



Massachusetts Department of
ELEMENTARY & SECONDARY
EDUCATION

Chapter 74 Manual

*for Vocational Technical Cooperative
Education*

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Disclaimer: Sections of laws, regulations, and guidelines are reprinted and referenced in this document. The Department of Elementary and Secondary Education does not represent this Manual as a replacement for official documents containing federal and state laws, regulations, and guidelines. Because laws and regulations are amended, it is important to obtain and review the official documents.

INTRODUCTION

Massachusetts General Law Chapter 74 (M.G.L.c.74) and the Vocational Technical Education Regulations (603 CMR 4.00) governing vocational technical education are available on the Department of Elementary and Secondary Education Career/Vocational Technical Education unit website at <http://www.doe.mass.edu/cte/>. These documents should be reviewed in conjunction with the use of this Manual.

This Manual was designed as a resource for school personnel in the development, implementation, and evaluation of the cooperative education components of Chapter 74-approved vocational technical education programs. The cooperative education components may be viewed as cooperative education courses in order to facilitate curricula design, implementation and evaluation. This Manual addresses the sections of the law (M.G.L. c. 74, Section 1) and the regulations (603 CMR 4.07; 4.10) pertaining to the cooperative education. The applicable sections of the Guidelines for Vocational Technical Education Programs and Educator Licensure are provided. In addition, federal laws, regulations, and bulletins are cited as applicable to cooperative education in Chapter 74-approved vocational technical education programs.

This Guide was last updated on August 1, 2008. The name of the Department of Education was changed to Massachusetts Department of Elementary and Secondary Education.

TECHNICAL ASSISTANCE on COOPERATIVE EDUCATION

A staff person in the Massachusetts Department of Elementary and Secondary Education Career/Vocational Technical Education unit may be contacted for additional information regarding cooperative education in Chapter 74-approved vocational technical education programs. Call (781) 338-3910 or e-mail careervotech@doe.mass.edu.

DEFINITIONS

All Aspects of the Industry

This term means occupational *safety & health, technical, embedded academic, employability, management & entrepreneurship* (planning, finance, business ethics, labor relations, community and environmental) and *technological* knowledge and skills *that must be taught to all students in all school districts and public two-year colleges that are assisted with Perkins IV funds. Note that the Massachusetts Vocational Technical Education Frameworks are based on all aspects of the industry.*

Cooperative Education as used in this Manual

The term cooperative education as used in this manual refers to components of Chapter 74-approved vocational technical education programs that meet the definition of cooperative education contained in M.G.L.c.74, Section 1 (below).

Cooperative Education per M.G.L.c.74, Section 1

"Cooperative education: a program of vocational technical education for persons who, through a cooperative arrangement between the school and employers, receive instruction, including required academic courses and related vocational technical instruction, by the alternation of study in school with a job in any occupational field. Such instruction shall be planned and supervised by the school and the employer so that each contributes to the student's education and employability. Work periods and school attendance may be on alternate half-days, full days, weeks or other coordinated periods of time." *Editor's Note: Cooperative education is always paid as inherent in the definition's use of the term "employer."*

Cooperative Education per M.G.L.c.149, Section 1 (MA Child Labor Laws)

"Co-operative courses", courses approved as such by the Department of Education and conducted in public schools or any approved vocational school where technical or related instruction is given in conjunction with practical experience by employment in co-operating factories, manufacturing, mechanical or mercantile establishments or workshops or other co-operating employments.

Cooperative Education per the Perkins Career and Technical Education Improvement Act of 2006 P.L. 109-270 (Perkins IV)

"The term 'cooperative education' means a method of education for individuals who, through written cooperative arrangements between a school and employers, receive instruction, including required rigorous technical education instruction, by alternation of study in school with a job in any occupational field, which alternation—

(A) shall be planned and supervised by the school and employer so that each contributes to the education and employability of the individual; and

(B) may include an arrangement in which work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program."

Cooperative Education per The Code of Federal Regulations Title 29 (CFR 29) Part 570.50 (c) (1) (2) defines 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 his 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 student-learner, and shall be signed by the employer and the school coordinator or principal. Copies of each agreement shall be kept on file by both the school and the employer.

