

# Introduction to Legal Considerations

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As secondary schools have branched out in Work Based Learning experiences, a much more serious approach to work sites and the legal requirements regarding certain topics have been discussed in the field of education. Some of these topics include:

- Child Labor Laws
- Minimum Age Requirements
- Minimum Wage and Hour requirements
- Parent Consent and Worksite Experience Training Agreements
- Dangerous and Restricted Work Places
- Student Clinical Experiences and Rules for Specialized Career Programs
  
- Insurance
- Workers Compensation
- Unemployment Compensation
- Union and Labor Guidelines
- Transportation and Liabilities
  
- State Board of Education Guidelines and Practices
- Administrative Considerations

The purpose of the documents in this section is to provide non-regulatory guidance and points of consideration for schools when they are developing and implementing the components of work-based learning (WBL) experiences as defined on the state's work-based learning continuum, and as indicated in the Perkins V State Plan. By no means is the content in this module, or any other part of the WBL course, intended to be legal advice or representation of legal information in the case of your program. Legal questions should always be brought to a licensed attorney. The attorney is often employed by the school district directly as an employee or works as a proprietor representing the district. Consult legal counsel on any questions regarding this section with regard to implementation of any materials provided in this module.

## Child Labor Laws

YouthRules is a website that provides guidelines around individual state labor laws through the U.S. Department of Labor. Consider reviewing this resource on an annual basis to see if changes in your state are impacted by new legislation. You can find specific information for the State of Illinois by selecting the "State Laws" option on the menu bar at the top of the page or by clicking on the hyperlink that reads "state" in several places throughout the page. <https://www.dol.gov/agencies/whd/youthrules>

In addition, you can access the [Illinois Department of Labor site](#) to find more detailed information, including [Illinois Child Labor Laws](#) and minimum wage for minors. The [FAQ Page for Child Labor Laws in Illinois](#) may also be a helpful resource to find and understand the most up-to-date information.

Additional links providing important information regarding Youth Labor Laws are listed below. Please be sure to review the information at all the links provided in this section.

- [Child Labor Hours and Restrictions](#)
- [Employment Certificate \(ie "Work Permit"\)](#)

### **Parental Consent and Training Agreements**

Regardless of the WBL experience you are working to create, both in school and outside of the classroom, it is always best practice to keep parents informed. Practicing classroom activities outside of the school warrants parent consent, most commonly practiced through a parent/guardian permission slip.

WBL Workplace Experiences usually go farther than the average permission slip, as it is imperative that parents be actively involved in the decision making process of the WBL experience. As introduced in Module 6, this reinforces the importance of well developed stakeholder agreements between the teacher, student, parent and employer. Having all parties involved guarantees that accountability and follow through are paramount to the success of the student.

Copies of the WBL Stakeholder agreements provided in Module 6 are linked below. Please feel free to consult with your district attorney regarding the use of this document.

- [Work-Based Learning Student, Parent, Coordinator Agreement Sample Agreement](#)
- [Work-Based Learning Student, Employer, Coordinator Sample Agreement](#)

### **Dangerous and Restricted Workplaces**

The following jobs cannot employ a teenager or minor under 16 years of age. See the link to the full law here: [EMPLOYMENT \(820 ILCS 205/\) Child Labor Law](#).

1. Any public messenger or delivery service, bowling alley, pool room, billiard room, skating rink, exhibition park or place of amusement, garage, or as a bell-boy in any hotel or rooming house or about or in connection with power-driven machinery; except this subsection shall not apply to ice skating rinks owned and operated by a school or unit of local government;
2. In the oiling, cleaning or wiping of machinery or shafting;
3. In or about any mine or quarry; provided that office and messenger and other non-hazardous employment shall not be prohibited by this Act;
4. In stone cutting or polishing;
5. In or about any hazardous factory work;
6. In or about any plant manufacturing explosives or articles containing explosive components, or in the use or transportation of same; provided that office and messenger and other non-hazardous employment shall not be prohibited by this Act;
7. In or about plants manufacturing iron or steel, ore reduction works, smelters, foundries, forging shops, hot rolling mills or any other place in which the heating, melting, or heat treatment of metals is carried on; provided that office and messenger and other non-hazardous employment shall not be prohibited by this Act;

8. In the operation of machinery used in the cold rolling of heavy metal stock, or in the operation of power-driven punching, shearing, stamping, or metal plate bending machines;
9. In or about sawmills or lath, shingle, or cooperage-stock mills; provided that office and messenger and other non-hazardous employment shall not be prohibited by this Act;
10. In the operation of power-driven woodworking machines, or off-bearing from circular saws;
11. In the operation of freight elevators or hoisting machines and cranes;
12. In spray painting or in occupations involving exposure to lead or its compounds or to
  - dangerous or poisonous dyes or chemicals;
13. In any place or establishment in which intoxicating alcoholic liquors are served or sold for consumption on the premises, or in which such liquors are manufactured or bottled, except as follows:
  - bus-boy and kitchen employment, not otherwise prohibited, when in connection with the service of meals at any private club, fraternal organization or veteran's organization shall not be prohibited by this subsection;
  - this subsection 13 does not apply to employment that is performed on property owned or operated by a park district, as defined in subsection (a) of Section 1-3 of the Park District Code, if the employment is not otherwise prohibited by law;
14. In oil refineries, gasoline blending plants, or pumping stations on oil transmission lines;
15. In the operation of laundry, dry cleaning, or dyeing machinery;
16. In occupations involving exposure to radioactive substances;
17. In or about any filling station or service station;
18. In construction work, including demolition and repair;
19. In roofing operations;
20. In excavating operations;
21. In logging operations;
22. In public and private utilities and related services
23. In operations in or in connection with slaughtering, meat packing, poultry processing, and fish and seafood processing;
24. In operations which involve working on an elevated surface, with or without use of equipment, including but not limited to ladders and scaffolds;
25. In security positions or any occupations that require the use or carrying of a firearm or other weapon;  
or
26. In occupations which involve the handling or storage of human blood, human blood products, human body fluids, or human body tissues.

(Source: P.A. 95-180, eff. 1-1-08.)

### **Student Clinical Experiences - Laws and Regulations**

The Work-Based Learning Manual has a host of resources on legal considerations that are presented on various topics. One of the topics includes students participating in clinical experiences under certain professions. These professions are outlined in the links below. Please understand that a lot of the information in the links is “legal language” for your reference and to be used as a resource as needed. You do not need to review these materials extensively in order to move forward.

- [Dental assistant](#)
- [Emergency medical technician](#)
- [Nurse aide Rules](#)
- [Pharmacy technician](#)
- [Physical therapy aide](#)

Again, consult legal staff on questions regarding these specific types of experiences and how these could impact your school or WBL programming.

