employee. In general, if a person is not an independent contractor, and is creating value for an employer through work with the employer's knowledge, that person is considered an employee and the laws apply.

An exception for this determination of employment status may exist for student-learners engaged in training. The U.S. Department of Labor has established criteria based on court cases for determining if persons performing work can be considered as not covered by the FLSA because they are trainees. In general, *all* of the following conditions must be met:

- the training, even though it includes actual operation of the facilities of the employer, is similar to that which would be given in a vocational school;
- the training is for the benefit of the trainees or students;
- the trainees or students do not displace regular employees, but work under their close observation;
- the employer that provides the training derives no immediate advantage from the activities of the trainees or students; and on occasion the employer's operations may actually be impeded;
- the trainees or students are not necessarily entitled to a job at the conclusion of the learning experience (though employers may offer jobs to students who complete training); and
- the employer and the trainees or students understand that the trainees or students are not entitled to wages or other compensation for the time spent in training (though a stipend may be paid for expenses).

If any of the above criteria are not met, the work will likely constitute employment covered under the FLSA. (Source: School to Work and Employer Liability: A Resource Guide. [October, 1997] United States. ED 1.8:SCH 6/6.)

Two other categories of unpaid work not subject to the requirements of the wage and hour provisions of the FLSA are true volunteers, for which a number of criteria must be met, and special provisions that exist to provide rehabilitative services to students with disabilities under the Individuals with Disabilities Education Act.

Federal regulations concerning volunteers describe a volunteer as an individual performing services for a public agency for civic, charitable, or humanitarian reasons without promise, receipt, or expectation of compensation. “Public agency” is limited to a governmental agency under the law. The person can’t be otherwise employed by the same public agency to perform the same type of services. Additionally, the volunteer services must be offered freely and without any pressure or coercion, direct or implied. This exemption does not apply to private, not-for-profit organizations. (Sources: 29 CFR 553 Subpart B, Volunteers; FLSA, Section 3, (x); 07/08/2003 opinion letter, USDOL, Wage and Hour Division.)

Aside from the above guidelines offered in federal regulations and publications, questions of whether or not a person performing services is in an employment relationship are decided on a case by case basis according to the statute and the case law that has developed around the issue. If setting up a program using unpaid work experiences, it would be wise to seek legal advice on this matter and/or to consult with the state Wage and Hour Administration or the federal Wage and Hour Division concerning the particular situation.

Note: Work Based Learning programs are generally not designed for independent contractors. Since it is a learning program, having a supervisor who can provide oversight and instruction is important. Occasionally an employer may try to argue that the student should be considered an independent contractor so that payment of employment taxes can be avoided. A school might adopt a policy of not accepting independent contractors as part of a WBL program. Some tests for whether a person truly is an independent contractor are that they have an Alaska state business license, they advertise their services broadly, and they serve a number of clients.

Students also may be entrepreneurs. In these instances, the training plan for the student must take into account a means of oversight and instruction other than through a supervisor. The student should be required to submit copies of his or her business records to the WBL teacher-coordinator. See Chapter IV for more information about the training plan.

3.3 Federal Fair Labor Standards Act (FLSA) Child Labor Provisions

The child labor law provisions of the FLSA apply only for minors under the age of eighteen. Child labor law for non-agricultural occupations regulates conditions of employment primarily by placing restrictions on age, hours, and occupation.

AGE AND HOUR LIMITATIONS

(29 CFR Part 570)

Under 14 Years of Age (29 CFR 570.2)

Youth under age 14 generally cannot be employed except in several specifically exempted occupations, such as newspaper delivery, acting, or a non-hazardous family business, and then under regulated conditions. Their activities in Work Based Learning programs consequently should be limited to activities such as career awareness and exploration activities, classroom presentations, field trips to work sites, and job shadowing.

14 and 15 Year Olds (29 CFR 570 Subpart C)

Students who are 14 and 15 years of age may work at jobs such as office work, food service jobs, retail services, non-power cleaning and the like; prohibited occupations include jobs in manufacturing, mining, processing, warehousing, transportation, utilities, construction, messenger, or any hazardous occupation. (See the hazardous occupations list below.)

The hours of work cannot be during school hours; cannot exceed three hours on a school day with a limit of 18 hours in a school week; cannot exceed eight hours on a non-school day with a limit of 40 hours in a non-school week; and cannot be before 7:00 a.m. or after 7:00 p.m., except from June 1 through Labor Day, when the evening hour is extended to 9:00 p.m. Alaska statute limits the hours on a school day to a combined 9 hours of work and school attendance (AS 23.10.340).

14 and 15 Year Olds – WECEP Exception (29 CFR 570.35(a))

An exception to these restricted hours and occupations exists under the Work Experience and Career Exploration Program (WECEP). Under WECEP, students who are 14 or 15 years of age and enrolled in an approved program can be employed during school hours, for up to three hours on a school day, up to 23 hours in a school week, and in occupations available to 16 and 17 year olds.

These WECEP exceptions are available only if the state has been approved for WECEP by the U.S. Department of Education and if the school district applies and receives approval from the Alaska Department of Education and Early Development. School districts should contact the state CTE office for information about current availability of the WECEP exception.

16 and 17 Year Olds (29 CFR 570 Subpart E)

Sixteen and seventeen year old youth can work at any time for unlimited hours under the FLSA. However, Alaska statute limits employment to no more than six days per week (AS 23.10.350). Unless they meet the criteria of a student-learner or apprentice, however, they cannot be employed in the hazardous occupations listed below.

Under 17 Year Olds (AS 23.10.332)

The state requires a work authorization permit for any minor under 17 years of age. If the employer is licensed to sell alcohol, then minors aged 17 and 18 must obtain a work permit also. (See Appendix A for a copy of the Alaska Work Permit.)

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 qualify for an exemption as a *student-learner* or *apprentice* as described below. If they qualify for an exemption, 16 and 17 year old students can work in Hazardous Occupations numbered 5, 8, 10, 12, 14, 16 and 17 if the exemption conditions are met. There are no exemptions allowed for Hazardous Occupations numbered 1, 2, 3, 4, 6, 7, 9, 11, 13, and 15.