This exemption for the employment of student-learners may be revoked in any individual situation where it is found that reasonable precautions have not been observed for the safety of minors employed there under. A high school graduate may be employed in an occupation in which he has completed training as provided in this paragraph as a student-learner, even though he is not yet 18 years of age."

Career Plan

A Career Plan is a comprehensive, formalized written plan (that students use alone or with the help of others) that relates learning to career goals. The Career Plan is based on both formal and informal assessments and should include areas in which a student needs to increase knowledge and skills to reach goals. A Career Plan is designed to facilitate transition from high school to employment and future learning. It can be thought of as both an instrument and a process for monitoring one's career

development. As an instrument, a Career Plan provides a place to organize and record progress related to personal, educational, and career and labor market information. As a process, it encourages learners to use the past and present in goal setting and planning. In either case, a Career Plan should be revisited and modified periodically. *Note: A Career Plan is not the same as a career portfolio. Editor's Note: Participation in cooperative education should be preceded by the development of a Career Plan.*

Competency List

The competencies acquired by the student.

Cooperative Education Coordinator

Cooperative Education Coordinator is a person holding a Vocational Technical Cooperative Education Coordinator license under M.G.L. c. 74, 603 CMR 4.00.

Certificate of Occupational Proficiency

M.G.L.c.69 section 1D (iii) states: "The certificate of occupational proficiency shall be awarded to students who successfully complete a comprehensive education and training program in a particular trade or professional skill area and shall reflect a determination that the recipient has demonstrated mastery of a core of skills, competencies and knowledge comparable to that possessed by students of equivalent age entering the particular trade or profession from the most educationally advanced education systems in the world. No student may receive said certificate of occupational proficiency without also having acquired a competency determination. Nothing in this chapter shall prohibit a student from beginning a program of vocational education before achieving a determination of competency. Such vocational education may begin at grade nine, ten, or eleven. No provision of law shall prohibit concurrent pursuit of a competency determination and vocational learning. There shall be no cause of action for a parent, guardian, or student who fails to obtain a competency determination, a certificate of mastery, or a certificate of occupational proficiency."

The following definitions are often used in career/ vocational technical education. However, they should not be confused with cooperative education.

Internship

An internship is an unpaid work-based learning experience in a workplace in which structured learning occurs related to the student's program of study. The internship is graded, part of a credit course or program, and has an evaluation component. Work based learning resources may be found at <http://www.doe.mass.edu/connect/>.

Externships refer to a temporary position "outside" or external to one's area, with the intent of gaining new and valuable experiences that could be used in one's job. For example: a teacher externs from their teaching position as a chemistry teacher, to work at a biotechnical facility. This externship provides her/him with valuable knowledge and experience in the industry that can be utilized when teaching.

Job Shadowing

A job shadow is a work-based learning experience that allows a student to spend time observing an employee's daily work activities, and talk to adults on the job. The student may also be assigned a task to perform so that he/she can gain a deeper understanding of the knowledge and skills required to succeed at work and build a career. Job shadows are an integral part of the connection between school and work. For more information about Job Shadowing visit <http://www.jobshadow.org/>.

COOPERATIVE EDUCATION COURSE OF STUDY

The Vocational Technical Education Regulations 603 CMR 4.03 (4) contain specific minimum requirements for each Chapter 74-approved vocational technical education program of study. They are:

