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FILED MAR 10 1997

SENATE FILE 361

BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 213)

Passed Senate ^(P.937) Date 4-2-97 Passed House, Date 4-10/97 ^(R.1145)
 Vote: Ayes 47 Nays 0 Vote: Ayes 92 Nays 0
 Approved April 18, 1997

A BILL FOR

1 An Act relating to the state workers' compensation coverage for
 2 students participating in school-to-work programs and
 3 providing for related matters.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 361

REPRINTED

1 Section 1. Section 85.20, Code 1997, is amended to read as
2 follows:

3 85.20 RIGHTS OF EMPLOYEE EXCLUSIVE.

4 The rights and remedies provided in this chapter, chapter
5 85A or chapter 85B for an employee, or a student participating
6 in a school-to-work program as provided in section 85.61, on
7 account of injury, occupational disease or occupational
8 hearing loss for which benefits under this chapter, chapter
9 85A or chapter 85B are recoverable, shall be the exclusive and
10 only rights and remedies of such the employee or student, the
11 employee's or student's personal or legal representatives,
12 dependents, or next of kin, at common law or otherwise, on
13 account of such injury, occupational disease, or occupational
14 hearing loss against any of the following:

15 1. Against the employee's employer; ~~or.~~

16 2. Against any other employee of such employer, provided
17 that such injury, occupational disease, or occupational
18 hearing loss arises out of and in the course of such
19 employment and is not caused by the other employee's gross
20 negligence amounting to such lack of care as to amount to
21 wanton neglect for the safety of another.

22 3. For a student participating in a school-to-work
23 program, against the student's school district of residence,
24 receiving school district if the student is participating in
25 open enrollment under section 282.18, accredited nonpublic
26 school, community college, and directors, officers,
27 authorities, and employees of the applicable school
28 corporation.

29 Sec. 2. Section 85.60, Code 1997, is amended to read as
30 follows:

31 85.60 INJURIES WHILE IN EMPLOYMENT TRAINING OR EVALUATION.

32 A person participating in a school-to-work program referred
33 to in section 85.61, or receiving earnings while engaged in
34 employment training or while undergoing an employment
35 evaluation under the direction of a rehabilitation facility

1 approved for purchase-of-service contracts or for referrals by
2 the department of human services or the department of
3 education, who sustains an injury arising out of and in the
4 course of the school-to-work program participation, employment
5 training, or employment evaluation is entitled to benefits as
6 provided in this chapter, chapter 85A, chapter 85B, and
7 chapter 86. Notwithstanding the minimum benefit provisions of
8 this chapter, such a person referred to in this section and
9 entitled to benefits under this chapter is entitled to receive
10 a minimum weekly benefit amount for a permanent partial
11 disability under section 85.34, subsection 2, or for a
12 permanent total disability under section 85.34, subsection 3,
13 equal to the weekly benefit amount of a person whose gross
14 weekly earnings are thirty-five percent of the statewide
15 average weekly wage computed pursuant to section 96.3 and in
16 effect at the time of the injury.

17 Sec. 3. Section 85.61, subsection 2, Code 1997, is amended
18 by adding the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. "Employer" also includes and
20 applies to a public school corporation or an accredited
21 nonpublic school if a student enrolled in a public school
22 corporation or accredited nonpublic school is providing unpaid
23 services under a school-to-work program, as described in
24 section 258.10, subsection 2. However, if such a student is
25 participating in open enrollment under section 282.18,
26 "employer" means the student's district of residence. If a
27 student participating in a school-to-work program as described
28 in section 258.10, subsection 2, is paid for services provided
29 under the program, "employer" means any entity otherwise
30 defined as an employer under this subsection which pays the
31 student for providing services under the program.

32 Sec. 4. Section 85.61, subsection 11, Code 1997, is
33 amended by adding the following new unnumbered paragraph:

34 NEW UNNUMBERED PARAGRAPH. "Worker" or "employee" includes
35 a student enrolled in a public school corporation or

1 accredited nonpublic school who is participating in a school-
2 to-work program as described in section 258.10, subsection 2.
3 Sec. 5. Section 87.4, unnumbered paragraph 2, Code 1997,
4 is amended to read as follows:

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

12 Sec. 6. Section 258.10, Code 1997, is amended to read as
13 follows:

14 258.10 POWERS OF DISTRICT BOARDS.

15 1. The board of directors of any a school district is
16 authorized-to may carry on prevocational and vocational
17 instruction in subjects relating to agriculture, commerce,
18 industry, and home economics, and to pay the expense of such
19 instruction in the same way as the expenses for other subjects
20 in the public schools are now paid.

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

26 a. Short-term job shadowing opportunities for students to
27 explore career interests by observing work at a workplace or
28 to include a series of visits to various workplaces and time
29 spent with individual workers to observe specific jobs.

30 b. Structured work experiences integrating school and
31 work-based experiences in an internship that may be an
32 extension of a job shadowing experience.

33 c. Mentoring experiences providing students with a formal
34 relationship with a worksite role model who shares career
35 insights and teaches students specific work-related skills.