Hazardous Occupations

HO Number	Abbreviated description of occupation/activity. See regulation citation above for detailed descriptions.	Can it be Exempted?
1	manufacturing and storing of explosives or explosives components	No
2	motor vehicle driving and outside helper (riding outside the cab)	No
3	coal mining	No
4	logging and sawmilling	No
5	power-driven woodworking machines	Yes
6	exposure to radioactive substances	No
7	use of power-driven hoisting apparatus	No
8	power-driven metal-forming, punching and shearing machines	Yes
9	mining, other than coal mining	No
10	meat packing or processing	Yes
11	power-driven bakery machines	No
12	power-driven paper-product machines	Yes
13	manufacturing brick, tile and related products	No
14	power-driven circular saws, band saws, and guillotine shears	Yes
15	wrecking, demolition and ship-breaking operations	No
16	roofing operations	Yes
17	excavation operations	Yes

HAZARDOUS OCCUPATIONS EXEMPTIONS
(29 CFR 570.50)

Exemptions from the Hazardous Occupations prohibition are available for the seven (unshaded) occupations indicated above. Child labor regulations allow limited involvement in these occupations by 16 and 17 year olds if they are a student-learner or apprentice. These exemptions are automatic when all of the conditions for being a student-learner or an apprentice are met; no separate application is necessary.

Exemptions do not extend to students under 16, however, even if they are in an approved WECEP program.

Student-learners

Alaska regulations at 8 AAC 05.04(c), (which mirrors FLSA regulations at 29 CFR 570.50 (c)), provide an exemption for student-learners when all of the following conditions are met:

The student-learner is enrolled in a course of study and training in a cooperative vocational training program under a recognized state or local educational authority or in a course of study in a substantially similar program conducted by a private school, and

1. the student-learner is employed under a written agreement which provides that
 - i. the work of the student-learner in the occupations declared particularly hazardous will be incidental to the training;
 - ii. the work will be intermittent and for short periods of time, and under the direct and close supervision of a qualified and experienced person;
 - iii. safety instructions will be given by the school and correlated by the employer with on-the-job training; and
 - iv. a schedule of organized and progressive work processes to be performed on the job will have been prepared; and
2. each written agreement contains the name of the student-learner, and is signed by the employer and the teacher-coordinator or principal.

Apprentices

An apprentice is a person employed in an apprenticeship program registered by the Bureau of Apprenticeship and Training (BAT). An exemption for an apprentice can apply when the work in the hazardous occupation is:

- incidental to training;
- intermittent and for short periods of time;
- under direct and close supervision of a qualified person.

(AS 570.50 (b))

(For a form that the school and the employer may want to keep on file in the case of an exemption is in Appendix A, Hazardous Occupation Exemption.)

3.4 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)

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 division. See the sample Request for Minimum Wage Exemption in Appendix A.

An exemption also exists for an employee with disabilities, who must be paid at a rate not less than 50% of state minimum wage. A special certificate from the U.S. Department of Labor's regional Wage and Hour Division can be obtained, or application may be made to the state's Wage and Hour Administration on a form they provide. (8 AAC 15.120)

Contrary to what many think, children employed in their parents' business are not exempt from the state minimum wage laws, although they are exempt from the employment security tax. (AS 23.20.526 (a) 4; AS 23.10.070)

For specific questions regarding minimum wage, contact the nearest Wage and Hour Administration office, whose web site and phone numbers are:

<http://www.labor.state.ak.us/lss/whhome.htm>

Anchorage: (907) 269-4900

Fairbanks: (907) 451-2886

Juneau: (907) 465-4842

3.5 Miscellaneous Child Labor Provisions

Bloodborne pathogens

The state prohibits the employment of minors under 18 in positions where there is daily exposure to blood borne pathogens. (Bloodborne 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).) Exemptions can be obtained for health care education programs through application on a case by case basis to the state Wage and Hour Division. (8 AAC 05.115)

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)

Outside Sales

Minors are not allowed to work as outdoor salespersons, nor as door-to-door canvassers or salespersons. "Outdoor" sales is whenever the work is regularly away from the employer's place of business. (8 AAC 05.265; 8 AAC 15.910)

4. Insurance and Liability Issues

Insurance issues are a concern for both the school district and the employer in a Work Based Learning 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.

4.1 Injury to 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 . . . *nonprofit* employer" is considered an "employee of the state" for workers' compensation purposes. (AS 23.30.237, italics added) If an employer and employee fit under this provision, the employer does not have to pay additional workers' compensation tax for the student-learner; if the student-learner is injured at the workplace, he or she would file a claim against the State of Alaska.

Unpaid Work Experience

For students in unpaid work experiences, the situation is more complicated. They generally are not covered by workers' compensation laws, although individual employers may choose to extend coverage to volunteers.

Whatever personal medical insurance the student has may be the only resource available in this instance, provided it was not a result of someone else's negligence. When negligence by an employee or agent of the employer is involved, the employer's general liability insurance may provide coverage. The employer's general liability insurance may also provide coverage for "non-employee participants", regardless of negligence. Since such coverage varies, employers should be advised to consult with their insurance carriers in order to provide adequate coverage for their participation in a WBL program.

4.2 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.

The school district transportation policy may have to be reviewed and revised to accommodate Work Based Learning. 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.

4.3 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. And 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 Work Based Learning program.

4.4 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.

4.5 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, can't waive those rights either. Additionally, employees can't 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.

4.6 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 insure 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. And it can require proof of an employer's general liability insurance before accepting a placement of a student at a work site.

III. Insurance/Liability Issues

Insurance issues are a concern for both the school district and the employer in a Work Based Learning 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.

III, 1. Injury to 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 . . . *nonprofit* employer" is considered an "employee of the state" for workers' compensation purposes. (AS 23.30.237, italics added) If an employer and employee fit under this provision, the employer does not have to pay additional workers' compensation tax for the student-learner; if the student-learner is injured at the workplace, he or she would file a claim against the State of Alaska.

Unpaid Work Experience

For students in unpaid work experiences, the situation is more complicated. They generally are not covered by workers' compensation laws, although individual employers may choose to extend coverage to volunteers.

Whatever personal medical insurance the student has may be the only resource available in this instance, provided it was not a result of someone else's negligence. When negligence by an employee or agent of the employer is involved, the employer's general liability insurance may provide coverage. The employer's general liability insurance may also provide coverage for "non-employee participants", regardless of negligence. Since such coverage varies, employers should be advised to consult with their insurance carriers in order to provide adequate coverage for their participation in a WBL program.

