

**REPORT OF THE
DEPARTMENT OF EDUCATION**

**IDENTIFICATION OF STUDENT
INTERNSHIP PROGRAMS
[HOUSE BILL 507]**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



HOUSE DOCUMENT NO. 16

**COMMONWEALTH OF VIRGINIA
RICHMOND
1997**



COMMONWEALTH of VIRGINIA

DEPARTMENT OF EDUCATION

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October 18, 1996

The Honorable George Allen, Governor of Virginia
State Capitol, 3rd Floor
Richmond, Virginia 23219

Members of the Virginia General Assembly
General Assembly Building
Richmond, Virginia 23219

Dear Governor Allen and Members of the General Assembly:

Please accept the enclosed report in fulfillment of the Department's responsibility under House Bill 507 of the 1996 General Assembly. The bill called on the Department of Education to examine the possibility of extending to student internship programs certain flexibility that is currently available to apprenticeship programs.

I hope you find the report responsive and informative. If I can answer any questions or provide any further information, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Richard T. La Pointe".

Richard T. La Pointe

RTL/LCH/kbs

Attachments

PREFACE

House Bill 507, "Identification of Student Internship Programs," (Appendix A) is concerned with "student internship programs that may be eligible for exemptions from those federal and state laws and regulations for which exemptions are available for student apprenticeship programs." Specifically, the House of Delegates directs the Board of Education and the Department of Education, in cooperation with the Department of Labor and Industry and the Virginia Community College System, to identify student internship programs that may be eligible for such exemptions and "to establish procedures by which such exemptions may be obtained for student internship programs."

Members of the study committee included the following: Dr. Kay Brown, specialist, Career Connections, Department of Education; Sharron Glasscock, specialist, Work and Family Studies, Department of Education; Fred Yontz, apprenticeship program manager, Department of Labor and Industry; and Dr. Joy Graham, assistant chancellor for public affairs, Virginia Community College System.

The study committee acknowledges with grateful appreciation the assistance of the following Danville Public Schools officials: Dr. Andrew Overstreet, superintendent of Danville Public Schools, Charles Lackey, principal of George Washington High School, and Jack Lewis, vocational director. The committee is appreciative also of the contributions of Danville Community College, represented by Dr. Carlyle Ramsey, president, and Dr. Max Glass, director of continuing education and workforce services. Representatives of the Hickson DanChem Corporation, a prominent Danville industrial firm, included John Oakley, vice president and general manager, and W. B. (Bill) Boyer, Jr., administration vice president. The corporation's explanation of the concerns of industrial firms in employee selection and training were most effective in underscoring the need for exemptions, when appropriate, to labor laws affecting prospective employees under the age of 18. Judith Stephens, program assistant, Division of State Labor Law Administration, Department of Labor and Industry, provided considerable information about Virginia child labor laws and their application to House Bill 507. United States Department of Labor specialists located in the Richmond area, William Maruca, district director, Wage and Hour Administration, and James Walker, state director, Bureau of Apprenticeship and Training, supplied the needed federal documents and interpretations. The study committee is also grateful for the cooperation of the Virginia Manufacturers Association. The joint efforts of all the groups and individuals noted were essential throughout this study.

The study focused on examination of internship programs and existing federal and state laws regarding student apprentices, cooperative education students, and other student-learners in relation to hazardous occupations. Federal and state laws were analyzed, and recommendations were formulated concerning development and implementation of procedures to provide exemptions for student interns, continuing the cooperative efforts of the Virginia Department of Education, the Virginia Community College System, and the Department of Labor and Industry.

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Technical Appendix A. Virginia Labor Laws and Guidelines Applicable to House Bill 507:

The Child Labor Laws of Virginia

Virginia Rules and Regulations Declaring Hazardous Occupations

“Virginia’s Voluntary Registered Apprenticeship Program”
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Child Labor Requirements in Agriculture Under the Fair Labor
Standards Act

Child Labor Requirements in Nonagricultural Occupations
Under the Fair Labor Standards Act

Employment of Workers with Disabilities Under Special
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EXECUTIVE SUMMARY

This study, entitled "Identification of Student Internship Programs," House Bill 507, was designed to respond to the following directives to the Board of Education and the Department of Education, in cooperation with the Department of Labor and Industry and the Virginia Community College System, to accomplish the following: (1) "identify student internships that may be eligible for exemptions from those federal and state laws and regulations for which exemptions are available for student apprenticeship programs" and (2) "to establish procedures by which such exemptions are available for student internship programs." (HB 507, Appendix A)

The interagency committee was formed, including members from the Department of Education, the Department of Labor and Industry, and the Virginia Community College System. Data categories were identified at the organizational meeting of the study committee, and plans were made to collect the necessary information. Arrangements were made for a meeting in Danville with education and industry officials who expressed the initial concerns that led to the passage of House Bill 507. Hickson DanChem, a prominent industrial firm located in Danville, and Danville Public Schools have formed a partnership pilot program to prepare 16- and 17-year-old high school students for entry-level positions at Hickson DanChem Corporation. Danville Public Schools and Danville Community College work cooperatively in providing for continuing education and share concerns about facilitating career preparation for heavy-industry occupations, the major career opportunity in the Danville/Halifax County area. The primary concern is that students under the age of 18, those who are preparing for industrial careers while in high school, are prohibited from certain critical training tasks, as specified in federal and state child labor legislation regarding hazardous occupations for youth under the age of 18, for example, fork-lift truck operation.

Apprenticeships and student-learner programs, such as cooperative education, are defined, structured, education-employer partnerships with specific guidelines. Internships, on the other hand, vary according to occupational area and program design, and are not legally defined. Internships may be considered as student-learner programs, however, if they contain the legally specified components. Therefore, the design of an internship program must conform to federal and state requirements to obtain the exemptions applied to apprenticeships and student-learner programs.

Regardless of training program classification (apprenticeship, student-learner, internship, etc.), occupations identified as hazardous in federal and state child labor laws are prohibited for youth under the age of 18. There are legal exemptions, however, for both apprentices and student-learners under 18 in specified occupational areas if these youth are enrolled in programs containing the required components identified in federal and state labor legislation.