- (a) The program of study shall:
 - 1. be based on the applicable Vocational Technical Education Framework and the Massachusetts Curriculum Frameworks;
 - 2. include competency-based applied learning that contributes to a student's higher order reasoning and problem solving skills;
 - 3. integrate academic and technical instruction through the efforts of technical and academic teachers who share responsibility for the development of the knowledge and skills of their students;
 - 4. be articulated, where appropriate, with postsecondary education programs including registered apprenticeship programs;
 - 5. include program specific work-based experience wherever appropriate and feasible;
 - 6. meet National Occupational Program Approval Standards as set forth in "Guidelines for Vocational Technical Education Programs and Educator Licensure;"
 - 7. meet state board/agency approvals, accreditation association approvals as set forth in the "*Guidelines for Vocational Technical Education Programs and Educator Licensure;*"
 - 8. include related instruction that shall be primarily taught by licensed vocational technical teachers in the specific program area. Academic teachers may assist in the delivery of related instruction components when their particular expertise will enhance the instruction;
 - 9. be free of bias and stereotyping;
 - 10. include a comprehensive safety and health plan, which includes safety training for all students and staff;
 - 11. be taught by appropriately licensed teachers; and
 - 12. be scheduled so that vocational technical shop instruction, if scheduled as a full school day, does not exceed ten consecutive full school days. Shop instruction scheduled for ten consecutive full school days or less must be scheduled for at least the same number of full school days of academic instruction before beginning another schedule of shop instruction. This provision is effective September 1, 2005.
- (b) A Program of Studies including both academic and technical programs and courses and the admission policy shall be published and a copy shall be provided to each student and parent/guardian.
- (c) The vocational technical education program shall include a process for assessing and documenting the attainment by each student of the technical and academic competencies. Assessment methods may include portfolio and performance assessment.
- (d) Career guidance and placement services shall be provided to each student and shall include assessment of all vocational technical students to determine individual vocational technical and academic aptitude, interest and learning styles and assistance with the development of a four-year career plan based on the assessments. Services shall be provided to assist each student in making the transition to the workforce, postsecondary education, and apprenticeship programs.
- (e) School districts that offer five or more approved vocational technical education programs shall provide a minimum of a one half year exploratory program approved by the Department

for all incoming ninth graders. The programs shall meet the standards in the guidelines for exploratory programs included in the "Guidelines for Vocational Technical Education Programs and Educator Licensure."

The Vocational Technical Education Regulations Section 4.03 (7) contain specific minimum requirements for each cooperative education component. They are reprinted below. The Program of Study for each Chapter 74-approved vocational technical education program should include program-specific work-based learning components such as cooperative education wherever appropriate and feasible. School staff should think in terms of the cooperative education component as a course within the vocational technical education program in order to facilitate curricula design, implementation, and evaluation. The course of study for cooperative education must provide knowledge and skills not acquirable in a school-based setting but acquirable in a work-based setting. Employers should have an expectation that the student has satisfactorily demonstrated certain knowledge and skills as competencies prior to the commencement of a cooperative education course of study.

The Vocational Technical Education Frameworks include knowledge and skills that are acquirable in cooperative education courses.

The minimum requirements for the cooperative education course of study pursuant to the regulations are as follows:

603 CMR 4.03 (7) Employment of Students (Cooperative Education)

Vocational Technical Cooperative Education Programs must be approved by the Department prior to implementation.

(b) Each approved program shall:

1. be supervised by a person holding a Vocational Technical Cooperative Education Coordinator license or Vocational Technical Teacher license in the cooperative education program area;
2. enroll only those students who are enrolled in an approved vocational technical education program and who have demonstrated the acquisition of the knowledge and skills in the applicable Vocational Technical Education Framework and the Massachusetts Curriculum Frameworks associated with at least one and one half years of full time study in the vocational technical cooperative education program area, and in no case enroll students earlier than midway through the junior year;
3. be offered only during time not scheduled for academic classes during the school year, and may include summer programs;
4. provide students the opportunity to acquire knowledge, and develop skills not acquirable in a school-based setting but acquirable in a work-based setting;
5. provide competency-based assessments;
6. provide students with continuous supervision by the employer;
7. provide students with vocational technical credit;
8. provide a written agreement between the school, employer, student, and parent/guardian delineating the conditions of the employment including, but not limited to, hours, wages and time-off. The agreement shall include the skills to be acquired by the student. The employer shall agree to meet all applicable requirements of state and federal labor laws and regulations including, but not limited to, those addressing worker compensation insurance, equal employment opportunity and occupational safety and health;
9. provide a safety and health orientation specific to the site for all employee-students; and
10. provide sufficient supervisory visit time between the student, employer and the school's cooperative education coordinator or appropriate vocational technical teacher.

Supervision shall be coordinated to allow for the joint participation by all parties including the vocational technical teacher. The school's cooperative education coordinator or vocational technical teacher shall conduct regular supervisory activities at the work site to ensure that the agreement is being followed and to update the student's competency attainment file.

