

Work-Based Learning Frequently Asked Questions for State-Approved CTE Programs

1. What is considered a learning site and what is a work site?

A site that is being used for instruction, *during the scheduled class time and with an appropriately certified CTE teacher present*, is considered an “extended classroom” and should be treated as a learning site during this time. There is no need for a training plan and agreement if the instructor is present; however, if the student returns to this site after class time, then a training plan and agreement must be completed.

A work site is a location where the student learner is studying or working but is not supervised by the instructor. This may occur within or outside of the school day. The student learner must be supervised by a business and industry professional and have a training plan and training agreement.

Example 1: Our construction program is building a house during class time that is not on school grounds. Is this a work site or a learning site?

State-approved CTE programs that are operated off the traditional school grounds during school hours and under the supervision of a CTE instructor operate as an extended classroom. This is an example of a learning site.

Example 2: We run a state-approved CTE program that is contracted with another agency and is off-site. Is this a work site or a learning site?

A contracted program is one that is offered by contracting with business, industry, or private occupational schools as an alternative method of providing CTE that is not readily available in a public education institution (Pupil Accounting Manual, page 5-P-2). The instructor of the contracted program must hold an Annual Career Authorization (unless the program is held at a postsecondary institution and taught by postsecondary staff).

The contracted program is assigned a building number and is considered an extended classroom where instruction takes place; it is not a work-based learning placement; therefore, the contracted program is considered a learning site.

Additional Guidance:

When a student wishes to return to the off-site learning location or contracted site to perform work-based learning, then a completed training agreement and training plan must be in place.

Hazardous occupation rules still apply to learning sites and the extended classroom. The work of the student learner in the occupations declared particularly hazardous shall be incidental to the training; such work shall be intermittent and for short periods of time, and under the direct and close supervision of a qualified and experienced person. The safety instruction shall be given by the school and correlated by the employer with on-the-job training, and a schedule of organized and progressive work processes to be

performed on the job shall have been prepared (U.S. Department of Labor Child Labor Bulletin 101, page 24).

It is the responsibility of the instructor at the learning site to monitor students who are engaged in hazardous occupation tasks or in a hazardous environment to ensure they are not spending an extended amount of time on a particular task. Refer to the list of hazardous occupations and exemptions in the U.S. Department of Labor Child Labor Bulletin 101 (page 8) for more information.

As good guidance for your program, keep in mind *line of sight* and *safety* for each of your students at the learning site or extended classroom.

Resources:

Student learner definition – Child Labor Bulletin (page 24)

Apprentice definition – Child Labor Bulletin (page 24)

2. What certifications are needed for the person who coordinates WBL and who is monitoring (visiting) the student placements at the work-based learning sites?

Coordinating:

A work-based learning experience is coordinated by a school district through a training agreement with an employer providing a paid or unpaid educational experience related to school instruction that may be offered as part of the pupil's schedule. *The paid or unpaid experience must be monitored by a certified teacher* (Pupil Accounting Manual, page 5-P-2). *To count for membership, the experience must be monitored by a certified teacher, or an individual working under a valid substitute permit, authorization, or approval issued by the Department, who is appropriate for the grade level (5-P-1).*

Monitoring:

Certifications for those who monitor work-based learning placements may vary depending upon whether the placements are for approved or non-state approved programs or for students with IEPs. Non-CTE work-based learning experience or in-district placement/transition services must be monitored by a certified secondary teacher. Non-CTE work-based learning for pupils with disabilities must be monitored by a certified district teacher and must have a special education teacher assigned to the pupil. All state-approved CTE programs must be monitored by a vocationally certified teacher/coordinator (OCTE Administrative Guidelines, pages 49-50).

Visitations by the certified teacher are to monitor the progress of the pupil's skill attainment, determine if the pupil is eligible to receive school credit, verify the pupil's attendance, and evaluate the site in terms of health, safety, and welfare of the pupil. More visits may be required depending on the pupil's progress and needs, the supervisor's experience in working with pupils, and other factors. Per pupil accounting, the superintendent of the district can designate a staff member, who is a professional employee of the district, to visit the pupil's work site. For special education work-based learning pupils, the visitation plan must comply with the Rule 340.1733(i) (5-P-3).

Special education transition services may be counted for pupil membership for special education work site-based learning experiences. A certificated staff member employed by the district must visit the student and the student's instructor in the community placement location once every thirty calendar days ([Pupil Accounting Auditing Manual](#), page 34 and [Pupil Accounting Manual](#), Special Education Transition Services, section 5-L).