In addition, state legislation is designed to be consistent with the federal regulations; therefore, a state labor law specialist noted that even if state laws were changed regarding hazardous occupations for youth under the age of 18, they would be invalid due to the existing federal child labor laws.

Recommendations resulting from this study begin with the need to emphasize student exploration of industrial careers, particularly in localities in which heavy industry is the major career opportunity. Career Connections, a service area within the Office of Vocational and Adult Education Services, offers assistance with career exploration and development, as well as with the development of internship programs. In addition, the existing high school Industrial Cooperative Training Program (ICT) can be adapted to the needs and requirements of industrial firms, with the possibility of an internship as a culminating career-preparation experience. Still another possibility is to create an industrial Tech-Prep (secondary-postsecondary) program of three to four years with a curriculum design that specifies introduction to any hazardous occupations when the student has reached the age of 18 years. A detailed internship development plan is needed and recommended and can be created by the cooperative efforts of the agencies involved in this study.

ABSTRACTS OF TECHNICAL APPENDICES

Contact for Obtaining Technical Appendices:

Office of Vocational and Adult Education Services
Virginia Department of Education
James Monroe Building, 21st Floor
101 North 14th Street
Richmond, Virginia 23219
Telephone: (804) 225-2057

Sources for Publications Included in Technical Appendices:

Documentation of printed material placed in the technical appendices is provided in detail in the References section, located at the end of Chapter III.

Abstracts of Technical Appendices A and B:

Technical Appendix A. Virginia Labor Laws and Guidelines Applicable to HB 507

Technical Appendix A contains four state publications concerning child labor laws, hazardous occupations, apprenticeship, and cooperative education: The Child Labor Laws of Virginia, Virginia Rules and Regulations Declaring Hazardous Occupations, “Virginia’s Voluntary Registered Apprenticeship Program” (Virginia Community College System), and Vocational Cooperative Education Guide for Teacher-Coordination.

Technical Appendix B. Federal Labor Laws Applicable to House Bill 507

Technical Appendix B includes the following federal publications related to legislative information involved in this study: Child Labor Requirements in Agriculture Under the Fair Labor Standards Act (Child Labor Bulletin No. 102); Child Labor Requirements in Nonagricultural Occupations Under the Fair Labor Standards Act (Wage and Hour Division, U. S. Department of Labor, 1990); Employment of Workers with Disabilities Under Special Certificates (Wage and Hour Division, U. S. Department of Labor, 1989); and Child Labor Regulations, Orders and Statements of Interpretation; Final Rule (Federal Register, April 17, 1995).

CHAPTER I. INTRODUCTION

Orientation to this study, “Identification of Student Internship Programs” (House Bill 507), may be enhanced through an understanding of the objectives of this legislative effort, the study procedures followed, the need for the desired results, and key terms associated with a variety of types of occupational-preparation programs.

Objectives

House Bill 507, as shown in Appendix A, has the following primary purposes:

1. “To identify student internship programs that may be eligible for exemptions from those federal and state laws and regulations for which exemptions are available for student apprenticeship programs” and
2. To direct the Board (of Education) and the Department (of Education) “to establish procedures by which such exemptions may be obtained for student internship programs.”

Other objectives were identified by the study committee as related to the topic of possible exemptions for student interns:

1. To distinguish among various career-preparation programs in terms of characteristics, requirements, and school/work-site relationships;
2. To provide career information and exploration to students in the manufacturing/ industrial fields while they are formulating their career and continuing education plans in high school;
3. To determine the feasibility of providing exemptions to federal and state safety regulations in an effort to permit career exploration and workforce-preparation experiences for students under the age of 18, particularly those who are 16 and 17 years of age; and
4. To establish fair, safe, and consistent guidelines for youth engaged in apprenticeship, internship, and other career-preparation programs in various businesses and industries.

Procedures

The following procedures were followed in efforts to fulfill the primary purposes of House Bill 507:

1. The study committee was formed and met as needed to identify data required, to plan ways and means of obtaining this information, and to evaluate data collected in the form of recommendations related to the study.
2. Documents regarding various career-preparation programs and federal and state labor regulations were collected and studied.
3. On May 28, 1996, a meeting was held in Danville, Virginia, the area immediately concerned about exemptions for apprentices and interns, to discuss with educational and industry officials the specific situation in the Danville/Halifax County area. Participants in the meeting included representatives from the following: Danville Public Schools; Danville Community College; and the Hickson DanChem Corporation, a prominent industrial firm in the Danville area.
4. Federal and state labor law publications regarding hazardous occupations for youth under the age of 18 were analyzed, and contacts were made with apprenticeship specialists within both the Department of Labor and Industry and the Virginia Community College System.
5. Study staff met with Judith Stephens, program assistant, Division of State Labor Law Administration, Department of Labor and Industry on June 18, 1996, to clarify issues that had arisen concerning child labor laws, exemptions for apprenticeships and student learners, and situations involving hazardous occupations.
6. United States Department of Labor specialists located in the Richmond area were contacted to verify regulations concerning hazardous occupations.
7. The Virginia Manufacturers Association was contacted, and discussions were conducted with officials.
8. Recommendations were formulated by the study committee, and the initial report was drafted for review by committee members and other project participants for editing, accuracy, clarity of interpretations, and any additions or changes required.

Need for the Study

The need for this study may be considered in relation to workforce preparation in general and to the Danville/Halifax County area concerns in particular.

Workforce preparation in general. Regardless of the career field, the specific occupation, or particular job environment, certain worker traits are required by Virginia businesses and industries, as evidenced by interviews with Virginia employers in conducting Study of Preparing A Skilled Workforce for the 21st Century (House Document No. 18, 1993). Examples of these generic traits

and skills are the ability to devise new ways of identifying and preventing recurring problems, exhibiting a willingness to continue lifelong learning, mastering basic academic skills as a prerequisite for entering the workplace, and demonstrating adaptability constantly.

Young people and their parents are finding that the initial job search can be very long and discouraging, creating delays in career development and income productivity. The trends toward restructuring, reorganization, downsizing, or re-engineering and re-careering obviously have had the greatest impact on the worker and the workplace, including the resulting decrease in the total number of jobs, in middle-management positions, and in long-range career opportunities and company loyalty.