III, 2. Injury occurring to student while in transit to or from the workplace.

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.

The school district transportation policy may have to be reviewed and revised to accommodate Work Based Learning. 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 workplace.

III, 3. 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. And 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 Work Based Learning program.

III, 4. 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.

III, 5. Liability Shields

A WBL program can use 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, can't waive those rights either. Additionally, employees can't waive their rights to workers' compensation.

- 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. These are used to 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, from the school district or the participant to the employer, for example.

III, 6. Risk Management

It should be clear from the above that the 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 and the workplace employer.

It is recommended that the school district adopt policies to insure 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. And it can require proof of an employer's general liability insurance before accepting a placement of a student at a workplace.

III. Work Based Learning Program Overview and Partner Responsibilities

1. Key Components
2. Key Partners and Responsibilities

Chapters III, IV, and V deal with the components of a Work Based Learning (WBL) program and the responsibilities of the various parties involved in a successful WBL program.

1. Key Components

The best Work Based Learning programs

Provide for ongoing cooperation, communication, and involvement among all partners

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

Employ a teacher-coordinator who understands district WBL policies and state and federal child labor laws; identifies suitable work sites; orients and trains school and work site personnel in all aspects of the WBL program; maintains necessary paperwork; develops training plans that incorporate appropriate skills and standards; maintains frequent contact with work site personnel and other partners; and regularly visits students at their work sites.

Many times a student is given high school credit simply for having a part-time job. This is not an ideal Work Based Learning situation. As Chapter 1 points out, the best Work Based Learning programs include structured learning activities that address employability skills in addition to occupational skills and standards. The best way to accomplish this is to have a written training plan. Ideally, 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. The training plan may also double as the evaluation instrument for the work site supervisor to assess the student's progress. (See Appendix A for a sample Training Plan and Evaluation.)

Without a structured learning plan, the student may or may not be learning appropriate employability and occupational skills, and the employer, student, and school may or may not be in compliance with federal and state labor laws or with insurance, liability, and safety requirements. One of the main roles of the teacher-coordinator is to recruit and evaluate appropriate work sites for student placements, to maintain regular contact with the work site supervisor and student, and to inform all parties of their legal requirements. This is rarely done if the teacher-coordinator is not involved in the student's Work Based Learning experience from the beginning.

More details about the hallmarks of an appropriate WBL work site and the responsibilities of the teacher-coordinator and the work site supervisor are given in Chapter IV.

2. Key Partners and Responsibilities

The main partners in any Work Based Learning program are:

student (also referred to as the student-learner)—the high school student who is participating in the program

teacher-coordinator—the school staff member who is responsible for carrying out the program

work site supervisor—the person who has direct responsibility to train and supervise the student while he or she is at the work site

Although the teacher-coordinator plays a major role in any successful Work Based Learning program, there are many other partners, each with their own set of responsibilities.

Teacher-Coordinator (also called Work Based Learning Coordinator or School Coordinator)

Serves as point of contact for WBL program

Coordinates with employers, school staff, students, and parents

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

Oversees recruitment of employers and students

Creates the means by which partners come to formal agreement about their roles and responsibilities, and ways to ensure accountability

Provides coordination and support for curriculum development

Ensures that student selection and match procedures are equitable and that they provide access for all students

Provides effective orientation and training for all partner groups

Ensures that safety is maintained during all aspects of the program

Creates an ongoing evaluation and assessment system

Maintains all necessary paperwork, including training agreements, training plans, employer information, and student and parent information

Regularly visits students at their work sites; evaluates their progress; and gets feedback from students and employers

Develops training plans that ensure students will be instructed in employability and occupational skills, and that work site instruction is related to classroom instruction

Chapter IV will talk about the teacher-coordinator responsibilities in greater detail.

Employer

Helps specify desired skill levels and assists in development of student training plan

Helps develop curriculum that focuses on occupational and employability skills and all aspects of industry (see Appendix C), integrating work site and school learning

Helps clarify legal rights, responsibilities, and liabilities of partners

Informs employees about the program and gains their support

Maintains regular contact with teacher-coordinator

Adheres to structured learning plans; refining them as appropriate in cooperation with the teacher-coordinator

Evaluates and records student progress

Provides teacher-coordinator access to the work site

Helps evaluate and refine the program
Learns techniques for effective communication and interaction with adolescents
Informs the student about work site norms and customs, social aspects and expectations of the work site
Provides consistent support and guidance to the student; set high expectations
Provides instruction in job-and industry-related skills as well as employability skills
Educates the student in work site safety
Reports serious concerns, behavioral difficulties or student needs to the teacher-coordinator
Chapter V will talk about the work site supervisor's roles in greater detail.

School Administrator

Informs teachers and guidance counselors about the program and gains their support
Assigns a school-based teacher-coordinator and provides for adequate in-service training and on-going professional development
Facilitates curriculum development
Helps evaluate and refine the program
Ensures that the district has clear WBL program policies

Securing administrative approval to implement a Work Based Learning program is the first step in the planning and development stage. When a local education agency decides to implement work-based learning, it is necessary to establish local policies under which the work-based learning plan will operate. Each school district should assume the responsibility for developing policies that serve the unique needs of its students. Well-defined policies reduce or eliminate many problems related to day-to-day operation of a Work Based Learning program. Following are some suggested areas that a district may want to address in their written Work Based Learning policies:

How will students apply and be accepted into the WBL program?
What criteria will the teacher-coordinator use for choosing appropriate work sites?
How will a student be assigned to a specific work site?
What forms or other paperwork will be needed for each student, e.g., training plans, training agreements, evaluations, etc.?
How will the work site supervisor keep in contact with the teacher-coordinator?
How often will the teacher-coordinator visit the student at the work site?
How and how often will the work site supervisor and teacher-coordinator evaluate the student?
How will the students be transported from home or school to the work site?
Will the students be paid?
Who is liable for medical payments if the student is injured at the work site?
Who is liable for payment if the student causes damage to the work site or injury to an employee?
What forms or other paperwork will be required of the work site supervisor?
How will the parents be informed of their child's Work Based Learning progress?
How will grades and credit be determined?
What happens if the work site and school holidays are not the same?
If the student is absent from school, will the student be allowed to report to the work site, or vice versa?

