Iowa School-to-Work Legislation

Work-based Learning Guide 2016

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Two pieces of state legislation affect school-to-work (work-based learning) programs in Iowa.

1. Iowa Code 85.61 (formerly known as House File 2443) relates to the use of state workers' compensation coverage for students at a community college participating in school-to-work (work-based learning) programs.
2. Iowa Code 85.20 (formerly known as Senate File 361) relates to the use of state workers' compensation coverage for K-12 students participating in school-to-work (work-based learning) programs.

Relevant excerpts from these laws are reproduced below.

Iowa Code, Section 85.61 (2)

> "Employer" also includes and applies to an eligible postsecondary institution as defined in section 261C.3, subsection 1, a school corporation, or an accredited nonpublic school if a student enrolled in the eligible postsecondary institution, school corporation, or accredited nonpublic school is providing unpaid services under a school-to-work program that includes, but is not limited to, the components provided for in section 258.10, subsection 2, paragraphs "a" through "f." However, if a student participating in a school-to-work program is participating in open enrollment under section 282.18, "employer" means the receiving district. "Employer" also includes and applies to a community college as defined in section 260C.2, if a student enrolled in the community college is providing unpaid services under a school-to-work program that includes, but is not limited to, the components provided for in section 258.10, subsection 2, paragraphs "a" through "f," and that is offered by the community college pursuant to a contractual agreement with a school corporation or accredited nonpublic school to provide the program. If a student participating in a school-to-work program that includes, but is not limited to, the components provided for in section 258.10, subsection 2, paragraphs "a" through "f," is paid for services provided under the program, "employer" means any entity otherwise defined as an employer under this subsection which pays the student for providing services under the program.

Iowa Code, Section 85.61 (11)

"Worker" or "employee" includes a student enrolled in a public school corporation or accredited nonpublic school who is participating in a school-to-work program that includes, but is not limited to, the components provided for in section 258.10, subsection 2, paragraphs "a" through "f." "Worker" or "employee" also includes a student enrolled in a community college as defined in section 260C.2, who is participating in a school-to-work program that includes, but is not limited to, the components provided for in section 258.10, subsection 2, paragraphs "a" through "f" and that is offered by the community college pursuant to a contractual agreement with a school corporation or accredited nonpublic school to provide the program.

Iowa Code, Section 85.20

RIGHTS OF EMPLOYEE EXCLUSIVE.
The rights and remedies provided in this chapter, chapter 85A or chapter 85B for an employee, or a student participating in a school-to-work program as provided in section 85.61, on account of injury, occupational disease or occupational hearing loss for which benefits under this chapter, chapter 85A or chapter 85B are recoverable, shall be the exclusive and only rights and remedies of the employee or student, the employee's or student's personal and legal representatives, dependents, or next of kin, at common law or otherwise, on account of such injury, occupational disease, or occupational hearing loss, against any of the following:

1. Against the employee's employer.
2. Against any other employee of such employer, provided that such injury, occupational disease, or occupational hearing loss arises out of and in the course of such employment and is not caused by the other employee's gross negligence amounting to such lack of care as to amount to wanton neglect for the safety of another.
3. For a student participating in a school-to-work program, against the student's school district of residence, receiving school district if the student is participating in open enrollment under section 282.18, accredited nonpublic school, community college, and directors, officers, authorities, and employees of the applicable school corporation.

Iowa Code, Section 85.60

INJURIES WHILE IN EMPLOYMENT TRAINING OR EVALUATION.
A person participating in a school-to-work program referred to in section 85.61, or receiving earnings while engaged in employment training or while undergoing an employment evaluation under the direction of a rehabilitation facility approved for purchase-of-service contracts or for referrals by the department of human services or the department of education, who sustains an injury arising out of and in the course of the school-to-work program participation, employment training, or employment evaluation is entitled to benefits as provided in this chapter, chapter 85A, chapter 85B, and chapter 86. Notwithstanding the minimum benefit provisions of this chapter, such a person referred to in this section and entitled to benefits under this chapter is entitled to receive a minimum weekly benefit amount for a permanent partial disability under section 85.34, subsection 2, or for a permanent total disability under section 85.34, subsection 3, equal to the weekly benefit amount of a person whose gross weekly earnings are thirty-five percent of the statewide average weekly wage computed pursuant to section 96.3 and in effect at the time of the injury.

Iowa Code, Section 87.4

A self-insurance association formed under this section and an association comprised of cities or counties, or both, or community colleges as defined in section 260C.2, or school corporations, or both, which have entered into an agreement under chapter 28E for the purpose of establishing a self-insured program for the payment of workers' compensation benefits are exempt from taxation under section 432.1.

Iowa Code, Section 258.10

POWERS OF DISTRICT BOARDS.

1. The board of directors of any school district may carry on prevocational and vocational instruction in subjects relating to agriculture, commerce, industry, and home economics, and to pay the expense of such instruction in the same ways the expenses for other subjects in the public schools are now paid.

2. The board of directors of a school district may establish and maintain school-to-work programs including alternative learning opportunities through which students may obtain skills or training outside the classroom. School-to-work programs include, but are not limited to, the following:

   a) Short-term job shadowing opportunities for students to explore career interests by observing work at a workplace or to include a series of visits to various workplaces and time spent with individual workers to observe specific jobs.
   b) Structured work experiences integrating school and work-based experiences in an internship that may be an extension of a job shadowing experience.
   c) Mentoring experiences providing students with a formal relationship with a worksite role model who shares career insights and teaches students specific work-related skills.
   d) Career-oriented work experiences tied to school lessons through formal or informal training agreements, formal learning plans or mentoring by workplace personnel who may be paid or unpaid, and which may earn students credit toward graduation.
   e) Structured on-the-job training or apprenticeships for students who are enrolled in a technical or professional program that leads to a high school diploma, advanced certificate of mastery, or associate degree.
   f) Work experiences available to students in school and community placements directly supervised by a school district or community college staff member.

3. The board may provide workers compensation coverage by insuring, or self-insuring as provided in section 87.4, students participating in unpaid school-to-work programs. A school district's liability to students injured while participating in an unpaid school-to-work program as is provided in section 85.20.

For More Information...

Check with the Iowa Division of Workers' Compensation.

http://www.iowaworkcomp.gov/
515-281-5387 or 1-800-JOB-IOWA