As a result of drastic changes in the workplace, career/continuing education planning has increased in importance for students who face an uncertain career future and the probability of constant and sudden career changes. Experiences at work sites are vital in demonstrating to prospective employers a young person's genuine interest in career preparation, as well as in learning about the particular industry or career area. Obtaining such experiences can be difficult in the manufacturing/heavy-industry field due to the concentration of occupations identified as hazardous.

Danville/Halifax County concerns. The primary career-opportunity field in the Danville/Halifax County area is heavy industry. Danville Public Schools and Danville Community College seem to have an excellent working relationship, especially in terms of cooperation in career/continuing education planning. In fact, the Danville area has received a School-to-Work grant from the state office for transition to work, administered as a component of the Virginia Business-Education Partnership Program (VBEPP).

The Hickson DanChem Corporation has been working with Danville Public Schools in an apparently effective manner, developing a pilot program (Appendix B) in cooperation with school officials. The company and the school division have spent countless hours constructing the program and ensuring that the pilot effort is in compliance with all federal and state laws. The following factors are recognized by both the school system and Hickson DanChem and were identified during the Danville meeting on May 28:

1. Many students leave the Danville/Halifax County area to seek careers in other geographical locations. It is possible that students who may find rewarding careers in heavy industry are not exposed to opportunities in this field through career exploration and various occupational-preparation programs that bring them to industrial workplaces.
2. Hickson DanChem has determined that its entry-level employees come to the firm from high school rather than from the community college, and these students are under 18 years of age, primarily 16 and 17 years old, while the training to be included in the pilot program is being conducted.
3. The existing federal and state restrictions regarding hazardous occupations for youth

under the age of 18 limited the training tasks that could be included in the Danville pilot program. Fork-lift truck operation, for example, prohibited as a hazardous occupation for youth under age 18, could not be included in the pilot program even though approximately 50% of entry-level worker training for adult Hickson DanChem employees focuses on this competency.

4. Because of the concentration of heavy industry in Southside Virginia, the development of procedures for obtaining training exemptions and increased flexibility for the training and employment of 16- and 17-year old students could affect many employers throughout the region and enable a number of students to engage in coordinated training programs and find meaningful and rewarding careers.
5. There is the perception that some occupational fields have been able to obtain exemptions to federal and state child labor laws that have provided the flexibility they need to introduce students to the field and to give them the type of training required. A major task of the study committee was to determine exactly what types of exemptions could be granted and under what circumstances. Detailed explanations of federal and state laws affecting youth under age 18, as well as existing exemptions in relation to apprenticeship and other occupational-preparation programs, are provided in Chapter II.

Definitions of Career-Preparation Programs

Programs that prepare students for employment are quite varied, and confusion among school officials, employers, and the general public can be created from misunderstandings about the characteristics of individual programs. There are very structured programs that combine related, coordinated classroom instruction with employment in specific occupations or career areas; for example, apprenticeship and cooperative education. Other forms of exposure to the workplace tend to lack consistency of meaning or implementation; for example internship, shadowing, mentorship, and general work experience. A particular internship may be structured or loosely constructed, depending upon the specific agreements and guidelines required for the internship experience. Definitions of types of preparation programs are discussed at this point as a vital interpretation factor in relating internship to apprenticeship, the focus of House Bill 507. In Virginia, the generic characteristics of a registered apprenticeship remain the same, regardless of the occupational field. The situation with internships, on the other hand, is varied and subject in some instances to individual interpretation.

The figure below provides a visual comparison of the characteristics of three types of occupational-preparation programs: apprenticeship, cooperative education, and internship.

Figure 1: CAREER-PREPARATION COMPARISON: APPRENTICESHIP, COOPERATIVE EDUCATION, INTERNSHIP			
CHARACTERISTICS	APPRENTICESHIP	COOPERATIVE EDUCATION	INTERNSHIP
Structured program with consistent, legal guidelines	Yes; usually registered	Yes	Not consistent in guidelines; program designs vary
Combination of on-the-job employment experience and related classroom instruction	Yes	Yes	Depends on program design
Coordination of class and job provided	Yes	Yes	Depends on program design
Major objective	Occupational/ career preparation	Occupational/ career preparation	Occupational/ career preparation and exploration
Training agreement	Yes	Yes	Depends on program design
Training plan	Yes	Yes	Depends on program design
Pay for employment	Yes	Yes	May be paid or unpaid

Source: Adapted from Virginia Department of Education. (1993). Vocational cooperative education guide for teacher-coordinators.

Apprenticeship.

The Virginia Community College System (VCCS) is responsible for apprenticeship-related instruction, and the Department of Labor and Industry focuses on responsibilities such as the registration of apprentices and relationships with employers. The governing authority for apprenticeship in Virginia, Code of Virginia § 23-218(D) and § 40.1-118(10), also authorizes the State Board for Community Colleges to establish policies to coordinate apprenticeship-related instruction delivered by state and local public education agencies. The Chancellor of the Virginia Community College System provides for the administration and supervision of related and supplemental instruction for apprentices. The Virginia Apprenticeship Council advises the State Board for Community Colleges on policies to coordinate apprenticeship related instruction and has the authority to determine whether an apprenticeship program is eligible and conforms with standards governing registered apprenticeship programs.

Apprenticeship is defined as follows by the Virginia Community College System in the paper entitled "Virginia's Voluntary Registered Apprenticeship Program" (Technical Appendix A):

Apprenticeship is a method of training employees in a skilled occupation through a combination of on-the-job work experience and related classroom instruction. To be registered, an apprentice must be working for a Virginia-based employer who has agreed to be a sponsor. Both the apprentice and the employer sign a document provided by the Virginia Department of Labor and Industry which details their commitment to related instruction and the on-the-job work experiences. Each registered apprentice completes a minimum of 2000 hours of supervised on-the-job work experience in a specific trade, and a *recommended* minimum of 144 hours of related instruction for *each year* of apprenticeship. Depending on the occupation, the length of apprenticeship varies between one and six years, with four years of on-the-job training being the average. Apprentices who successfully complete the prescribed number of hours of training and instruction in an apprenticeship program become certified journey level workers.