Who should the student contact if he or she is sick and won't be able to report to the work site?
How will absences and tardiness on the work site be handled?
Will school policies such as non-smoking be enforced at the work site also?
What are the exact duties of the teacher-coordinator?
What in-service training and professional development will be provided to the teacher-coordinator to stay abreast of legal issues and practices for Work Based Learning?
How many students will be allowed to participate in the WBL program each semester?
What role will the advisory committee play in the development and ongoing improvement of the Work Based Learning program?
Who will determine the specific skills to be taught at the work site?
How will the needs of special populations be met in the Work Based Learning program?
How will the school ensure that the Work Based Learning experience incorporates employability and occupational standards?
What training will work site supervisors be given regarding how to work with and train teenagers?

Guidance Counselor

Develops and maintains methods to keep students informed about Work Based Learning opportunities
Learns about future trends in work and learning, and communicates them clearly to participating students
Helps all students understand the need for advanced skills and education for future work
Helps students bridge the emotional and social gap between school and work expectations with acceptable behavior
Helps to evaluate and refine the program

Student

Actively engages in work and learning in school and at the work site
Explores potential career fields
Contributes to a positive atmosphere in school and at the work site
Talks to teacher-coordinator or work site supervisor immediately about any questions regarding assignments, expectations, or appropriate behavior
Signs training agreement and adheres to agreed-upon program guidelines for conduct and attendance at school and work
Learns and complies with employer's work site policies and safety procedures
Demonstrates specified learning outcomes through a portfolio or other means that display academic and technical skills
Helps to evaluate and refine the program
Obtains a work permit before beginning work
Maintains required forms and paperwork, such as wage and hour forms
Maintains a daily record of their work experience
Contacts the teacher-coordinator when a problem occurs at the work site
Knows and complies with the district's transportation policies for getting to and from their work site
Reports any injury or accident to their work site supervisor immediately and the teacher coordinator as soon as reasonably possible

Follows the attendance and behavior policies of the school and the work site
Maintains a good employment record

Parent

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

IV. The Teacher-Coordinator's Responsibilities

1. Overall Responsibilities
2. The Work Site
3. Work Site Recruitment and Evaluation
4. Special Work Site Situations
5. The Training Agreement and the Training Plan
6. Site Visit and Evaluation
7. Other Forms

1. Overall Responsibilities

The teacher-coordinator is the school staff member responsible for planning, developing, implementing, operating, and evaluating the district's Work Based Learning (WBL) program; therefore, he or she is the mainstay of the program. To fulfill these responsibilities, the teacher-coordinator must handle multiple tasks simultaneously throughout the school year.

The following table lists the areas for which the teacher-coordinator must assume responsibility to ensure a successful WBL program, and it gives recommended tasks in each area. You will note that some of the tasks appear under more than one area.

Teacher-Coordinator's Responsibilities

<p>Program Planning, Development and Evaluation</p>	<p>Ensure that the district has clear WBL guidelines and policies in place Comply with state and federal legal requirements for a Work Based Learning program, e.g., wage and hour laws for child labor; workers' compensation rules; safety regulations; insurance and liability requirements Address WBL in your career and technical education advisory committee Consult local Job Service, Chamber of Commerce, and trade and labor unions for program input Consider the needs of special population students while developing the Work Based Learning program Establish specific criteria for student selection Establish specific criteria for work site selection Determine evaluation procedures, including follow-up surveys Inform parents of the program and its goals and requirements (see Parent Information Letter in Appendix A) Design the Work Based Learning plan to incorporate continual improvement and re-evaluation</p>
<p>Guidance, Counseling, and Advising</p>	<p>Cooperate with guidance counselors in determining student participation Coordinate with other staff or other agencies who are placing students in Work Based Learning situations, e.g., probationary placements or special education program placements Provide career assessment and advisement for potential student participants Interview prospective students for entry into the program Assist students in determining appropriate placement Counsel students regarding job orientation and interview techniques Hold regular conferences concerning student progress in class and on the job</p>

	<p>Know and help provide for the needs of special population students</p> <p>Help students in developing good work habits</p> <p>Advise students regarding the need for classroom and work site evaluations</p> <p>Recognize when a student needs counseling or advising from another staff member and obtain appropriate assistance</p> <p>Keep up-to-date on labor market information</p>
Work Site Instruction and Coordination	<p>Recruit, evaluate, select, and establish potential work sites (See Section 2 of this chapter for more details)</p> <p>Select applicable work sites to meet the unique needs of special population students</p> <p>Inform the work site and the work site supervisor of applicable school policies</p> <p>Orient work site supervisors to the specific objectives of Work Based Learning</p> <p>Obtain parental or guardian approval for student participation</p> <p>Advise students of the specific skills to be learned at the work sites</p> <p>Schedule students for work site interviews</p> <p>Identify specific on-the-job learning experiences with work site supervisors</p> <p>Prepare training agreements and other necessary paperwork before students report to the work site</p> <p>Assist work site supervisors with the training task</p> <p>Develop training plans in conjunction with work site supervisor</p> <p>Visit work sites in person to observe the students and to confer with work site supervisors concerning student performance and progress</p> <p>Assist work site supervisors to comply with state and federal labor and safety laws</p> <p>Seek input regarding the student's work qualities, attitudes, and habits while at the work site</p> <p>Develop criteria by which the work site supervisor can evaluate student progress</p> <p>Assess the measurable skills learned via work site supervisor evaluation and student self-evaluation</p> <p>Seek student, parent, and work site supervisor evaluation of the work site and the WBL program</p> <p>Comply with local, state, and federal laws relating to career and technical education, employment of minors, and safety</p> <p>Hold conferences with students, employers, and parents</p> <p>Resolve any problems that arise between the student and the work site supervisor</p>
Program Administration, Operation and Management	<p>Establish criteria for selection of advisory council members</p> <p>Establish and utilize an advisory council</p> <p>Develop all necessary forms required for the program (see sample forms in Appendix A of this manual)</p> <p>Develop and file written training plans and agreements signed by students, agency representatives, parents, and work site supervisors</p> <p>Keep abreast of relevant state and federal labor laws and regulations</p> <p>Assure that all partners are in compliance with state and federal labor laws and regulations</p> <p>Understand agency law, code, liability, etc., as related to work site experience</p> <p>Ensure student learners' safety and protection</p>

