



Indiana Department of Education

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Indiana Administrative Code, Title 511, Article 8. Vocational Education

http://www.in.gov/legislative/iac/iac_title?iact=511

1. CTE Program Requirements
 - a. Teacher/student ratio
 - b. Safety integral part of instruction
 - c. Program tied to student's career objectives (which must be on file)
 - d. Written standards and curriculum on file
2. Work Based Learning; cooperative education; on-the-job training
 - a. Written training agreement outlines responsibilities of the student, parent, employer, and teacher-coordinator, signed by all
 - b. Written training plan/schedule of training experiences developed; hazardous equipment identified; signed by all
 - c. Comply with state and federal child labor laws
 - d. Concurrent related classroom instruction to develop content knowledge and skills
 - e. Teacher-coordinator scheduled for regular job-site visits for all students
3. Teacher-coordinator experienced in the occupations and properly licensed

Fair Labor Standards Act (FLSA)

<http://www.dol.gov/whd/flsa/>

Child Labor Laws (Federal)

<http://www.dol.gov/whd/childlabor.htm>

The federal child labor provisions, authorized by the Fair Labor Standards Act (FLSA) of 1938, also known as the child labor laws, were enacted to ensure that when young people work, the work is safe and does not jeopardize their health, well-being or educational opportunities. These provisions also provide limited exemptions.

- Minimum Age Standards for Workers Below Age 18
- Jobs Permitted for 14 and 15 Year Olds
- Jobs Permitted for 16 and 17 Year Olds
- Wage Payments for Young Workers
- Fact Sheets for Hazardous Occupations
- Exemptions and conditions for exemptions

Indiana Child Labor Laws

<http://in.gov/dol/childlabor.htm>

- Hazardous Occupations and Exemptions <http://in.gov/dol/2741.htm#3>
- Exemptions – 16 and 17 year olds working as [apprentices](#) or [student learners](#) in accordance with FLSA requirements may be exempt from the restrictions on specified hazardous occupations



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Indiana Administrative Code, Title 511, Article 8. VOCATIONAL EDUCATION

http://www.in.gov/legislative/iac/iac_title?iact=511

511 IAC 8-2-4 Program requirements

Sec. 4. The school corporation shall ensure that:

- (1) The student-to-teacher ratio for the program is commensurate with the particular program area.
- (2) Safety is taught as an integral part of the instructional program, both in the classroom and the training station.
- (3) The program is directly related to employment opportunities as classified in the most recent edition of the U.S. Department of Labor's Dictionary of Occupation Titles and Occupational Outlook Handbook. Individual student career objectives are on file within the school corporation.
- (4) Written program goals, objectives, or curriculum are available for each program area.

511 IAC 8-2-5 Cooperative education; on-the-job training

Sec. 5. The school corporation shall ensure that the following additional criteria are met:

- (1) A training agreement explaining the essential features of the program and outlining the responsibilities of each party concerned is on file for each student in the teacher-coordinator's office. The training agreement shall be signed by the student, employer, parent, and teacher-coordinator.
- (2) A schedule of on-the-job training experiences (training plan) for each student is drawn up cooperatively with each employer and is on file in the teacher-coordinator's office. All hazardous equipment to be operated by the student shall be identified in the training plan. The training plan shall be signed by the student, employer, parent, and teacher-coordinator.
- (3) Employment of students in the program complies with all state and federal laws pertaining to the employment of youth, including minimum wage regulations.
- (4) Related classroom instruction is provided for all students. Credit given for the related classroom instruction is in addition to the credit given for on-the-job training.
- (5) Students shall be allowed time from their daily school schedule to participate in cooperative education.
- (6) Students shall be employed an average of not less than fifteen (15) hours per week during the school year. Modifications will be considered for disadvantaged and handicapped students.
- (7) The teacher-coordinator shall have time scheduled for coordination activities during the same time students are released for on-the-job training.

511 IAC 8-2-6 Teachers

Sec. 6. The school corporation shall ensure that all teachers in each vocational program are appropriately licensed. All teachers of secondary vocational education in the public schools shall meet the certification standards as established by the professional standards board.

511 IAC 8-2-7 Advisory committees

Sec. 7. The school corporation shall ensure that an advisory committee is organized and functioning with meetings conducted each school year:

- (1) for the total vocational program in the school corporation; and
- (2) for each program area and/or, where appropriate, for each vocational program within the school corporation.



Federal Law

Child Labor/Overview

<http://www.dol.gov/whd/childlabor.htm>

The federal child labor provisions, authorized by the Fair Labor Standards Act (FLSA) of 1938 www.dol.gov/whd/flsa/, also known as the child labor laws, were enacted to ensure that when young people work, the work is safe and does not jeopardize their health, well-being or educational opportunities. These provisions also provide limited exemptions.