Apprenticeship related instruction is defined as "the related instruction designed to provide the apprentices with the knowledge of the theoretical and technical subjects related to their trade." On-the-job experiences are carefully planned and coordinated at the work site by the Virginia Department of Labor. (Virginia Community College System, Technical Appendix A)

Youth apprenticeship, or student apprenticeship, refers to a registered training program in which a high school student receives part-time on-the-job training integrated with related instruction. This program is designed for students who are 16 to 18 years of age. (Senate Document # 7, 1994)

Cooperative education

Cooperative education shares certain characteristics with apprenticeship, particularly emphasis on coordination of classroom instruction and on-the-job training experiences and the structured nature of the program design, regardless of the particular occupational area. Currently, the secondary-level Virginia Vocational Education Program includes cooperative education training opportunities in the program areas of Agricultural Education, Business, Education for Employment, Health Occupations, Marketing, Technology Education, and Trade and Industrial Education. Cooperative education programs also are provided at certain institutions of higher education within the Commonwealth.

According to Vocational Cooperative Education Guide for Coordinators (Virginia Department of Education, 1993, Technical Appendix A), cooperative education is defined as follows:

Cooperative education is a method of instruction that combines vocational classroom instruction with paid employment directly related to the classroom instruction. Both student instruction and employment are planned and supervised by the school and the employer so that each contributes to the student's career objective and employability.

Examples of characteristics of effective cooperative education programs include these components:

1. Each school has written policies on cooperative education.
2. Cooperative education programs have a functioning advisory committee.
3. Teacher-coordinators are professionally competent, with demonstrated technical ability and business/industry occupational experience.
4. Programs ensure the unified approach to instruction wherein the teacher-coordinator blends classroom learning, on-the-job experiences, and student organization activities.
5. Training stations are carefully selected so that students are placed in locations that provide maximum opportunities for learning.
6. Each student has an individual training plan prepared jointly by the teacher-coordinator, the training sponsor, and the student. (Virginia Department of Education, 1993, Technical Appendix A).

Internship

Internship has been defined as follows in Senate Document No. 7 (1994):

Internship refers to planned, progressive, educational activities/programs that allow students to explore career opportunities. Academic studies may be integrated with actual work experience, which may be paid or unpaid. Internships operate for a specified period of time, and are generally one-time agreements.

A dictionary definition for intern is “an advanced student or recent graduate undergoing supervised practical training.” (American Heritage Dictionary, 1985, p. 670)

The study staff was unable to identify any consistent definition or characteristics for internships. It seems that individual intern programs vary considerably, depending upon program design and purpose. Internships such as those designed for physicians are structured with specific competency objectives/expectations. Other internships may be informal and may lack skill development, guidelines, and orientation of participants prior to the experience. When internships are used in preparing personnel for particular occupational fields, tradition and the nature of the career may control characteristics of the experience--formal or informal, structured or unstructured.

The concept of developing the student’s skills at an advanced or competent level prior to the internship activity is appealing to the study committee. Internships that include the coordination of classroom instruction and skill development with a training plan, training agreement, and the practical experience are more likely to be satisfying for all concerned than informal types of work-site application that may be called internships.

The following points are essential in considering the possibility of exemptions from hazardous occupations for student interns under the age of 18:

1. There are certain exemptions to laws relating to hazardous occupations prohibited to students under the age of 18, but these exemptions relate only to apprentices or to student-learners enrolled in cooperative vocational training programs.
2. Interns are not presently included in the exemptions, and the lack of a formal or legal definition of internship, as well as lack of consistency in program design and characteristics, are likely to be major factors influencing the current non-inclusion of interns in the stated exemptions. These exemptions, as related to hazardous occupations, are the focus of Chapter II.
3. A specific internship program could be considered as a student-learner program if it is designed to include the required components as specified in federal and state law and, therefore, could be eligible for the same exemptions as student apprenticeship and student-learner programs.

The classification and component design of a career-preparation program is directly related to the granting of exemptions for students under the age of 18 in relation to their exposure to occupations designated as hazardous for this age group. A primary concern of the study staff was to distinguish among various career-preparation programs in terms of characteristics, requirements, and school/work-site relationships. Selected definitions of terms related to this study follow in an attempt to clarify the difference between structured programs containing required components and career-preparation programs and concepts that may be subject to individual interpretation

Other Career-Preparation Definitions

The following definitions are adapted from Senate Document No. 7 (1994):

Shadowing is a career-exploratory activity in which students learn about the workplace by observing one or more individuals at work for a specified period of time. It frequently is the first step in a practical study of careers and may be arranged in a variety of ways.

Mentorship is defined as an informal relationship between a student and a person from a career area who enhances the student's life experiences by helping him or her learn about the workplace through participation in non-paid activities. The concept of mentoring also is applied to the "Big Brother-Big Sister" relationship of total social, emotional, and academic development, particularly for students who lack guidance in their personal lives. Guidelines for mentorships vary according to program design.

General work experience is undertaken by students on their own without any form of education-workplace partnership involved. Instruction has no relationship to on-the-job experiences in terms of a planned, coordinated effort.

Training agreement refers to a formal document, signed by the teacher-coordinator, employer, parent, and student, which states the policies affecting a student enrolled in cooperative education or other formal business-education partnership.

Training plan is a formal document that identifies classroom and on-the-job instruction which contributes to the employability of a student enrolled in cooperative education or other formal business-education partnership.

The above terms are included to underscore the differences between structured programs, such as apprenticeship and student-learner/cooperative education and employment-experience programs that lack consistency of interpretation. As noted, an internship may be considered as a structured, student-learner program if it includes the components specified in Chapter II and, therefore, may be eligible for the same exemptions as those granted to apprentices under the age of 18 in relation to their exposure to occupations legally designated as hazardous for this age group.

CHAPTER II. HAZARDOUS OCCUPATIONS AND EXEMPTIONS: FEDERAL AND STATE

Exemptions to federal and state laws for students under the age of 18 may be viewed in terms of occupations identified as hazardous for agricultural and for nonagricultural occupations. The nonagricultural occupations usually are associated with manufacturing/industrial workplaces.