	<p>Maintain work site opportunities for special population students</p> <p>Establish and publicize agency policies regarding such items as discipline, absenteeism, work schedules, wages, job transfer, etc.</p> <p>Ensure that planned learning activities relate to the work experience and the student's chosen career pathway</p> <p>Complete training agreement and training plan with student, work site supervisor, parent, and administrator</p> <p>Record coordination visits and conferences with work site supervisors and students</p> <p>Measure student achievement of tasks on the job</p> <p>Evaluate the job market to secure additional work sites</p> <p>Maintain teacher-coordinator records</p> <p>Be aware of records retention requirements that may be mandated by specific funding programs, the school district, or partnering agencies</p> <p>Keep accurate records of state and federal funds utilized</p> <p>Prepare an annual Work Based Learning budget</p> <p>Order and account for teaching materials, supplies, texts, and equipment</p>
<p>Work Site Recruitment (see Section 2 below for more details)</p>	<p>Visit employers to encourage their cooperation in the establishment of the program</p> <p>Participate in community and civic organizations</p> <p>Plan an employer/employee function with students during the school year to honor the employers who have provided the work sites for the students</p> <p>Conduct community surveys to determine appropriate types of work sites</p> <p>Develop brochures or flyers on career and technical education programs to distribute to the business community</p> <p>Promote career and technical education and Work Based Learning within the school using brochures, displays, and articles in the school newspaper</p> <p>Research state and local labor market information to determine future job need areas</p>
<p>Related School Based Instruction</p>	<p>Identify, review and evaluate curriculum materials</p> <p>Work with career & technical education instructors to develop standards and curriculum for related classroom instruction</p> <p>Develop general Work Based Learning objectives and utilize these to develop specific student performance objectives</p> <p>Develop individualized objectives for special population students</p> <p>Correlate classroom and on-the-job training</p> <p>Devise methods for students to evaluate their own progress</p> <p>Establish specific criteria and methods for evaluating student learning</p> <p>Evaluate instruction and curriculum using input from students, work site supervisors and advisory committee members</p>
<p>Program Evaluation</p>	<p>Prepare, administer, and analyze annual student and employer follow-up surveys</p> <p>Seek evaluation from advisory committee members</p> <p>Prepare and analyze a budgetary evaluation</p> <p>Seek evaluation from agency administration and personnel</p>
<p>Community and Public Relations</p>	<p>Utilize community resources available to enrich Work Based Learning</p> <p>Design internal and external public relations plans</p>

	<p>Conduct various public relations events Contact and utilize various news media Plan and publicize Work Based Learning student programs, events, projects, materials, etc. Print program brochures for dissemination to potential work sites and students Call on previous and potential work sites to promote Work Based Learning Utilize the resources of other agencies such as Job Service, Chamber of Commerce, trade unions, etc. Develop and maintain a community personnel resource file Represent Work Based Learning as a guest speaker at various community and service clubs and organizations Arrange for students to represent Work Based Learning as guest speakers at various community and service clubs and organizations Organize and conduct an open house of facilities Provide displays relating to Work Based Learning in prominent areas Sponsor student-employer activities such as banquets, field trips to various facilities, etc. Publicize the proceedings of advisory committee meetings Maintain good communication and public relations with state agencies Seek evaluation input from the public</p>
Professional Role, Activities and Development	<p>Explain and support the Work Based Learning philosophy, including the role of the teacher-coordinator Maintain ethical standards Contribute to the local educational agency by serving as a member of various committees Support professional organizations through membership and attendance at meetings Serve professional organizations through leadership or other ways Promote career and technical education through career and technical student organizations (CTSOs) Participate in appropriate in-service training by attending pertinent and relevant seminars and workshops Keep abreast of current events by monitoring professional literature Acquire new occupational skills needed to keep pace with technological advances in the career and technical field Expand your personal world-of-work experience to promote a broader experimental base Expand your educational background and leadership potential by achieving advanced degrees Seek evaluation from administrators and peers Keep your teaching certification up to date</p>

2. The Work Site

The work site is the term we use in this manual to identify the on-the-job site for student training. Establishing good work sites is one of the major tasks associated with a teacher-coordinator's

job. Because of the importance of the work site to student success, most Work Based Learning practitioners advocate that the teacher-coordinator should be responsible for their establishment. Frequently, students are encouraged to obtain their own jobs. Even though this practice reduces the workload, the teacher-coordinator must accept responsibility for final work site approval.

The determination of what constitutes an acceptable work site is critical to providing relevant experiences for each student's career objective. District policies for Work Based Learning programs should detail the criteria the district will use in choosing acceptable work sites. In general, the best work sites for students:

- are secured and developed by the teacher-coordinator to provide structured on-the-job learning experiences
- ensure that the work-site supervisor is willing to train students and has been prepared for this role by the teacher-coordinator
- adhere to all state and federal laws relative to employment practices
- are safe and accessible
- provide training that is directly related to the student's career development need or career goal and career and technical education program

If a student has what seems to be an appropriate job, the teacher-coordinator should check out the job and the supervisor to determine whether or not the work site meets the criteria established by the district for Work Based Learning programs. If it does, the teacher-coordinator may be justified in using the student's present job as the work site, provided the work site supervisor is willing to comply with all requirements of the district's Work Based Learning program (e.g., legal requirements, paperwork and reporting requirements, district policies, etc.).

Work site organizations should have the capability and willingness to provide occupational training to students involved in the Work Based Learning program. The teacher-coordinator and the work site supervisor should jointly develop a step-by-step training plan and arrange time to confer periodically with each other and with the student. The teacher-coordinator must explain the objectives and goals of the Work Based Learning program to the work site supervisor and any other work site staff who will be involved with the student-learner. Scheduled conferences between the work-site supervisor and the teacher-coordinator are critical to the success of the program. Using these conferences, the teacher-coordinator monitors the development, updating, and evaluation of the training plan.

The work site should be accessible. A work site that is excellent in all other aspects might not be adequate because of inability of the student to get to the job. Consider also the amount of time needed to get from school or home to the work site.

The work site should be in a safe environment. Buildings, equipment, and grounds should meet local, state, and federal safety regulations. The teacher-coordinator should ensure that the student has proper safety training before going to the work site, and the worksite supervisor should ensure that the student has proper safety training once at the work site. Sites in potentially dangerous locations or those that require odd work hours may not be safe.