Prohibited and Hazardous Occupations for Minors

<http://www.in.gov/dol/2741.htm#3b>

Exemptions from Certain HOs for Apprentices and Student-Learners

http://www.dol.gov/whd/regs/compliance/childlabor101_text.htm

Hazardous Occupations Orders Nos. 5, 8, 10, 12, 14, 16, and 17 contain exemptions for 16- and 17-year-old apprentices and student-learners provided they are employed under the following conditions:

Apprentices:

1. the apprentice is employed in a craft recognized as an apprenticeable trade;
2. the work of the apprentice in the occupations declared particularly hazardous is incidental to his or her training;
3. such work is intermittent and for short periods of time and is under the direct and close supervision of a journeyman as a necessary part of such apprentice training; and
4. the apprentice is registered by the Bureau of Apprenticeship and Training of the U. S. Department of Labor as employed in accordance with the standards established by that Bureau, or is registered by a state agency as employed in accordance with the standards of the state apprenticeship agency recognized by the Bureau of Apprenticeship and Training, or is employed under a written apprenticeship agreement and conditions which are found by the Secretary of Labor to conform substantially with such federal or state standards.

Student-Learners:

1. 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
2. such student-learner is employed under a written agreement which provides:
 - a. that the work of the student-learner in the occupations declared particularly hazardous shall be incidental to the training,
 - b. that such work shall be intermittent and for short periods of time, and under the direct and close supervision of a qualified and experienced person,
 - c. that safety instruction shall be given by the school and correlated by the employer with on-the-job training, and
 - d. that a schedule of organized and progressive work processes to be performed on the job shall have been prepared.

Each such written agreement shall contain the name of the student-learner, and shall be signed by the employer and the school coordinator or principal. Copies of each agreement shall be kept on file by both the school and the employer. This exemption for the employment of student-learners may be revoked in any individual situation where it is found that reasonable precautions have not been observed for the safety of minors employed thereunder.



A high school graduate may be employed in an occupation in which training has been completed as provided in this paragraph as a student-learner, even though the youth is not yet 18 years of age. Although the regulations do not provide definitions of the terms *intermittent* and *short periods of time*, the Wage and Hour Division interprets those terms to mean that an apprentice or student-learner may not be the principal operator of prohibited machinery. He or she must work under the close supervision of a fully qualified and experienced adult, such as a journeyman. Further, the duties assigned the minor may not be such that he or she is constantly operating the prohibited machinery during the work shift, but only doing so as part of the training experience. This would preclude an apprentice or student-learner from being a production worker, responsible for spending a significant portion of the workday operating prohibited machinery or performing prohibited tasks. The Wage and Hour Division considers the continuous performance of otherwise prohibited work that exceeds one hour a day to be more than *intermittent* and more than for *short periods of time*. The Wage and Hour Division also considers the performance of otherwise prohibited work which totals more than 20% of the student-learner's work shift to be more than for *short periods of time*.

The regulations do not define the term *direct and close supervision*. The Wage and Hour Division's interpretation of *direct and close supervision* as it applies to apprentices and student-learners is based on guidance received from the Bureau of Apprenticeship and Training (BAT) which is part of the U. S. Department of Labor's Employment and Training Administration. BAT establishes ratios governing the number of journeymen and apprentices that may be employed on the job site in order to ensure worker safety and that the apprentices receive both proper training and supervision. BAT has advised the Wage and Hour Division that the most widely used ratio is one apprentice for the first journeyman on-site, and one apprentice for every three additional journeymen thereafter. The Wage and Hour Division considers the requirement of *direct and close supervision* to be met when there is one journeyman or experienced adult working with the first apprentice/student-learner on-site, and at least three journeymen or experienced adults working alongside each additional apprentice/student-learner. Of course, the requirement for *direct and close supervision* applies only during the periods when the apprentice/student-learner is actually performing work that would otherwise be prohibited by the HO.

Age Certificates

Employers may protect themselves from unintentional violation of the child labor provisions by keeping on file an employment or age certificate for each minor employed to show that the minor is the minimum age for the job. Although the Wage and Hour Division no longer issues age certificates, certificates issued under most state laws are acceptable for purposes of the FLSA.



Draft of topics/outline for study group

1. WBL across the education continuum – connecting education to business and industry
 - a. Early grades – need to build the brand
 - b. Secondary – need to increase participation of schools and employers
 - i. Exploratory
 - ii. Career prep, skill building
 - c. Postsecondary -
 - d. Pre-professional internships
 - e. Consolidated website for regulations and resources
2. Issues
 - a. WBL definitions
 - b. WBL versus work study or work release
 - c. Implementing WBL with fidelity, need for professional development
 - i. Educating the community
 - ii. Preparing teachers
 - iii. Engaging students
 - iv. Training industry leaders, on-the-job mentors
 - d. Risk management
 - i. Program quality
 - ii. Insuring schools and employers against liability for accidents
 - iii. No insurance against negligence (reasonable person theory)
 - e. Accurate data picture, data collection challenges
 - f. Short term expectations vs. potential for long term benefits
 - g. Understanding WBL requirements, best practices
 - h. Understanding policy requirements, restrictions
 - i. Child labor laws
 - ii. Hazardous occupations
 - iii. Exemptions for specific occupations if specified conditions are met