Agricultural Occupations

The following statement appears in the U. S. Department of Labor publication entitled Child Labor Requirements in Agriculture Under the Fair Labor Standards Act. (Child Labor Bulletin No. 102, Technical Appendix B):

Minors of any age may be employed by their parent or person standing in place of their parent at any time in any occupation on a farm owned or operated by their parent or person standing in place of their parent.
(1984, p. 2)

Exposure of minors to hazardous occupations in agriculture, as specified in the federal Child Labor Bulletin No. 102, may be permitted for those not employed by their parents if the student is considered to be a "student-learner" enrolled in a vocational agriculture program:

Student-learners in a bona fide vocational agriculture program may work in the occupations listed in items 1 through 6 of the hazardous occupations order under a written agreement which provides that the student-learner's work is incidental to training, intermittent, for short periods of time, and under close supervision of a qualified person; that safety instructions are given by the school and correlated with on-the-job training; and that a schedule of organized and progressive work processes has been prepared. The written agreement must contain the name of the student-learner, and be signed by the employer and a school authority, each of whom must keep copies of the agreement.
(1994, p. 5)

Items 1-6 of the hazardous occupations order noted above (the exempted occupations) include the following categories:

1. Operating a tractor of over 20 PTO horsepower, or connecting or disconnecting an implement or any of its parts to or from such a tractor.
2. Operating, or assisting to operate (including starting, stopping, adjusting, feeding or any other activity involving physical contact associated with the operation of...) specified categories of agricultural machinery.

3. Operating or assisting to operate...any of the following machines...(including the fork lift).
4. Working on a farm in a yard, pen, or stall occupied by...(specified animals).
5. Felling, bucking, skidding, loading, or unloading timber with butt diameter of more than 6 inches.
6. Working from a ladder or scaffold (painting, repairing, or building structures, pruning trees, picking fruit, etc.) at a height of over 20 feet. (1984, pp. 3-4)

Nonagricultural Occupations

The following explanation of nonagricultural hazardous occupations is provided in the U. S. Department of Labor document, Child Labor Requirements in Nonagricultural Occupations Under the Fair Labor Standards Act (Wage and Hour Division, WH-1330, 1990, p. 3, Technical Appendix B):

The Fair Labor Standards Act provides a minimum age of 18 years for any nonagricultural occupations which the Secretary of Labor 'shall find and by order declare' to be particularly hazardous for 16 and 17-year-old persons, or detrimental to their health and well-being. This minimum age applies even when the minor is employed by the parent or person standing in place of the parent. The 17 hazardous occupations orders now in effect apply either on an industry basis, specifying the occupations in the industry that are not covered, or on an occupational basis irrespective of the industry in which found. Hazardous occupations orders deal with the following:

1. Manufacturing and storing explosives
2. Motor-vehicle driving and outside helper
3. Coal mining
4. Logging and sawmilling
5. Power-driven woodworking machines
6. Exposure to radioactive substances
7. Power-driven hoisting apparatus (Order 7, Code of Federal Regulations, 1989, defined below)
8. Power-driven metal-forming punching and shearing machines
9. Mining other than coal mining
10. Slaughtering or meat-packing processing or rendering
11. Power-driven bakery machines
12. Power-driven paper-products machines

13. Manufacturing brick, tile, and kindred products
14. Power-driven circular saws, bank saws, and guillotine shears
15. Wrecking, demolition, and ship-breaking operations
16. Roofing operations
17. Excavations operations.

Power-Driven Hoisting Apparatus

The hazardous occupation of power-driven hoisting apparatus is emphasized at this point because of its importance in the Hickson DanChem training program regarding fork-lift truck operation. There is no exemption possible in this occupational area for any student under the age of 18, including apprentices and student-learners, in non-agricultural occupations (emphasis added). The following quotations regarding occupations involved in the operation of power-driven hoisting apparatus is designated as Order 7 in the Code of Federal Regulations, Parts 500-899, 1989, pp. 345-346:

The following occupations involved in the operation of power-driven hoisting apparatus are particularly hazardous for minors between 16 and 18 years of age:

- (1) Work of operating an elevator, crane, derrick, hoist, or high-lift truck...
- (2) Work which involves riding on a manlift or on a freight elevator...
- (3) Work of assisting in the operation of a crane, hookers, crane chasers, hookers-on, riggers, rigger helpers, and like occupations.

The definition of "high-lift truck" is as follows:

A power-driven industrial type of truck used for lateral transportation that is equipped with a power-operated listing device usually in the form of a fork or platform capable of tiering loaded pallets or skids one above the other...The term shall mean and include high-lift trucks known under such names as fork lifts, fork trucks, fork-lift trucks, tiering trucks, or stacking trucks...(Code of Federal Regulations, 1989, p. 346)

Nonagricultural Exemptions: Hazardous Occupations

Two types of exemptions may be cited--one dealing with a cooperative program entitled WECEP (Work Experience/Career Exploration Program) and the second focusing on apprenticeship and student-learner exemptions.

The WECEP exemption. Although 14 and 15-year-old minors may not be employed in any manufacturing occupation, the following exemption is stated for students enrolled in WECEP programs: (Child Labor Requirements in Nonagricultural Occupations, WH-1330, p. 3, Technical Appendix B)

Some of the provisions of Child Labor Regulation No. 3 are varied for 14 and 15-year-olds in approved school-supervised and school-administered WECEP programs. Enrollees in WECEP may be employed:

During school hours.

For as many as 3 hours on a school day.

In occupations otherwise prohibited for which a variation has been granted by the Administrator of the Wage and Hour Division.

The State Educational Agency must obtain approval from the Administrator of the Wage and Hour Division before operating a WECEP program.

Exemptions for apprentices and student-learners. Exemptions from hazardous occupations orders for youth under the age of 18 are specified in federal law in the document, Child Labor Requirements in Nonagricultural Occupations, page 12, Technical Appendix B. State law regarding such exemptions are stated in the publication, Virginia Rules and Regulations Declaring Hazardous Occupations, page C-1, Technical Appendix A. Appendix B (included with this study) contains verification of exemptions for apprentices in Virginia in the form of a letter from Fred T. Yontz, State Apprenticeship Program Manager.