PROFESSIONAL STANDARDS for COOPERATIVE EDUCATION COORDINATORS

The Vocational Technical Education Regulations 603 CMR 4.00 contain specific professional standards for cooperative education coordinators. They are reprinted below. The internship and induction programs required for licensure as cooperative education coordinators are based on these standards. Professional development for licensed coordinators should be based on these standards as well.

603 CMR 4.10 (3) Professional Standards for Vocational Technical Cooperative Education Coordinators

- (a) Application. The Standards for Vocational Technical Cooperative Education Coordinators define pedagogical and other professional knowledge and skills required for all Cooperative Education Coordinators. Candidates shall demonstrate that they meet the Standards as part of the induction phase of the preparation for the Professional license.
- (b) Standards.
 1. Implements curriculum and instruction during the Cooperative Education Program.
 - a. Draws on the technical competencies of the appropriate Certificate of Occupational Proficiency (COP) that includes employability skills, national program standard, or state license, the content of relevant Massachusetts Curriculum Frameworks to plan the cooperative program.
 - b. Ensures that manipulative skills are combined with the technical knowledge needed to perform job tasks during the cooperative education program.
 - c. Ensures that student activities include, but are not be limited to, research, documentation, task performance, record keeping, and evaluation of job performance during the cooperative education program.
 - d. Draws on results of formal and informal assessments as well as knowledge of human development and student learning styles to ensure that learning activities are appropriate for students during the cooperative education program.
 - e. Seeks resources to enhance learning. Cooperates with academic teachers to integrate academic and vocational technical education to the greatest possible extent during the cooperative education program.
 - f. Uses information in Individualized Education Programs (IEPs) to plan strategies for integrating students with disabilities into cooperative education programs.
 - g. Develops a cooperative education program that supports the successful transition of students from secondary to postsecondary education and apprenticeship programs.
 2. Promotes the Delivery of Effective Instruction
 - a. Communicates high standards and expectations when implementing the cooperative education program:
 - i. Makes learning objectives clear to students.
 - ii. Communicates clearly in writing and speaking.

- iii. Builds on students' prior knowledge and experience.
 - iv. Relates appropriate mathematics, science, and technology/engineering concepts to the cooperative education program.
- b. Communicates high standards and expectations when conferencing with students:
 - i. Provides ongoing feedback to students on their progress.
 - ii. Provides opportunities for students to achieve competence.
 - iii. Communicates high standards and expectations when evaluating student learning.
 - iv. Measures student achievement of, and progress toward, the learning objectives with a variety of formal and informal assessments and uses results to plan further instruction.
 - v. Translates evaluations of student work into records that convey the level of student achievement to students, parents or guardians and school personnel.
3. Promotes Safety
- a. Assures that students have adequate training in safety and health issues pertaining to the vocational technical program and that safety guidelines are followed at all times.
 - b. Encourages appropriate standards of behavior and mutual respect.
4. Promotes Equity
- a. Requires all employers to adhere to non-discrimination and equal opportunity requirements.
 - b. Encourages all students to believe that effort is a key to achievement.
 - c. Works to promote achievement by all students without exception.
 - d. Assesses the significance of student differences in home experiences, knowledge, learning skills, learning pace, and proficiency in the English language for learning curriculum and uses professional judgment to determine if adjustments are necessary during the cooperative education program.
 - e. Develops students' self-awareness and confidence, character, leadership and sound personal, social, and civic values and ethics.
5. Meets Professional Responsibilities
- a. Understands his or her legal and moral responsibilities.
 - b. Develops partnerships with business and industry to extend and enrich the learning opportunities available to students.
 - c. Collaborates with colleagues to improve instruction, assessment, and student achievement.
 - d. Involves parents in their child's activities and performance and communicates clearly with them.
 - e. Ensures that cooperative education employers abide by Child Labor laws as they apply to the cooperative education program.
 - f. Assists in the development of partnerships with postsecondary institutions and apprenticeship programs for the development and implementation of high school to postsecondary education and apprenticeship programs.

- g. Makes appropriate use of the program advisory committee to continually improve the cooperative education program.
- h. Reflects critically upon his or her professional experience, identifies areas for further professional development as part of a professional development plan that is linked to school and district goals and is receptive to suggestions for growth.
- i. Assesses the success of the program annually through aggregate data analysis and evaluation.