The employer must also be in compliance with all state and federal labor laws and requirements. This includes wage and hour laws, child labor laws, worker's compensation rules, insurance and liability requirements, non-harassment policies, and ADA guidelines. For a more detailed discussion of legal, safety, and liability issues, please see Chapter II of this manual. (A sample Evaluation of Prospective Work Site is included in Appendix A.)

3. Work Site Recruitment and Evaluation

There are many ways the teacher-coordinator may try to recruit businesses to participate in Work Based Learning programs. The following are some suggestions for this process.

Go to Employers

Do not assume the best way to reach employers is to send them a letter inviting them to a meeting at the school – or to any meeting set up by educators. It is best to meet with employers on their turf – either at the work site or at a meeting of a local employer group.

Large organizations may offer a greater breadth of opportunities and resources than small organizations, but we realize that in many communities, small, locally owned businesses may be the only employers. In fact, sixty percent of businesses in the nation are classified as small – employing 50 or fewer workers. 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. See Appendix C for a list of All Aspects of Industry.

Benefits to Employers

Employers will want to know what benefits they will receive from the Work Based Learning program. You may want to use the following ideas when you talk to employers:

Work Based Learning Benefits to Employers

<p>Reducing the cost of recruiting, screening, selecting, and training new workers</p>	<p>Schools are the principal supplier of employees for many businesses and industries When employers work collaboratively with schools, they can reduce their costs Work Based Learning programs help employers avoid having to rely on uncertain information and costly methods of recruitment and selection Employers can obtain evidence of a potential employee’s skills and abilities If employers hire students from their own structured Work Based Learning initiatives, they reduce training costs There is evidence that Work Based Learning can reduce turnover costs for employers</p>
<p>Improving the performance of existing employees</p>	<p>The process of developing Work Based Learning experiences for students can lead work site supervisors to examine their own activities in the work site In the process of determining key work site learning elements and processes for students, employees may find ways to improve their own performance Individuals who work with students also have an opportunity to develop managerial and supervisory skills</p>
<p>Meeting the demand for new technological skills</p>	<p>Many students currently in high school have considerable occupational skills they can share with current workers</p>
<p>Improving community relations</p>	<p>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</p>

Barriers for Employers

In deciding whether to participate in Work Based Learning, employers weigh the benefits of participation against the costs of overcoming the barriers. These barriers can be grouped into the following categories:

Economic uncertainty, attributable to slowdowns in the local economy or changes in a company’s business fortunes that limit the availability of jobs.

Training costs, which include any student wages paid and the value of the time spent by supervisors to plan Work Based Learning activities and work with the students and the teacher-coordinator.

Organizational resistance to Work Based Learning within the company from management or other employees.

Regulatory restrictions and extra insurance costs, which include child labor and safety laws and general liability and worker’s compensation insurance.

Fear of inadequate preparation of students for Work Based Learning placements.

Employers who are new to Work Based Learning may not understand the goals of the program, and they may be hesitant to take on teenaged workers because of the possibility of liability issues, discipline problems, or costs. It is important to articulate employers' concerns and address them up front if recruiting efforts are to be successful.

Consider the following questions and develop appropriate responses when recruiting employers:

- What exact responsibilities are being asked of my company?
- What will this program cost in wages, training time, and other costs?
- Will my staff have to do a lot of paperwork?
- Will my liability insurance and workers' compensation costs rise?
- Who has the ultimate responsibility for program administration and governance?
- How will I know that my firm will get adequate program support once students are coming to my work site?
- What kind of students will be recruited?
- Will I be able to choose which students are placed at my work site?
- Who is responsible for addressing attitudinal or disciplinary problems with students?
- What assurances will I have that the schools will keep their end of the partnership?
- What training will I receive in how to supervise and train young people?

Likely Partners

Types of businesses that are generally open to partnerships with the education system include:

- The local utilities, such as communication systems, electric and gas companies
- The medical and health industry
- The hospitality, tourism, and restaurant industry
- Retail businesses
- Banking and finance institutions
- The construction industry

When searching for business/industry partners for a Work Based Learning 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 Work Based Learning concepts or exhibit a willingness to learn
- Have a cooperative labor and management relationship

Remember to say thank you

We all like to know that we are appreciated. Employers who participate in Work Based Learning programs are giving valuable time and expertise to the school and to the student. Don't forget to tell them their contribution is important and is appreciated.

Have the student(s) send a thank you note to the employer. If necessary, provide students with a sample thank you letter. Encourage students to personalize their letters by highlighting at

least one thing that they learned or enjoyed during the experience. Suggest that students ask permission to use the employer as a reference.

Send a thank you note from the school as well. Keep small note cards and envelopes on hand. A short, personal, handwritten note is often more valued than a letter or memo unless the letter can be placed in a personnel file.

Other ways to say thanks:

Give certificates of appreciation.

Conduct award or recognition ceremonies.

Highlight the employer's participation in an article in the school or local paper.

Give small, inexpensive gifts such as pens or note pads with the school name.

Maintain records and stay in touch

Create an employer database. Document all employers and the activities in which they've participated for future reference. Maintain a mailing list of organizations that are active in Work Based Learning. This database should also include the names of individual students who have worked with each organization. Recalling the experiences of past participants can be helpful when placing new students.

Stay in touch with employers. They'll be more inclined to work with you if you have a good, ongoing relationship. Some ideas: encourage student(s) to write letters some time later explaining how the experience made a difference; publish a quarterly newsletter or one page flyer sharing student/employer activities.

Reflection. Take time to reflect on your work site development process. Identify strengths and weaknesses in your presentation and make adjustments as necessary. Ask employers for input on how marketing efforts could be improved. Focus on streamlining the work site development process for the benefit of everyone involved.

Appendix A contains samples for an Employer Survey and Employer Contact Form.

4. Special Work Site Situations

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 Work Based Learning 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.

Entrepreneur

Occasionally, students will say that they own their own business and want to use it as the work site for the Work Based Learning program. We discourage this arrangement because of the lack of an adult work site supervisor to carry out the training plan. If the teacher-coordinator does allow this type of situation for Work Based Learning, however, the training plan must be designed to take into account a means of oversight and instruction other than through a work site supervisor. We recommend the entrepreneurial student submit the following records to the teacher-coordinator as part of the program requirements:

Alaska business license—this is required of anyone doing business in the state. If the student does not have a business license, he or she cannot legally be operating a business.