As noted previously, state child labor law is consistent with federal child labor law, and the exempted occupations are the same. Seven occupations are included as exemptions for apprentices and student-learners at the federal and state levels in nonagricultural, hazardous occupations. An explanation of the criteria for apprentices and student-learners to be exempted from these seven areas of hazardous occupations will be provided following this list of the seven exempted occupations:

1. Power-Driven Woodworking Machine Operations, (Federal Order No. 5)
2. Power-Driven Metal Forming, Punching, and Shearing Machine Occupations (Federal Order No. 8)
3. Occupations Involving Slaughtering, Meat-Packing or Processing, or Rendering (Federal Order No. 10)
4. Power-Driven Paper Products Machine Occupations (Federal Order No. 12)

5. Occupations Involved in the Operation of Power-Driven Circular Saws, Band Saws, and Guillotine Shears (Federal Order No. 14)
6. Occupations in Roofing Occupations (Federal Order No. 16)
7. Occupations in Excavation Operations (Federal Order No. 17)

As stated on page 12 of Child Labor Requirements in Nonagricultural Occupations, certain conditions must exist so that apprentices and student-learners under the age of 18 may be engaged in the nonagricultural occupations identified as hazardous in which exemptions are permitted:

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 (emphasis added):

1. 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 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 apprenticeship 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, 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.

II. 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 (i) that the work of the student-learner in the occupations declared particularly hazardous shall be **incidental to the training**; (ii) 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; (iii) That **safety instructions** shall be **given by the school and correlated by the employer** with on-the-job training; and (iv) 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...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. (U. S. Department of Labor, WH-1330, 1990, Technical Appendix B)

Implications for Internship Exemptions and Expansion

A study of federal and state laws regarding exemptions for apprenticeship, cooperative education, and other student-learning situations reveals that the following components are likely to be required for any intern exemptions that may be granted:

1. An official, legal definition of internship that reflects the need for application of advanced skills at this level of competency development (not an exploratory experience, but an advanced practicum similar to internship in the medical field);
2. A public information campaign designed to explain the differences among all career-exploration/career-preparation programs at various levels of instruction;
3. Efforts to increase student work in non-hazardous areas of industrial facilities, such as offices, so that the students can gain experience within the industrial environment; and
4. Design of formal, structured internship programs that include the same components as those specified in exemptions for apprentices and student-learners:
 - a. Enrollment in a recognized career-preparation program that features a coordinated approach to classroom instruction and on-the-job experience, with an internship as the ongoing or culminating experience
 - b. Measures to ensure that exposure to hazardous occupations is incidental to training, intermittent, and for short periods of time until the student reaches the age of 18; for example, use of observations, lectures, demonstrations from experts, and audiovisual materials and simulations such as those used in flight training could be used when appropriate to avoid hazards and supplement hands-on experience
 - c. Supervision by an industry representative who is competent in training and supervision, as well as in his or her career area

- d. The inclusion of safety instructions, a training agreement, a training plan, and evidence of the student's competency development as vital parts of the preparation for the internship experience
- e. A designated coordinator from the school who is familiar with the student's academic and work-related abilities and experience
- f. Provision for a student to complete the total preparation program before reaching the age of 18 to become employed in the particular field
- g. Placement assistance or advice on next steps in reaching career goals (Note: This factor is not included in the legislation, but is considered by the study staff to be essential in the transition from career preparation to related employment.)

It appears unlikely that exemptions applied to apprentices and student-learners in non-agricultural occupations will be extended to interns without provision for the above components. Recommendations regarding student internships, in view of existing federal and state child labor laws applicable to students under the age of 18 in nonagricultural, hazardous occupations, are presented in Chapter III.

CHAPTER III. RECOMMENDATIONS

Recommendations of the study committee may be classified according to the following two categories: awareness/exploration of industrial careers and options for internship development.

Awareness/Exploration of Industrial Careers

It is recommended that Virginia schools, working with local manufacturers and the total community, help to increase student awareness of manufacturing/industrial careers, especially in regions where heavy industry is the primary career opportunity. Students in such situations may know little or nothing about such local industrial careers, including entry level to management position and engineering.

If on-site visits are difficult to arrange, many other instructional techniques are available, such as simulations, visits to the classroom by industry representatives, career months rather than career nights, exploration of local career opportunities through print and audiovisual media, and summer employment experiences for counselors and teachers so that industrial information can be infused into existing courses as appropriate. Shadowing, mentoring, and career projects also are possibilities for teachers, counselors, and students after school and during the summer and other school vacation periods.

Through the service area established at the Department of Education, Career Connections (described in Appendix D), the Department of Education can coordinate assistance to localities regarding many forms of career awareness/exploration. If students fail to recognize career routes and roles, it will be increasingly difficult for them to enter and succeed in a field that is available to them and that is appropriate in relation to their interests, aptitudes, and abilities.

Options for Internship Development

The following options are recommended for the development of procedures to provide for exemptions applicable to internship experiences, as related to hazardous occupations, similar to those allowed for apprentices and student-learners:

1. Plans for the Department of Education service area, Career Connections, includes development of an internship program model as a mechanism to respond to local requests for internship guidelines.
 - a. Development would be in cooperation with the Virginia Community College System, the Virginia Department of Labor and Industry, the Virginia Manufacturers Association, and representatives of Virginia industrial firms.
 - b. A plan would be submitted to the Board of Education for approval or revision. This plan would include proposed procedures for extending exemptions regarding hazardous occupations to internships.

2. The existing high school Industrial Cooperative Education Program, (ICT) offered by the state Trade and Industrial Education program area, could be tailored specifically to the needs of industrial firms such as Hickson DanChem. Already, as a cooperative education course, ICT meets the criteria for exemptions similar to apprenticeships in relation to hazardous occupations. In addition, this cooperative education program could serve as the prerequisite for an internship that provides a culminating experience during the senior year of high school.
3. A Tech Prep internship program ranging from three to four years could be created with the plan of having the intern focus on the performance of any hazardous job duties in the third year when the student is likely to be at least 18 years of age and enrolled in a community college in the postsecondary phased of his or her training.