1 d. Career-oriented work experiences tied to school lessons
2 through formal or informal training agreements, formal
3 learning plans or mentoring, by workplace personnel who may be
4 paid or unpaid, and which may earn students credit toward
5 graduation.

6 e. Structured on-the-job training or apprenticeships for
7 students who are enrolled in a technical or professional
8 program that leads to a high school diploma, advanced
9 certificate of mastery, or associate degree.

10 f. Work experiences available to students in school and
11 community placements directly supervised by a school district
12 or community college staff member.

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

19 Sec. 7. IMPLEMENTATION OF ACT. Section 25B.2, subsection
20 3, shall not apply to this Act.

21 EXPLANATION

22 This bill establishes that for purposes of the workers'
23 compensation law, a student participating in a school-to-work
24 program is defined as an employee. If the student's
25 participation in the program is unpaid, the public school
26 corporation or accredited nonpublic school offering the
27 program is defined as the employer. If the student is
28 participating in a paid school-to-work program, the entity
29 that pays the student is defined as the employer.

30 However, the workers' compensation weekly benefit amount to
31 a student participating in a school-to-work program is limited
32 to an amount for a permanent partial disability, or for a
33 permanent total disability, equal to the weekly benefit amount
34 of a person whose gross weekly earnings are 35 percent of the
35 statewide average weekly wage in effect at the time of the

1 injury, rather than the weekly benefit that would be due to a
2 regular employee, which would be 80 percent of the employee's
3 weekly earnings, but not more than 184 percent of the
4 statewide average weekly wage for a partial disability, and
5 not more than 200 percent of the statewide average weekly wage
6 if the injury causes permanent total disability.

7 Under the bill, the rights and remedies of the workers'
8 compensation law are the participating students exclusive and
9 only rights and remedies for occupational injury, occupational
10 disease, or occupational hearing loss.

11 Districts are authorized to establish and maintain school-
12 to-work programs including alternative learning opportunities
13 through which students may obtain skills or training outside
14 the classroom. The bill also permits school districts to
15 provide workers' compensation coverage by insuring or self-
16 insuring students participating in a school-to-work program.

17 This bill may include a state mandate as defined in Code
18 section 25B.3. This bill makes inapplicable Code section
19 25B.2, subsection 3, which would relieve a political
20 subdivision from complying with a state mandate if funding for
21 the cost of the state mandate is not provided or specified.
22 Therefore, political subdivisions are required to comply with
23 any state mandate included in this bill.

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SENATE FILE 361

S-3162

1 Amend Senate File 361 as follows:
2 1. Page 2, line 20, by striking the words "a
3 public school corporation" and inserting the
4 following: "an eligible postsecondary institution as
5 defined in section 261C.3, subsection 1, a school
6 corporation,".
7 2. Page 2, lines 21 and 22, by striking the words
8 "a public school corporation" and inserting the
9 following: "the eligible postsecondary institution,
10 school corporation,".
11 3. Page 2, line 23, by striking the words ", as
12 described" and inserting the following: "that
13 includes, but is not limited to, the components
14 provided for".
15 4. Page 2, line 24, by inserting after the word
16 and figure "subsection 2" the following: ",
17 paragraphs "a" through "f".
18 5. Page 2, line 26, by striking the words
19 "student's district of residence" and inserting the
20 following: "receiving district".
21 6. Page 2, line 27, by striking the words "as
22 described" and inserting the following: "that
23 includes, but is not limited to, the components
24 provided for".
25 7. Page 2, line 28, by inserting after the word
26 and figure "subsection 2" the following: ",
27 paragraphs "a" through "f",".
28 8. Page 3, by striking line 2 and inserting the
29 following: "to-work program that includes, but is not
30 limited to, the components provided for in section
31 258.10, subsection 2, paragraphs "a" through "f"."

By JIM LIND

S-3162 FILED MARCH 18, 1997

ADOPTED

3-18-92

(P. 687)

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7 account of injury, occupational disease or occupational
8 hearing loss for which benefits under this chapter, chapter
9 85A or chapter 85B are recoverable, shall be the exclusive and
10 only rights and remedies of such the employee or student, the
11 employee's or student's personal or legal representatives,
12 dependents, or next of kin, at common law or otherwise, on
13 account of such injury, occupational disease, or occupational
14 hearing loss against any of the following:

15 1. Against the employee's employer, ~~or~~.

16 2. Against any other employee of such employer, provided
17 that such injury, occupational disease, or occupational
18 hearing loss arises out of and in the course of such
19 employment and is not caused by the other employee's gross
20 negligence amounting to such lack of care as to amount to
21 wanton neglect for the safety of another.

22 3. For a student participating in a school-to-work
23 program, against the student's school district of residence,
24 receiving school district if the student is participating in
25 open enrollment under section 282.18, accredited nonpublic
26 school, community college, and directors, officers,
27 authorities, and employees of the applicable school
28 corporation.