Employer ID number

Detailed log of the student's work hours and tasks, signed by a parent or guardian

List of customers or clients

Letters of recommendation from several clients

Financial records

Independent Contractor

Another situation that we discourage in Work Based Learning is that of a student acting as an independent contractor (although an employer may favor this arrangement so that he or she can avoid paying employment taxes). In order for someone to truly be an independent contractor, he or she must:

have a state of Alaska business license;

advertise his/her services broadly; and

serve many clients as opposed to just one.

We recommend that school districts adopt a policy of not accepting independent contractors or entrepreneurs as part of a WBL program.

5. The Training Agreement and the Training Plan

Two very important components of a Work Based Learning program are the Training Agreement and the Training Plan. A sample of each is given in Appendix A.

Training Agreement

This is the document that spells out the responsibilities of each partner, namely the student, the parent or guardian, the school, and the employer. All partners should sign the Training Agreement before the student's first day on the work site. This ensures that everyone knows and understands their responsibilities and agrees to carry them out. The teacher-coordinator should keep the training agreement in the student's file, and the employer should have a copy of the agreement at the work site.

Training Plan

The training plan is the document that details exactly what the student will learn at the work site. It should include employability skills (e.g., punctuality, communication, teamwork, etc.) and occupational skills specific to the job (e.g., writing an automotive service order, making correct change, formatting a document, etc.). We recommend the teacher-coordinator and the work site supervisor develop the training plan together. Because this plan lists the skills to be learned, it may be designed to function also as an evaluation instrument for the work site supervisor and

teacher-coordinator to use in assessing the student's performance. The sample training plan in Appendix A is set up in this manner.

6. Site Visit and 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. We recommend the teacher-coordinator visit each work site at least four times each semester. A Site Visit and Student Evaluation form is in Appendix A.

6. Other Forms

The teacher-coordinator may want to have students formally apply for the Work Based Learning program. This is an excellent way to reinforce the idea of employability skills. Students may also be required to submit an actual application for the work site job, along with a resume and cover letter. (See samples in Appendix A.) The Document Checklist in Appendix A may be helpful to the teacher-coordinator to make sure all required paperwork has been signed and submitted for the student's Work Based Learning program.

V. Preparing the Student and the Work Site Supervisor

1. What the Teacher-Coordinator Should Do
2. Work Site Supervisor's Responsibilities
3. Training Teenaged Workers

The work site is the term we use in this manual to identify the on-the-job site for student training. The work site supervisor is the employee who has direct supervisory and training authority for the student. The value of the Work Based Learning (WBL) experience for students depends greatly on the selection of suitable work sites and work site supervisors. Work based instruction at the work site and under the guidance of the work site supervisor develops the technical skills that are related to a student's performance in entry-level employment. Work Based Learning reinforces the school based curriculum component of career and technical education by involving both educators and work site staff. Students demonstrate competencies learned in the classroom while performing tasks or functions of work at the work site. The work site supervisor is directly involved in the training as well as the assessment of the skill level of the student.

1. What the Teacher-Coordinator Should Do

Work site supervisor development begins to take place during the teacher-coordinator's first visit. This initial face-to-face contact is crucial to future success, for how the program is initially presented will ultimately determine the long-term relationship with the work site organization. The preparation of the work site supervisor for the role to be assumed sets the stage for all activities to be undertaken during the year.

The following items should be covered during the initial visit.

Orientation to WBL

Work site supervisor's role

Student's role and responsibility

School's and teacher-coordinator's roles

Training should help work site supervisors set challenging yet realistic goals, plan projects to meet these goals, select appropriate instructional techniques, and assess student progress. Work site supervisors should understand the different stages of adolescent development, recognize

student learning preferences, encourage communication, and provide feedback. Training should also help work site supervisors avoid potential problems or learn to work through any problems that may develop.

It is important to give work site supervisors and students copies of all materials associated with the Work Based Learning program. A written training guide, providing an overview of WBL and outlining the roles and responsibilities of all partners, should be made available. The training guide may also contain information regarding the attendance policy, the school layout, staff directory, child labor laws, an insurance liability fact sheet, and the parent agreement form. Using this information, a work site supervisor can discuss areas of concern with the appropriate people. Work site supervisors and academic partners should regularly review and make operational changes to the guide as needed.

There are many issues that the teacher-coordinator will want to discuss with both the student and the work site supervisor before the student starts at the work site.

The following suggestions from Jobs for the Future (JFF) may be useful to the teacher-coordinator when preparing the student and employer for the Work Based Learning experience:

Prepare both students and employers for the experience. Student preparation should focus on work readiness skills and a general introduction to the industry. Employer preparation requires a good communication system, supervisory training, and ongoing support.

Involve employers in the student selection process. This reinforces the business aspect of the program and generates more support for the students within a company.

Introduce students to the work site through rotations before assigning them to jobs. Work site rotations expose students to all aspect of the industry, provide them and employers a chance to look each other over, and give both parties information with which to make informed choices about job assignments.

Quality of job placement equals retention at the work site and in the program. Messages sent to students about their positions can either heighten or deflate their feelings of self-worth and value. These are fundamental considerations when placing a student in the work site and when cultivating the work site placements for the students

Prepare for the “what ifs.” Develop policies and guidelines to address situations before they arise. For example:

What if a student does not show up for work?

What if there is an emergency at school or at work?

What about holidays (school holidays and work holidays)?

Who gets involved when?

If the student does not go to school, does he/she go to work?

The teacher-coordinator should make sure that both the student and the work site supervisor are aware of issues regarding harassment and discrimination (see Harassment and Discrimination Statement in Appendix A) as well as confidentiality concerns. If there is a chance that the student will be exposed to confidential information at the work site, the student should sign a Work Site Confidentiality Agreement. If the employer does not have such a form, you may use the sample in Appendix A.

The student and the work site supervisor should both know the policies for recording the student’s time on the job. The work site supervisor may want the student to use the regular employer form. There is also a sample Student Time Sheet in Appendix A. The time record will be used by the employer in figuring the student’s pay (if it is a paid training position), and by the teacher-coordinator in helping to determine the student’s grade and credit for the class.