Summary

Any internship program, if appropriately structured to contain the required components specified in federal and state law, qualifies for the same exemptions for students younger than age 18 as apprenticeship and student-learner programs. An internship that conforms to legal requirements regarding exemptions for students' (ages 16-18) exposure to hazardous occupations may be considered as a student-learner program. Exemptions apply only to certain occupational areas, and no exemptions are allowed for students younger than 18 in nonagricultural occupations considered to be particularly hazardous for those under the age of 18.

Apprenticeship and student-learner programs, such as cooperative education, are legally defined, structured, career-preparation pathways. Internships, on the other hand, vary according to occupational area and program design and are not legally defined. Clarification of the meaning of internship is needed to add structure to this form of practical experience.

Recommended options for designing industrial exploratory and career-exploration programs include the following:

1. Emphasize exploration of industrial careers, particularly in localities in which heavy industry is the major career opportunity;
2. Develop the concept of internship through planned initiatives of the new Career Connections service area of the Office of Vocational and Adult Education Services;
3. Adapt the existing high school Industrial Cooperative Program to the personnel needs and requirements of local industrial firms, including the possibility of following the cooperative experience with an internship; and
4. Create a Tech Prep, secondary-postsecondary program of three to four years and

specify any exposure to hazardous occupations until the postsecondary phase of the program when the student is likely to be 18 years of age.

A detailed plan is needed to accomplish the broad purposes of House Bill 507: (1) to identify student internship programs that may be eligible for exemptions from federal and state laws similar to those available for student apprenticeships and (2) to establish procedures by which such exemptions may be obtained for student internship programs. Such a plan would require further study, contacts with representatives of industry, legal consultation, and specification of internship experiences as applied to a variety of occupational/professional environments. This further study could be accomplished as development of Career Connections continues. This report is intended to address the immediate and specific concern that prompted the 1996 legislation.

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APPENDICES

- Appendix A. House Bill No. 507
- Appendix B. The Hickson DanChem Pilot Program in Cooperation with
The Danville Public Schools (included with permission)
- Appendix C. Verification of Exemptions for Apprentices in Virginia:
Letter from Fred T. Yontz, Apprenticeship Program Manger
- Appendix D. Career Connections: New Service Area in the
Department of Education

APPENDIX A

House Bill No. 507

Identification of Student Internship Programs

**An Act to Amend the Code of Virginia
Regarding Exemptions for Student Internship Programs**

1996 SESSION

ENROLLED

1 VIRGINIA ACTS OF ASSEMBLY —CHAPTER

2 An Act to amend the Code of Virginia by adding in Title 22.1 a section numbered 22.1-17.3, relating
3 to student internship programs.

4
5 Approved

[H 507]

6 Be it enacted by the General Assembly of Virginia:

7 1. That the Code of Virginia is amended by adding in Title 22.1 a section numbered 22.1-17.3 as
8 follows:

9 § 22.1-17.3. *Identification of students internship programs.*

10 The Board of Education, together with the Department of Labor and Industry and the Virginia
11 Community College System, shall identify students internship programs that may be eligible for
12 exemptions from those federal and state laws and regulations for which exemptions are available for
13 student apprenticeship programs. The Board and the Department shall also establish procedures by
14 which such exemptions may be obtained for students internship programs.

President of the Senate

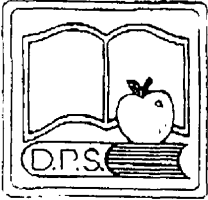
Speaker of the House of Delegates

Approved:

Governor

APPENDIX B

**The Hickson DanChem Pilot Program
in Cooperation with Danville Public Schools**



Danville Public Schools
U.S. Senate Productivity Award Recipient



Office of the Superintendent
 313 Municipal Building • P.O. Box 9600 • Danville, Virginia 24543
 804/799-6400 • FAX 804/799-5267

Permission is granted to include the Hickson DanChem - Danville Public Schools pilot program in the study entitled "Identification of Student Internships Programs," HB507.

August 16, 1996
 Date

N. Andrew Overstreet
 N. Andrew Overstreet, Superintendent
 Danville Public Schools

Post-It® Fax Note	7671	Date	8-16-96	# of pages	1
To	Kay Brown	From	C. Watson		
Co./Dept.	Dept. of Ed.	Co.	Danville Public Schools		
Phone #		Phone #	804 799-6400		
Fax #	804 335-2456	Fax #	804 799-5267		

STATEMENTS OF UNDERSTANDING

HICKSON DANCHEM STUDENT APPRENTICESHIP PROGRAM

A PILOT PROGRAM

WITH THE

DANVILLE PUBLIC SCHOOLS

OCTOBER, 1995

1. The program will allow for student apprenticeships on an after school and/or summer basis and will operate on a cooperative basis between Hickson DanChem and Danville Public Schools.
2. Student apprentices will be selected for entrance as early as age 16 and with the beginning of their junior year of high school.
3. Student apprentices will work no later than 5:00 p.m. each day and no more than 20 hours per week. Eventually, some student apprentices may work during morning hours and attend school after noon.
4. Student apprenticeships will be paid learning experiences for George Washington High School students with the pay rate yet to be determined.
5. Interested George Washington High School students will complete a Hickson DanChem employment application and should expect a formal interview as a part of the selection process.
6. A Hickson DanChem full time employee will be assigned to each student apprentice as a supervisor/mentor.
7. Initially a total of three student apprentices will be selected. One will be assigned to shipping and receiving and two will train in maintenance.
8. Selected student apprentices will receive a special safety seminar consisting of Hickson DanChem safety competencies, as well as safe fork lift operation prior to the beginning of the student apprenticeship.
9. Applicants for the student apprenticeship program should expect to undergo drug testing - the same as all Hickson DanChem applicants.
10. Student apprentices who are invited to remain with Hickson DanChem as full time employees after graduation from high school, will be encouraged to continue their

education and industry training. It is anticipated that Hickson DanChem will reimburse full time employees for 50% of their tuition expenses in specified areas of post secondary instruction. A final grade of C in each course will be necessary for reimbursement.