THE CHILD LABOR LAWS and COOPERATIVE EDUCATION

(Refer to APPENDIX A for a compilation of the laws and regulations pertaining to Cooperative Education)

Cooperative Employment Permits

Minors who are sixteen and seventeen years old who are to be employed in cooperative education must obtain a COOPERATIVE EMPLOYMENT PERMIT. The superintendent of the school district where the student is enrolled in a Chapter 74-approved program that includes cooperative education issues this permit to students. *Each superintendent has access to the permits through the Security Portal on the Department of Elementary and Secondary Education's website.* The minor signs the permit and it is valid only while the minor is enrolled in cooperative education for a particular employer and attends school as assigned. The permit is retained by the employer, but is returned to the minor when the employment ends. If the student works for two or more employers, the permit may be transferred from one employer to another, if so approved by the superintendent. When the permit expires, the student returns it to the superintendent from whom it was issued, or if the superintendent so directs, to the school official authorized by the superintendent to supervise the student's cooperative education course of study. (Reference M.G.L. c.149, Section 1)

Exemptions to Child Labor Laws for Minors under Eighteen Enrolled in Cooperative Education in Massachusetts

In Massachusetts, students participating in cooperative education will always be at least 16 years of age because in no case may students participate in cooperative education earlier than midway through the junior year. Students who participate in cooperative education must be enrolled in a Chapter 74-approved program and have demonstrated those academic, technical and employability competencies associated with at least one and one half years of full time study in the Chapter 74 –approved program that has the cooperative education component. Note that the Chapter 74-approved program and the cooperative education component must be the same occupational area. Massachusetts law (M.G.L. c. 149 section 62 and the Code of Federal Regulations Title 29 (CFR 29) Part 570.51-570.68; Code of Federal Regulations Title 29 (CFR 29) Part 570.50 (c) (1)) lists the type of work that minors under 18 must not perform. M.G.L. c. 149 section 62 A and the Child Labor Bulletin 101 – Child Labor Requirements in Nonagricultural Occupations under the Fair Labor Standards Act WH – Revised March 2001 (see Appendix A for these documents) lists the type of work that minors under 18 may perform if they are enrolled in cooperative education that is part of a Chapter 74-approved program in MA and the work meets the following conditions: **• employed under written agreements • performing work that is incidental to their training • performing work that is intermittent and for short periods of time • under the direct and close supervision of a qualified and experienced person • given safety instruction correlated by the employer with on-the-job training.** However, it must be emphasized that there are types of work that even students enrolled in cooperative education must not perform. Thus, the lists below identify the type of work that is not exempt (see **No Exemptions Summary, Period** below) and the type of work that is exempt (see **Exemption Summary for Cooperative Education** below) for students enrolled in cooperative education in MA. Also below is the list of work that minors under 18

must not perform (see list of **Work that Minors under 18 Cannot Perform** below) and is provided because often cooperative education coordinators are involved in monitoring other work-based learning experience that are not exempt.

No Exemptions Summary, Period

The following list contains the type of work that all minors under 18 must not do regardless of whether they are enrolled in cooperative education components of Chapter 74-approved programs.

(Source: Massachusetts (M.G.L. c. 149 Section 62A MASSACHUSETTS LAW RESTRICTING MINORS UNDER 18 FROM CERTAIN OCCUPATIONS and Code of Federal Regulations Title 29 (CFR 29) Part 570.51-570.68; Code of Federal Regulations Title 29 (CFR 29) Part 570.50 (c) (1)

1. work involving plants or establishments manufacturing or storing explosives or articles containing explosive components (Federal)
2. work involving coalmine occupations (Federal)
3. work involving logging occupations and occupations in the operation of any sawmill, lathe mill, shingle mill, or cooperage stock mill (Federal)
4. work involving exposure to radioactive substances and to ionizing radiations (Federal)
5. work involving operation of power-driven hoisting apparatus (MA & Federal) (State Director of Career and Technical Education's note: this includes work operating automotive lifts (putting them up and down).
6. work involving mining, other than coal (Federal)
7. work involving operation of bakery machines (Federal)
8. work involving manufacture of brick, tile, and kindred production (Federal)
9. work involving wrecking, demolition, and ship breaking operations (Federal)