29 Sec. 2. Section 85.60, Code 1997, is amended to read as
30 follows:

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32 A person participating in a school-to-work program referred
33 to in section 85.61, or receiving earnings while engaged in
34 employment training or while undergoing an employment
35 evaluation under the direction of a rehabilitation facility

1 approved for purchase-of-service contracts or for referrals by
2 the department of human services or the department of
3 education, who sustains an injury arising out of and in the
4 course of the school-to-work program participation, employment
5 training, or employment evaluation is entitled to benefits as
6 provided in this chapter, chapter 85A, chapter 85B, and
7 chapter 86. Notwithstanding the minimum benefit provisions of
8 this chapter, such a person referred to in this section and
9 entitled to benefits under this chapter is entitled to receive
10 a minimum weekly benefit amount for a permanent partial
11 disability under section 85.34, subsection 2, or for a
12 permanent total disability under section 85.34, subsection 3,
13 equal to the weekly benefit amount of a person whose gross
14 weekly earnings are thirty-five percent of the statewide
15 average weekly wage computed pursuant to section 96.3 and in
16 effect at the time of the injury.

17 Sec. 3. Section 85.61, subsection 2, Code 1997, is amended
18 by adding the following new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH "Employer" also includes and
20 applies to an eligible postsecondary institution as defined in
21 section 261C.3, subsection 1, a school corporation, or an
22 accredited nonpublic school if a student enrolled in the
23 eligible postsecondary institution, school corporation, or
24 accredited nonpublic school is providing unpaid services under
25 a school-to-work program that includes, but is not limited to,
26 the components provided for in section 258.10, subsection 2,
27 paragraphs "a" through "f". However, if such a student is
28 participating in open enrollment under section 282.18,
29 "employer" means the receiving district. If a student
30 participating in a school-to-work program that includes, but
31 is not limited to, the components provided for in section
32 258.10, subsection 2, paragraphs "a" through "f", is paid for
33 services provided under the program, "employer" means any
34 entity otherwise defined as an employer under this subsection
35 which pays the student for providing services under the

1 program.

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6 accredited nonpublic school who is participating in a school-
7 to-work program that includes, but is not limited to, the
8 components provided for in section 258.10, subsection 2,
9 paragraphs "a" through "f".

10 Sec. 5. Section 87.4, unnumbered paragraph 2, Code 1997,
11 is amended to read as follows:

12 A self-insurance association formed under this section and
13 an association comprised of cities or counties, or both, or
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15 corporations, or both, which have entered into an agreement
16 under chapter 28E for the purpose of establishing a self-
17 insured program for the payment of workers' compensation
18 benefits are exempt from taxation under section 432.1.

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24 instruction in subjects relating to agriculture, commerce,
25 industry, and home economics, and to pay the expense of such
26 instruction in the same way as the expenses for other subjects
27 in the public schools are ~~now~~ paid.

28 2. The board of directors of a school district may
29 establish and maintain school-to-work programs including
30 alternative learning opportunities through which students may
31 obtain skills or training outside the classroom. School-to-
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6 relationship with a worksite role model who shares career
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18 community placements directly supervised by a school district
19 or community college staff member.

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21 insuring, or self-insuring as provided in section 87.4,
22 students participating in unpaid school-to-work programs. A
23 school district's liability to students injured while
24 participating in an unpaid school-to-work program is as
25 provided in section 85.20.

26 Sec. 7. IMPLEMENTATION OF ACT. Section 25B.2, subsection
27 3, shall not apply to this Act.

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Lind, Chair
Kibbie
Szymoniak

SSB 213
State Government

Succeeded By
SENATE FILE SF HF 361
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON LIND)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the state workers' compensation coverage for
2 students participating in school-to-work programs and
3 providing for related matters.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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18 babecou2
7-1-77

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29 Sec. 2. Section 85.60, Code 1997, is amended to read as
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22 This bill establishes that for purposes of the workers'
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25 participation in the program is unpaid, the public school
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27 program is defined as the employer. If the student is
28 participating in a paid school-to-work program, the entity
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SENATE FILE 361

AN ACT

RELATING TO THE STATE WORKERS' COMPENSATION COVERAGE FOR STUDENTS PARTICIPATING IN SCHOOL-TO-WORK PROGRAMS AND PROVIDING FOR RELATED MATTERS.

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1. Against the employee's employer, ~~or~~.
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.

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Sec. 3. Section 85.61, subsection 2, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. "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 such a student is participating in open enrollment under section 282.18, "employer" means the receiving district. 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.

Sec. 4. Section 85.61, subsection 11, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. "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".

Sec. 5. Section 87.4, unnumbered paragraph 2, Code 1997, is amended to read as follows:

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.

Sec. 6. Section 258.10, Code 1997, is amended to read as follows:

258.10 POWERS OF DISTRICT BOARDS.

1. The board of directors of any a school district is authorized to 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 way as 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 is as provided in section 85.20.

Sec. 7. IMPLEMENTATION OF ACT. Section 25B.2, subsection 3, shall not apply to this Act.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 361, Seventy-seventh General Assembly.

MARY PAT GUNDERSON
Secretary of the Senate

Approved April 18, 1997

TERRY E. BRANSTAD
Governor

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