

EMPLOYER ENGAGEMENT

Legal Barriers



This document contains a model policy for the coverage of insurance for students participating in an LEA-/school-sponsored Work-Based Learning program.

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The lack of sufficient student accident and liability insurance is a regularly cited barrier for K-12 students who are eligible to participate in advanced level work-based learning (WBL) experiences, such as job shadowing, internships, and apprenticeships. The purpose of this model policy is to enhance student insurance coverage requirements on the part of an LEA for students enrolled, or participating in a formal capacity, in an LEA-/school-sponsored WBL experience.

Legal Barriers Model Policy

Be It Enacted by the Legislature of the (state):

SECTION 1. DEFINITIONS

As used in this section, the terms have the following meanings:

- (1) “Cooperating employer” means a business or agency formally participating in an LEA- or school-sponsored work-based learning program.
- (2) “LEA” (Local Education Agency) means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary schools or secondary schools (as defined in ESSA) OR as defined in (cite state statute).
- (3) “Participant” means a student enrolled, or participating in a formal capacity, in an LEA- or school-sponsored work-based learning program aligned with classroom instruction, involving a cooperating employer, for which the student may or may receive compensation.
 - (a) A participant may or may not have the presence of a teacher/instructor as part of their sponsored work-based learning experience



- (b) A sponsored work-based learning experience may occur on or off school property.
- (4) “Work-Based Learning” (WBL) means sustained interactions with industry or community professionals in real workplace settings, to the extent practicable, or simulated environments at an educational institution that foster in-depth, firsthand engagement with the tasks required of a given career field, that are aligned to curriculum and instruction (as defined in Perkins V) OR as defined in *[cite state statute]*.

SECTION 2. REQUIREMENT

- (1) Each LEA implementing a work-based learning program shall maintain adequate student accident and liability insurance coverage for program participants.
 - (a) Each LEA shall provide evidence of insurance coverage upon request.
- (2) The *(department of education)*, in coordination with the *(department of labor and workforce development)* and the *(bureau of worker’s compensation)* shall make information available to LEAs and cooperating employers on applicable child labor laws, safety and health laws, workers’ compensation, and accident and liability insurance.
 - (a) Each LEA shall make available to WBL program participants and their respective parents or guardians all relevant program and insurance coverage information.
- (3) All laws and rules applicable to minors in labor- or employment-related situations shall be applicable to participants in an LEA- or school-sponsored work-based learning program.
- (4) Each cooperating employer shall maintain adequate workers’ compensation insurance coverage.

SECTION 3. PARTICIPANT INSURANCE COVERAGE

- (1) Each LEA shall procure a policy or policies insuring participants in an LEA- or school-sponsored WBL program against accident and liability on account of injury or damages to persons or property during their performance of duties as it pertains to their formal engagement and requirements set forth by the program.
 - (a) An LEA shall remain in good standing with its insurance provider.
- (2) The amount of coverage an LEA obtains shall be reasonable and adequate as determined by the *(department of education)*, in coordination with the *(department of labor and workforce development)* and the *(bureau of worker’s compensation)* and must approved by the LEA’s board membership.

SECTION 4. IMMUNITY FROM LIABILITY

- (1) Participants and cooperating employers in an LEA- or school-sponsored WBL program shall be entitled to immunity from liability.

SECTION 5. REPORT

- (1) By *(date)* of each year, the *(department of education)*, in coordination with the *(department of labor and workforce development)* and the *(bureau of worker’s compensation)* shall report to the Governor, President

of the Senate, Speaker of the House of Representatives, and the chairs of (*relevant committees*) on (insert type of data) in the state. The report shall include, at a minimum, the following information broken down by region, LEA, and student demographics (where applicable):

- (a) participant participation
- (b) employer participation
- (c) continued barriers to participation, and
- (d) recommendations to enhance participation through the removal of identified barriers.

SECTION 6. EFFECTIVE DATE

This act shall take effect upon becoming a law.