Resources:

[Pupil Accounting Auditing Manual](#)

[Pupil Accounting Manual](#)

3. When should I utilize a training plan and agreement, work permit, or permission slip?

Work-based learning is not simply a job. Work-based learning is training for the pupil's desired future career. All pupils enrolled and participating in work-based learning must have a training plan that correlates to the pupil's EDP. The pupil must also have taken or be currently enrolled in an academic or technical class that correlates to the job. Allowable work-based learning must include job tasks specific to a certain career.

a. Written training plan and agreement

All work-based learning placements that are used for a full-time equivalency (FTE), paid or unpaid, require a written training plan and training agreement ([OCTE Work-Based Learning Manual for State-Approved CTE Programs](#)).

b. Work Permits

A work permit should be obtained when the work placement does not follow the guidelines of work-based learning. Work permits are required for all minors who are not exempt from the Youth Employment Standards Act. Work permits are issued by the assigned school issuing officer. An issuing officer shall issue a permit only after having examined, approved, and filed the required papers listed in MCL 409.105 of the [Youth Employment Standards Act](#) (page 3).

All other questions should be directed to Michigan's Wage and Hour Division, which is in the department of [Labor and Economic Opportunity \(LEO\)](#). Work permits are not issued through MDE.

c. Permission Slips

Permission slips are coordinated and used at the discretion of the local district and employer. These are generally used for one-day experiences.

Resources:

[Labor and Economic Opportunity - Youth Employment Standards Act \(YESA\) \(michigan.gov\)](#)

[Youth Employment Standards Act](#)

4. How many hours are in effect for a task when a student is working at hazardous occupation?

Student-learners 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 may only work in a hazardous occupation for intermittent and short periods of time. "Intermittent" is defined by the United States Department of Labor, Wage and Hour Division as less than one hour and "short periods" as less than twenty percent of a student-learner's work shift (Child Labor Bulletin, pages 24-25).

Additional Guidance:

Good teaching practice would not assign a specific task to a specific student for an entire class period that lasts more than one hour. For example, students in a Construction class who are working on a roof project would not spend the entire session doing the exact same job. The instructor would rotate students to enhance learning.

As good guidance for your program, keep in mind *line of sight* and *safety* for each of your students at the learning site or extended classroom.

5. Where can I find the safety checklist that was referred to at the 2019 CTE Summer Leadership Conference?

Visit the [LEO website](#) to find the *MIOSHA Employer Self-Inspection Checklist for safety review and see the attached Guidelines for Employing Minors for additional requirements.

The guidelines below are requested by the Wage and Hour Division when auditing an employer:

- Legal business name
- Federal I.D. number
- Business' annual gross dollar volume
- Percentage of alcohol sales in comparison to sales of other goods and services
- List of all employees and their dates of birth
- Names and ages of adults who supervise minors
- Start and ending employment dates of minors during the pay periods
- Work permits, training agreements, GEDs, diplomas, and/or other proof of exemptions
- Deviation of hours and parental consents
- Daily time records which include the starting and ending times of the shift as well as the 30-minute, uninterrupted meal and rest periods when more than five consecutive hours were worked

Resources:

[Labor and Economic Opportunity - Youth Employment Standards Act \(YESA\) \(michigan.gov\)](#)

Labor and Economic Opportunity (LEO) Website (www.michigan.gov/leo)

6. Can a student be placed in a business that is owned by their parent(s)?

Yes, a student may be placed in a business that is owned by their parents. The business is still subject to the site inspection, training plan/training agreement, and other required WBL documentation. As a best practice, the teacher or coordinator should evaluate whether the placement meets the student's career goals and provides the best learning opportunity for career ready practices.

7. If a parent owns the business, do they still need Workman's Compensation Insurance for their child to be placed at their company?

There is an exclusion form for situations when the business is a sole-proprietorship, and the employees are a spouse, child, or parent of the proprietor. However, if the business is a Limited Liability Company (LLC) the exclusion does not apply. Coordinators are encouraged to carefully evaluate the business format and contact the Insurance Division of the Michigan Workers' Disability Compensation Agency regarding specific situational questions related to Worker's Compensation coverage.

Resources:

[Employer Insurance Requirements \(michigan.gov\)](https://www.michigan.gov/eag/0,4570,7-293_7237_7238_7239_7240_7241_7242_7243_7244_7245_7246_7247_7248_7249_7250_7251_7252_7253_7254_7255_7256_7257_7258_7259_7260_7261_7262_7263_7264_7265_7266_7267_7268_7269_7270_7271_7272_7273_7274_7275_7276_7277_7278_7279_7280_7281_7282_7283_7284_7285_7286_7287_7288_7289_7290_7291_7292_7293_7294_7295_7296_7297_7298_7299_7300_7301_7302_7303_7304_7305_7306_7307_7308_7309_7310_7311_7312_7313_7314_7315_7316_7317_7318_7319_7320_7321_7322_7323_7324_7325_7326_7327_7328_7329_7330_7331_7332_7333_7334_7335_7336_7337_7338_7339_7340_7341_7342_7343_7344_7345_7346_7347_7348_7349_7350_7351_7352_7353_7354_7355_7356_7357_7358_7359_7360_7361_7362_7363_7364_7365_7366_7367_7368_7369_7370_7371_7372_7373_7374_7375_7376_7377_7378_7379_7380_7381_7382_7383_7384_7385_7386_7387_7388_7389_7390_7391_7392_7393_7394_7395_7396_7397_7398_7399_7400_7401_7402_7403_7404_7405_7406_7407_7408_7409_7410_7411_7412_7413_7414_7415_7416_7417_7418_7419_7420_7421_7422_7423_7424_7425_7426_7427_7428_7429_7430_7431_7432_7433_7434_7435_7436_7437_7438_7439_7440_7441_7442_7443_7444_7445_7446_7447_7448_7449_7450_7451_7452_7453_7454_7455_7456_7457_7458_7459_7460_7461_7462_7463_7464_7465_7466_7467_7468_7469_7470_7471_7472_7473_7474_7475_7476_7477_7478_7479_7480_7481_7482_7483_7484_7485_7486_7487_7488_7489_7490_7491_7492_7493_7494_7495_7496_7497_7498_7499_7500,00.html)

