
By: **Chairman, Economic Matters Committee (Departmental - Education)**
Introduced and read first time: January 22, 1998
Assigned to: Economic Matters

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 certain
5 work assignments; establishing the components of unpaid work-based learning
6 experiences; describing the employer of students in certain situations for
7 purposes of workers' compensation coverage; providing for the application of this
8 Act; and generally relating to workers' compensation coverage for students in
9 unpaid work assignments.

10 BY adding to
11 Article - Education
12 Section 7-113
13 Annotated Code of Maryland
14 (1997 Replacement Volume and 1997 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Labor and Employment
17 Section 9-228
18 Annotated Code of Maryland
19 (1991 Volume and 1997 Supplement)

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

22 **Article - Education**

23 7-113.

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

27 (1) OCCURS IN THE WORKPLACE;

1 (2) LINKS WITH CLASSROOM INSTRUCTION;
2 (3) IS COORDINATED BY A COUNTY BOARD OF EDUCATION; AND
3 (4) IS CONDUCTED IN ACCORDANCE WITH THE TERMS OF AN
4 INDIVIDUAL WRITTEN WORK-BASED LEARNING AGREEMENT BETWEEN A COUNTY
5 BOARD OF EDUCATION AND AN EMPLOYER FOR EACH PARTICIPATING STUDENT.

6 (B) A STUDENT WHO HAS BEEN PLACED WITH AN EMPLOYER IN AN
7 UNPAID WORK-BASED LEARNING EXPERIENCE COORDINATED BY A COUNTY BOARD
8 OF EDUCATION IS A COVERED EMPLOYEE, AS DEFINED IN TITLE 9 OF THE LABOR
9 AND EMPLOYMENT ARTICLE, OF THE EMPLOYER FOR THE PURPOSES OF WORKERS'
10 COMPENSATION.

11 (C) COMPENSATION FOR INJURY OR DEATH TO A STUDENT UNDER THIS
12 SECTION SHALL BE BASED ON THE FEDERAL MINIMUM WAGE IN EFFECT AT THE
13 TIME OF THE STUDENT'S INJURY TIMES THE AVERAGE NUMBER OF HOURS PER
14 WEEK THE STUDENT SPENDS IN AN UNPAID WORK-BASED LEARNING EXPERIENCE.

15 (D) A COUNTY BOARD OF EDUCATION THAT PLACES A STUDENT WITH AN
16 EMPLOYER IN AN UNPAID WORK-BASED LEARNING EXPERIENCE UNDER THIS
17 SECTION MAY SECURE WORKERS' COMPENSATION COVERAGE FOR THAT STUDENT.

18 **Article - Labor and Employment**

19 9-228.

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

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

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

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

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

35 (2) FOR PURPOSES OF THIS TITLE, THE EMPLOYER FOR WHOM THE
36 STUDENT WORKS IN THE UNPAID WORK-BASED LEARNING EXPERIENCE IS THE
37 EMPLOYER OF THE STUDENT.

1 (3) COMPENSATION FOR INJURY OR DEATH TO A STUDENT UNDER THIS
2 SUBSECTION SHALL BE BASED ON THE FEDERAL MINIMUM WAGE IN EFFECT AT THE
3 TIME OF THE STUDENT'S INJURY TIMES THE AVERAGE NUMBER OF HOURS PER
4 WEEK THE STUDENT SPENDS IN AN UNPAID WORK-BASED LEARNING EXPERIENCE.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
6 applicable to students in unpaid work-based learning experiences, as defined by §
7 7-113 of the Education Article, as of the beginning of the 1998-1999 school year.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
9 effect July 1, 1998.