11. All public information and/or publicity regarding the Hickson DanChem student apprenticeship program will utilize the term "Pilot Program" as a descriptor, and publicity will be held to a minimum for the first six months of operation.
12. George Washington High School students who apply for the Hickson DanChem student apprenticeship program must have successfully completed freshman and sophomore courses as specified by the attached program of studies with a grade point average of 2.3 (on a 4 point, unweighted scale).
13. Selected student apprentices must agree to complete the various high school courses specified for the junior and senior year by the attached course of study.
14. Success in the specified junior and senior courses of the attached program of studies will be taken into consideration when evaluating whether the student apprentices should be invited to remain with Hickson DanChem after high school graduation.

HICKSON DANCHEM

STUDENT APPRENTICESHIP PROGRAM (A Pilot Project)

9th	10th	11th	12th
English 9 A-B	English 10 A-B	Regular College Prep English (with Professional Communication)	Regular College Prep English (with Professional Communication)
World History AB or Geography	Basic Technical Drawing A-B	Virginia and United States History	Government
*Algebra I A-B or Pre-Algebra	*Geometry A-B or Algebra I A-B	Professional Applications of Mathematics I AB	Professional Applications of Mathematics II AB
Keyboarding (18 wks) and Technology Foundations (18 wks)	**Principles of Technology I	**Principles of Technology II	Architectural Drawing AB
Elective	**Biology/Chemistry I A-B	**Biology/Chemistry II A-B	Elective
Health/Physical Education 9	Health/Physical Education 10	Industrial Cooperative Training I	Industrial Cooperative Training II
	Elective	Industrial Cooperative Training (Coop)	Industrial Cooperative Training (Coop)

* Preferred

** Meets laboratory science requirements

Integrated academic and vocational instruction (to be determined)

Note: Completion of the vocational education concentration reduces neither the mathematics nor the laboratory science requirement for graduation.

APPENDIX C

Verification of Exemptions for Apprentices in Virginia

Letter from Fred T. Yontz, Apprenticeship Program Manager

Dept. Of Labor and Industry

13 South 13th Street
Richmond, Virginia 23219
804 786-2381
Fax: 804 786-9877

July 2, 1996

Dr. Kay Brown
Special Career Connections
Department of Education
101 North 14th Street
Richmond, Virginia 23219

Dear Dr. Brown:

As a follow up to our conversation July 1, 1996 concerning exemptions in Hazardous Occupations.

According to the Virginia Rules and Regulations Declaring Hazardous Occupations, Virginia Department of Labor and Industry, effective date November 1, 1979, the only occupations with exemption for properly certified apprentices are:

Power-Driven Woodworking Machine Occupation,

Power-Driven Metal Forming, Punching, and Shearing Machine Occupations

Occupations Involving Slaughtering, Meat-Packing, Processing, or Rendering

Power-Driven Paper-Products Machine Occupations

Occupations Involved in the Operation of Power-Driven Circular Saws, Band Saws, and Guillotine Shears

Occupations in Roofing Operations

Occupations in Excavation Operations

If I can be of additional service to you please do not hesitate to contact me.

Sincerely,



Fred T. Yontz
Apprenticeship Program Manager

APPENDIX D

Career Connections

New Service Area in the Department of Education

CAREER CONNECTIONS

CAREER CONNECTIONS AND ITS COMPONENTS

Career Connections is a new service area designed to complement current student preparation for careers and continuing education in a challenging and rapidly changing workplace. This service area provides connecting links for students in pursuit of career development and related career information resources. Connecting links are pathways, program models, or processes that lead to, or point the way to, career goals. The total concept of Career Connections includes the components of career information resources, career development, and career connecting links.

Career information resources include organizations/associations, agencies, representatives of technical and professional fields, mentors, and other individuals and groups who provide career-related services. Examples of career information resources are the publication, Choices and Challenges: Career Education in Virginia, Program Management Guide, the Virginia Career Development Association, the Virginia Career Education Advisory Committee, Virginia VIEW (Vital Information for Education and Work), VOICC (Virginia Occupational Information Coordinating Committee), VOIS (Virginia Occupational Information System), and the Vocational Education/Guidance Collaboration Model. The collaboration model is a statewide initiative planned to foster expanded cooperation among vocational educators and guidance specialists in providing information and services. This type of partnership among school personnel with career-related responsibilities, as well as business/education partnerships, enable students and their parents to obtain the up-to-date information they need to make career decisions that prepare the students for the 21st-century workplace.

Career development refers to the ongoing process of preparing for and adapting to changes in life roles, with emphasis on occupational and related roles. Career development encompasses the phases of gaining self knowledge of one's interests, aptitudes, and abilities; exploring occupational and educational opportunities; comparing self knowledge with the results of career/continuing education study; and planning for technical/professional growth and development in the future. Examples of instructional units that provide for career development are Careers and You, Career Pathways, Education for Employment, Entrepreneurship, and Leadership Development. These instructional units are designed to assist teachers, students, parents, and participating employers through the process of student career development. Career-related instruction must be designed to emphasize the importance of academic achievement for success at school, at work, and in all life roles.

Career connecting links at the secondary level blend instruction with program models that provide for actual or simulated work-based experiences planned to apply classroom instruction to real-life employment situations and requirements. These linkages include the primary program models of cooperative education, mentorships, pre-apprenticeships, professional internships, Tech Prep programs, and High Schools That Work. Various combinations of these career-preparation pathways result in multiple continuing-education connections.

Career Connections requires the active participation of parents; the community; teachers, counselors, and administrators in the school; and representatives of technical/professional career areas. Their continuing involvement is vital to the mission of this service area.

CAREER CONNECTIONS

Career Information Resources

Materials, Organizations, Systems

Choices and Challenges
Program Management Guide

Virginia Career Development Association

Virginia Career Education Advisory Committee

Virginia VIEW (Vital Information for Education and Work)

VOICC (Virginia Occupational Information Coordinating Committee)

VOIS (Virginia Occupational Information System)

Career Development

Career-Search Process

Self Study: Aptitudes, Interests, Abilities

Occupational/Educational Exploration

Comparison: Self Study and Occupational/Educational Information

Career/Continuing Education Planning

Instruction:

Careers and You
Career Pathways
Education for Employment
Entrepreneurship
Leadership Development

Career Connecting Links

High School Program Model

Cooperative Education

Internships

Mentorships

Pre-Apprenticeships

Tech Prep Programs

High Schools That Work

Four-Year or More College Preparation