8. Can students under 18 use a tire changer at the work site or is that considered hazardous?

Students enrolled in a state-approved CTE program who are participating in WBL as a part of that program qualify for hazardous occupation exemptions. If the minor is on a valid WBL contract (training agreement) where the school is picking up supervision of the employment situation, the minor is exempt from the Youth Employment Standards Act, meaning the law does not apply to that minor.

The State of Michigan Youth Employment Hazardous Table was created to give an overview of occupations prohibited by law or administrative review. Minors who are not participating in a state-approved CTE WBL contract (CTE training agreement) are subject to hazardous occupation rules and are not eligible for exemptions. Students working outside CTE WBL training agreements must comply with the guidance given by LEO.

Resources:

[State of Michigan Youth Employment Hazardous Table](#)
[U.S. Department of Labor Child Labor Bulletin 101 \(Hazardous Occupation Exemptions\)](#)
[Michigan Department of Labor and Economic Opportunity – Youth Employment](#)
Michigan Wage and Hour Division – WHinfo@michigan.gov

9. If a person is an emancipated minor, are they still under the requirements for a work permit and restricted hours?

The emancipation with proof on file at the worksite exempts the minor from the [Youth Employment Standards Act](#). The law states:

Sec. 17. This act shall not apply to nor prohibit the employment of an emancipated minor, as defined by section 4 of Act No. 293 of the Public Acts of 1968, as amended, being section 722.4 of the Michigan Compiled Laws. An employer, before employing the minor, shall obtain and keep on file proof of the minor's emancipated status.

10. Can a person teaching in the district with an Annual Career Authorization (ACA) also then qualify to be the WBL Coordinator?

An [Annually Career Authorized](#) teacher is recognized as a certified teacher by the Office of Educator Excellence (OEE). As outlined in the [Pupil Accounting Manual](#) and [companion document](#), for CTE work-based learning, the teacher must be a person who is CTE-endorsed or has extensive knowledge of career and technical education. Since the ACA is a recognized CTE teaching credential, a staff member with an ACA is qualified to be the WBL coordinator for CTE students.

Resources:

[Pupil Accounting Information](#)
[MDE Educator Services](#)
[Certification Guidance](#)
Educator Certification Questions – MDE-EducatorHelp@Michigan.gov

11. How long is a training agreement valid? If I do a pre-visit in the spring, are they still valid in the fall when the placement will start?

Training agreements are valid for the length of the school year unless the placement changes. If the district is working to schedule placements for the fall, an initial site visit may be conducted and the training agreement may be drafted and signed for the next school year; however, the coordinator or teacher should conduct another site visit prior to placement in the new school year in the event something has changed.

12. Should we as work-based learning coordinators be providing the required posters to employers?

There is not a requirement that you provide posters to employers, however, it is a good idea, or you may steer employers to www.michigan.gov/wagehour to download state Wage and Hour posters.

13. Do students have to be paid by check with deductions for taxes taken out to be considered WBL?

Work-based learning experiences do not have to be paid experiences.

The Wage and Hour Division is not a taxing authority and does not enforce tax regulations. This question should be posed to the Michigan Department of Treasury, Internal Revenue Service, or local municipal taxing authority. MDE may also have requirements in its WBL guidelines.

14. Can we use a digital signature to sign our training plans and training agreements?

Districts may receive a digital signature from stakeholders on the training plans and training agreements; however, an in-person site visit of the business facility must still take place prior to student placement.

15. If the employer with which the student is doing an internship at does NOT have workers compensation but DOES have liability insurance, can the student still do a placement there if they are NOT getting paid and their tasks change every 45 hours?

If the position is unpaid, then workers compensation is not required. Only the liability insurance would be required on the training agreement. A coordinator may still ask for it, as often an unpaid position will lead to a paid experience, in which case it would be necessary.

For more information regarding Work-Based Learning contact:

Celena Mills

Email: MillsC1@Michigan.gov

Lee Greenacre

Email: GreenacreL@Michigan.gov

For more information regarding the Youth Employment Standards Act:

[YESA Webinar](#)

[Webpage for Youth Employment Standards Act \(YESA\)](#)

[Bureau of Employment Relations – Wage & Hour Division](#)

[Employing Minors in Michigan brochure](#)

Email: WHinfo@michigan.gov

Phone: 517-284-7800