2. Work Site Supervisor's Roles and Responsibilities

Work site supervisors need and want to know what is expected of them while participating in Work Based Learning (WBL). Their responsibilities can be summarized as follows:

Summary of Work Site Supervisor Responsibilities

Coordinates work site learning experience and trains student-learner	<p>Orients the student learner to the work site and the position (see paragraph below this table for details on work site orientation)</p> <p>Trains and supervises the student-learner and implements the training plan</p> <p>Works with teacher-coordinator to plan activities and ensure they are directly related to training plan goals and objectives.</p>
Provides advising/coaching during work site learning experience	<p>Communicates and interprets company and work site policies and procedures</p> <p>Relays problems to the teacher-coordinator</p> <p>Advises students on technical issues, employability skills, and progress as related to business/industry experience</p> <p>Acts as role model and coach</p> <p>Communicates with parents on an as-needed basis</p>
Evaluates student and work site learning program	<p>Documents and maintains records of student progress in accordance with established evaluation criteria</p> <p>Provides frequent informal feedback to students</p> <p>Communicates evaluations to the teacher-coordinator</p> <p>Provides informal program evaluation to the teacher-coordinator</p> <p>Provides a formal written program evaluation to the teacher-coordinator according to established guidelines. (See sample Employer Evaluation of Program in Appendix A.)</p>

Work Site Orientation

Each individual work site should prepare written information for the student entering the work environment. The information should include a brief description of the company's business and

company policy regarding employee behavior and should provide answers to the following types of questions:

How many hours of work?

What is the starting time?

What is the ending time?

Are there specific break times or meal times?

How are hours recorded?

Who and when to call if late or absent?

If hours are variable, how is the student informed?

Who can provide help with questions about the work assignments or directions?

What safety precautions are to be taken?

Is any information to be kept confidential?

Can the student visit with other employees during work?

Can the student eat or drink while working?

What are the appropriate clothes for work?

If uniforms are required, how are they paid for, obtained, and cleaned?

Is any special equipment required, e.g., tools?

Are badges required? How are they obtained and worn?

See Appendix A for a sample Student Orientation to Work Site.

General Policy Issues for Work Site Supervisors

Work site supervisors will need direction and instruction before the student begins the work site training. The teacher-coordinator should make sure the work site supervisor understands the following general policy issues:

General Policy Issues for Work Site Supervisor

Work Based Curriculum	Work with the teacher-coordinator to identify job skills. Work site supervisors who assist in curriculum development and curriculum implementation have a better understanding of each step of student training.
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Safety Issues	Work with the teacher-coordinator to ensure that students have a basic understanding of why safety procedures are needed as well as an attitude that takes this need seriously. Give direct instruction to students regarding safety procedures at the work site.
Attendance	Know what the school's standards and procedures are for attendance in school and the work site. Know who the school contact person is if a problem arises. The contact person must be easily accessible and willing to respond to the work site supervisor's concerns. The work site supervisor's willingness to harmonize efforts with the teacher-coordinator adds credibility to classroom instruction and sends a clear message to students that the school based and work based components of Work Based Learning are part of the same system.
Measurements of Student Success	Evaluate student performance as per your agreement with the teacher-coordinator regarding frequency of evaluations, evaluation instrument, etc.
Work schedules	The teacher-coordinator should consult with work site supervisors to establish student work schedules that are mutually agreeable to the employer, the school, the student, and the parents.
Discipline	Work site supervisors may have concerns about disciplining students at the work site. The teacher-coordinator should make sure that the school district has clear policies regarding discipline issues at the work site and should make the work site supervisor aware of these policies.
Legal Issues	Work site supervisors will need to know and comply with all local, state, and federal labor laws. Work site supervisors should also help support an environment free of racial, sexual, or any other type of harassment.

3. Training Teenaged Workers

A work site supervisor may or may not have any experience in working with or training adolescents. The teacher-coordinator should take time to “train the trainer”—i.e., instruct the work site supervisor in appropriate methods for working with, training, and supervising teenagers. Some important things to remember about training student-learners are:

Students may need to hear an explanation several times and in several different ways in order to understand

Students probably need to practice a skill several times before they are proficient

Emphasize how the skill they are learning actually applies to the job

Always point out the specific skills and standards that the student is supposed to be learning—don't assume the student is necessarily learning what you think you are teaching!

What can be done to be a better manager of teenagers? Here are some ideas for work site supervisors that will help them make the Work Based Learning experience more successful for them and for the students:

Give specific instructions

Explain job requirements clearly

Recognize good performance and give rewards and incentives

Give more responsibility to those teens who can handle it

Spend time and energy in training, both in employability skills and in specific occupational skills

Listen to and evaluate what teen workers say

Understand teen workers' scheduling needs

Have patience, and show how to correct mistakes instead of yelling or criticizing

Remember that teenage workers . . .

May have little or no experience, and they place great importance on obtaining growth and experience on the job. For business, this is both good and bad news. The bad news is that you must train them; the good news is that they are trainable.

Identify with a group. Teens are great team players because above all, they want to belong.

Adults often forget this fact.

Are idealistic and think that there are simple solutions to all of life's problems.

Need directive behavior from the boss. Directive behavior calls for specific, detailed instructions on what the teenage worker is expected to do on the job. Supportive behavior, or saying "thank you" and "you did a good job," is also important, but directive behavior should predominate.

Exhibit immaturity. This is natural—they are only 16-18 years old!

Have their basic needs provided for. Because their parents often provide food, shelter, and clothing, most teens are more independent than other workers.

Are forming their work ethic. The work site supervisor must teach a positive work ethic by words and by example. In the initial stage of a teenager's employment, the supervisor must communicate the policies of the organization and the consequences of misbehavior.

Possess short-term goals and objectives. The goal of some teens is "Saturday."

Challenge authority. Teenagers constantly test limits and look for boundaries. Supervisors must be quick in enforcing their personal boundaries and the boundaries of the organization.

Are apt to internalize criticism. Because their self-esteem is in the formative stage, teenagers often respond poorly or are hurt by even the most constructive criticism.

Have no concept of profits in a business. Teenagers seldom consider employer costs or profits and are usually not very interested in the bottom line.

If the teacher-coordinator develops and delivers thorough preparation of the student and the work site supervisor ahead of time, the number of problems encountered during the Work Based Learning experience should be minimal. If problems do arise, however, the work site supervisor, the student, and the teacher-coordinator should work together to resolve the issues and change the program if necessary, so that the same issues can be avoided in the future.