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By: **Delegates W. Baker, McClenahan, Love, and Rudolph**  
Introduced and read first time: January 19, 2000  
Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2                           **Workers' Compensation - Students in Unpaid Work-Based Learning**  
3                           **Experiences**

4 FOR the purpose of providing workers' compensation coverage to students in unpaid  
5 work-based learning experiences; establishing the components of the unpaid  
6 work-based learning experiences covered under this Act; designating the  
7 employer of a student in an unpaid work-based learning experience for purposes  
8 of coverage under the State workers' compensation laws; establishing the  
9 compensation to be paid to a student injured or killed while in an unpaid  
10 work-based learning experience; requiring the county board of education that  
11 places the student to obtain workers' compensation insurance coverage for the  
12 student; requiring a participating employer to reimburse the county board of  
13 education for the cost of the workers' compensation coverage; providing for the  
14 application of this Act; and generally relating to workers' compensation coverage  
15 for students in unpaid work-based learning experiences.

16 BY adding to  
17 Article - Education  
18 Section 7-113  
19 Annotated Code of Maryland  
20 (1999 Replacement Volume)

21 BY repealing and reenacting, with amendments,  
22 Article - Labor and Employment  
23 Section 9-228  
24 Annotated Code of Maryland  
25 (1999 Replacement Volume)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
27 MARYLAND, That the Laws of Maryland read as follows:

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**Article - Education**

2 7-113.

3 (A) IN THIS SECTION, "UNPAID WORK-BASED LEARNING EXPERIENCE" MEANS  
4 A PROGRAM THAT PROVIDES A STUDENT WITH STRUCTURED  
5 EMPLOYER-SUPERVISED LEARNING THAT:

6 (1) OCCURS IN THE WORKPLACE;

7 (2) LINKS WITH CLASSROOM INSTRUCTION;

8 (3) IS COORDINATED BY A COUNTY BOARD; AND

9 (4) IS CONDUCTED IN ACCORDANCE WITH THE TERMS OF AN  
10 INDIVIDUAL WRITTEN WORK-BASED LEARNING AGREEMENT BETWEEN THE  
11 COUNTY BOARD OF EDUCATION PLACING A PARTICIPATING STUDENT AND THE  
12 EMPLOYER OF THAT PARTICIPATING STUDENT.

13 (B) A STUDENT WHO HAS BEEN PLACED WITH AN EMPLOYER IN AN UNPAID  
14 WORK-BASED LEARNING EXPERIENCE COORDINATED BY A COUNTY BOARD IS A  
15 COVERED EMPLOYEE OF THAT EMPLOYER, AS DEFINED IN TITLE 9 OF THE LABOR  
16 AND EMPLOYMENT ARTICLE, FOR THE PURPOSES OF COVERAGE UNDER THE STATE  
17 WORKERS' COMPENSATION LAWS.

18 (C) COMPENSATION FOR INJURY OR DEATH TO A STUDENT UNDER THIS  
19 SECTION SHALL BE BASED ON AN AMOUNT THAT IS EQUAL TO:

20 (1) THE FEDERAL MINIMUM WAGE IN EFFECT AT THE TIME OF THE  
21 STUDENT'S INJURY;

22 (2) MULTIPLIED BY THE AVERAGE NUMBER OF HOURS PER WEEK THAT  
23 THE STUDENT SPENDS IN THE UNPAID WORK-BASED LEARNING EXPERIENCE.

24 (D) (1) THE COUNTY BOARD THAT PLACES A STUDENT WITH AN EMPLOYER  
25 IN AN UNPAID WORK-BASED LEARNING EXPERIENCE UNDER THIS SECTION SHALL  
26 SECURE WORKERS' COMPENSATION COVERAGE FOR THAT STUDENT.

27 (2) THE PARTICIPATING EMPLOYER SHALL REIMBURSE THE COUNTY  
28 BOARD IN AN AMOUNT EQUAL TO THE LESSER OF:

29 (I) THE COST OF THE PREMIUM FOR THE WORKERS'  
30 COMPENSATION INSURANCE COVERAGE; OR

31 (II) A FEE OF \$250.

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**Article - Labor and Employment**

2 9-228.

3 (a) (1) A handicapped student is a covered employee while working for an  
4 employer without wages in a work assignment in accordance with § 8-402 of the  
5 Education Article.

6 (2) For the purposes of this title, the employer for whom the handicapped  
7 student works is the employer of the handicapped student.

8 (b) (1) An individual is a covered employee while working as a student  
9 intern or student teacher under § 6-107 of the Education Article.

10 (2) For the purposes of this title, the Board of School Commissioners of  
11 Baltimore City or the board of education for any other county is the employer of an  
12 individual who is a covered employee under this subsection in that county.

13 (C) (1) A STUDENT IS A COVERED EMPLOYEE WHEN THE STUDENT HAS  
14 BEEN PLACED WITH AN EMPLOYER IN AN UNPAID WORK-BASED LEARNING  
15 EXPERIENCE COORDINATED BY A COUNTY BOARD UNDER § 7-113 OF THE EDUCATION  
16 ARTICLE.

17 (2) FOR PURPOSES OF THIS TITLE, THE EMPLOYER FOR WHOM THE  
18 STUDENT WORKS IN THE UNPAID WORK-BASED LEARNING EXPERIENCE IS THE  
19 EMPLOYER OF THE STUDENT.

20 (3) COMPENSATION FOR INJURY OR DEATH TO A STUDENT UNDER THIS  
21 SECTION SHALL BE BASED ON AN AMOUNT THAT IS EQUAL TO:

22 (I) THE FEDERAL MINIMUM WAGE IN EFFECT AT THE TIME OF THE  
23 STUDENT'S INJURY;

24 (II) MULTIPLIED BY THE AVERAGE NUMBER OF HOURS PER WEEK  
25 THAT THE STUDENT SPENDS IN AN UNPAID WORK-BASED LEARNING EXPERIENCE.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
27 applicable to students in unpaid work-based learning experiences, as defined by §  
28 7-113 of the Education Article, beginning with the 2000-2001 school year.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 July 1, 2000.