Exemptions Summary for Cooperative Education

The following list takes into account Massachusetts and federal law and regulations. It contains the type of work that minors under 18 are prohibited from doing unless they are enrolled in Chapter 74-approved cooperative education programs and the work meets the following conditions: **• employed under written agreements • performing work that is incidental to their training • performing work that is intermittent and for short periods of time • under the direct and close supervision of a qualified and experienced person • given safety instruction correlated by the employer with on-the-job training.**
(Source: Massachusetts (M.G.L. c. 149 Section 62A MASSACHUSETTS LAW RESTRICTING MINORS UNDER 18 FROM CERTAIN OCCUPATIONS, and the Code of Federal Regulations Title 29 (CFR 29) Part 570.51-570.68; Code of Federal Regulations Title 29 (CFR 29) Part 570.50 (c) (1) and the Child Labor Bulletin 101 – Child Labor Requirements in Nonagricultural Occupations under the Fair Labor Standards Act WH – Revised March 2001.

1. work in or about blast furnaces. (MA) (State Director of Career and Technical Education's note: this applies to students in Stationary Engineering Chapter 74-approved programs, only)
2. work in oiling or cleaning hazardous machinery in motion (MA)
3. work involving the operation or use of any polishing or buffing wheel (MA)
4. work in operating motor vehicles of any description, except golf carts on a golf course if the minor is licensed to operate a motor vehicle, and except in the course of employment in an automobile repair shop (MA) (State Director of Career and Technical Education's note: this means that a student enrolled in a Chapter 74-approved cooperative education program may operate a motor vehicle off the roadway and if 17 or older on roadways subject to the conditions

in *Department of Labor Employment Standards Administration Wage and Hour Division, WH-1330 Revised March 2001*) in Appendix A.

5. work in that part of any hotel, theatre, concert hall, place of amusement or other establishment where intoxicating liquors are sold (MA) (State Director of Career and Technical Education's note: provided that the students are not serving or handling liquor or liquor containers including glasses that held liquor).
6. work in any room or other subdivision of a building at a height of more than thirty feet above the floor of such room or other subdivision, or in any other place at a height of more than thirty feet above the ground level or water level, as the case may be; in the operation or management of any type of elevator other than a self-service elevator, as defined in the regulations of the board of elevator regulations and duly filed with the office of the state secretary, or in the cleaning or repairing of any type of elevator.
7. occupations involved in the operation of power-driven woodworking machines (Federal #5)
8. occupations involved in the operations of power-driven metal forming, punching, and shearing machines (Federal # 8)
9. occupations in the operation of power-driven meat-processing machines and occupations involving slaughtering, meat packing or processing (Federal #10)
10. occupations involved in the operation of paper-products machines (Federal #12)
11. occupations involved in the operations of circular saws, band saws, and guillotine shears (Federal #14)
12. occupations in roofing operations (Federal #16)
13. occupations in excavation operations (Federal #17)

The following exemptions are not applicable because Massachusetts does not have any approved Chapter 74 programs related to this work:

1. work involving switch tending (MA)
2. work involving gate tending (MA)
3. work involving track repairing (MA)
4. work as a brakeman, fireman, engineer, motorman or conductor upon a railroad or railway (MA)
5. work as a fireman or engineer upon any boat or vessel (MA)
6. work involving the manufacture of white or yellow phosphorous or phosphorous matches (MA)
7. work in any distillery, brewery, or any other establishment where alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, are manufactured, packed, wrapped or bottled (MA)

Work that Minors under 18 Cannot Perform

This list is provided to ensure that users of this manual understand the Child Labor laws/regulations as they pertain to minors under 18 who are not enrolled in Chapter 74-approved cooperative education programs as often schools have other types of work-based learning experiences and they would not be exempt. The list takes into account Massachusetts and federal law and regulations. Note: Remember that some of the types of work below may be performed by students enrolled in cooperative education programs as listed above under Exemptions Summary for Cooperative Education.

Massachusetts General Law Chapter 149 Section 62A - MASSACHUSETTS LAW RESTRICTING MINORS UNDER 18 FROM CERTAIN OCCUPATIONS

1. in or about blast furnaces;
2. in the operation or management of hoisting machines;

3. in oiling or cleaning hazardous machinery in motion;
4. in the operation or use of any polishing or buffing wheel;
5. at switch tending;
6. at gate tending;
7. at track repairing;
8. as a brakeman, fireman, engineer, motorman or conductor upon a railroad or railway;
9. as a fireman or engineer upon any boat or vessel;
10. in operating motor vehicles of any description, except golf carts on a golf course if the minor is licensed to operate a motor vehicle, and except in the course of employment in an automobile repair shop;
11. in or about establishments wherein gunpowder, nitroglycerine, dynamite or other high or dangerous explosive is manufactured or compounded;
12. in the manufacture of white or yellow phosphorous or phosphorous matches;
13. in any distillery, brewery, or any other establishment where alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, are manufactured, packed, wrapped or bottled;
14. in that part of any hotel, theatre, concert hall, place of amusement or other establishment where intoxicating liquors are sold;
15. in any room or other subdivision of a building at a height of more than thirty feet above the floor of such room or other subdivision, or in any other place at a height of more than thirty feet above the ground level or water level, as the case may be; in the operation or management of any type of elevator other than a self-service elevator, as defined in the regulations of the board of elevator regulations and duly filed with the office of the state secretary, or in the cleaning or repairing of any type of elevator.

Code of Federal Regulations 29 Section 570.51-570.68 - 17 OCCUPATIONS PARTICULARLY HAZARDOUS for the EMPLOYMENT of MINORS BETWEEN 16 and 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH and WELL-BEING:

1. occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components.
2. occupations of motor-vehicle driver and outside helper. *
3. coalmine occupations.
4. logging occupations and occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage stock mill.
5. occupations involved in the operation of power-driven woodworking machines.
6. exposure to radioactive substances and to ionizing radiations.
7. occupations involved in the operation of power-driven hoisting apparatus.
8. occupations involved in the operations of power-driven metal forming, punching, and shearing machines.
9. occupations in connection with mining, other than coal.
10. occupations in the operation of power-driven meat-processing machines and occupations involving slaughtering, meat packing or processing,
11. occupations involved in the operation of bakery machines.
12. occupations involved in the operation of paper-products machines.
13. occupations involved in the manufacture of brick, tile, and kindred production.

14. occupations involved in the operations of circular saws, band saws, and guillotine shears.
15. occupations involved in wrecking, demolition, and ship breaking operations.
16. occupations in roofing operations.
17. occupations in excavation operations.

***Limited Exemption for 17 year old employees – refer to Appendix A**

PLANNING COOPERATIVE EDUCATION

Plan with the assistance of advisory committees

Vocational technical education programs often take two to three years from the conceptual stage to actual start-up and approval as Chapter 74-approved vocational technical education programs. Often substantial program components such as cooperative education take a little longer to develop. The planning process is a particularly important stage of program development. Each Chapter 74-approved vocational technical education program is required to have a Program Advisory Committee by law (M.G.L. c. 74, Section 6) and regulation (603 CMR 4.03 (1)). The chairperson of each Program Advisory Committee participates on a General Advisory Committee. It is recommended that a committee comprised of representatives of the Program Advisory Committees be formed for the purpose of assisting with planning and establishing cooperative education. Once cooperative education is established as part of a Chapter 74-approved vocational technical education program, the General Advisory Committee and the individual Program Advisory Committees would play an important role in the review of cooperative education. Information on effective advisory committees can be found in the Career/Vocational Technical Education Advisory Committee Guide at www.doe.mass.edu/cte/resources.

The time that individuals devote to the development of cooperative education is significant. Teachers and administrators often spend many evenings planning, including developing networks, promoting programs, working on placements, and providing support services to students. Advisory committee members can assist in the entire process.

Specific planning techniques

- Establish a single contact person for cooperative education planning.
- Convene regular and frequent meetings of a committee for cooperative education. Establish and hold to an agenda that sets time parameters and specifies relevant issues for discussion.
- Be sure representatives of all business and registered apprenticeship programs become actively involved in ongoing planning and revision. These representatives should be authorized and ready to represent the views of their respective groups. Moreover, all must contribute substantively in order to generate feelings of ownership.
- Develop formal planning documents that all representatives sign. These should list responsibilities, timelines, activities, resource needs, and assignments. Write a separate policy document that lays out the rules under which the planning committee operates.
- Make sure the structure of the program reinforces the mission to which each member has agreed. The mission statement should facilitate fulfillment of the objectives.
- Maintain the involvement of upper-level management of partner organizations both in cooperative education policy operation and planning activities - but decentralize decision making over time so that people at every level contribute and feel ownership for the activities and outcomes. The combination of top-down support and decentralized decision making not only

helps maintain priority and commitment, but also guards against the tendency to rely solely on one or two key players.

Hours at the Worksite

In some instances the student will participate in cooperative education at the worksite for less than (5) days per week, and return to school for the remaining part of the week. In comprehensive schools students in cooperative education should be required to work the agreed upon hours as well. Students' attendance must be monitored at all times so that students are meeting the requirements for structured learning time contained in the Student Learning Time Regulations 603 CMR 27.00 (see APPENDIX A). Note that cooperative education that is a component of a Chapter 74-approved vocational technical education program is considered a "core subject" pursuant to the Student Learning Time Regulations.

ROLES AND RESPONSIBILITIES OF THE PARTIES

Student

Requirements for participation in cooperative education will vary by school. However, there are some common requirements that many schools have adopted.

- develop and maintain a Career Plan
- meet and maintain eligibility requirements
- abide by school and employer policies
- report all absences to employer and school at the start of the school day
- understand and be aware of labor laws, health and safety regulations, and workplace harassment policies and abide by them
- report to employer, teacher and co-op coordinator any violation of cooperative education agreement
- conduct oneself in a professional manner at all times
- provide his/her own transportation
- turn in time cards weekly
- develop and maintain a career portfolio

Parents/Guardians

Parents/guardians should be a part of the student's cooperative education. To ensure success it is necessary that parents/guardians approve and support the student's placement. In addition, parents/guardians should:

- be familiar with the student's Career Plan
- sign all documents if student is under eighteen year of age
- ensure student follows all school rules regarding cooperative education
- check on the student's progress including the progress in implementing the Career Plan

School Administration

- ensure equal education opportunity in cooperative education for all students
- ensure that each student has a Career Plan
- ensure that related instruction is scheduled for the student and that it is related to the cooperative education program
- provide for shop teachers to visit the student onsite
- oversee the CORI process

- evaluate the Cooperative Education Coordinator’s performance
- ensure that the Cooperative Education Coordinator’s professional development plan is consistent with the duties to be performed

Cooperative Education Coordinator

The Vocational Technical Education Regulations 603 CMR 4.03 (7) (see APPENDIX A) contain the state standards for cooperative education. The Professional Standards for Cooperative Education Coordinators are contained in 603 CMR 4.10 (3). The cooperative education coordinator has the main responsibility for ensuring that the standards are met.

The individual technical teacher and cooperative education coordinator are responsible for ensuring that the student is capable of doing the work required by the employer. The worksite must be visited (by either the cooperative education coordinator and/or the teacher). The required work should be reviewed with the employer before the student is placed. The student’s record of competency attainment should be reviewed with the employer. Note that sharing and release of this student record information must comply with the Student Records Regulations 603 CMR 23.00 (see APPENDIX A). The employer would be considered a third party for the purpose of the Student Record Regulations.

Technical Teachers

Technical teachers play a vital role in the success of a student’s cooperative education. Technical teachers understand the students’ technical achievements and can assist with identifying a quality placement. Technical teachers also:

- participate in the development of a Career Plan for each student
- participate in worksite inspection
- identify specific knowledge and skills that the students will be expected to acquire
- ascertain that the student is ready for cooperative education
- provide related instruction
- evaluate student performance

Academic Teachers and Technical Teachers

Academic and technical teachers are responsible for helping students acquire the knowledge and develop the skills they need to be successful in the workplace. Teachers should assist with the development of a Career Plan for each student.

While students are at the cooperative education site, they are expected to read, write, listen, speak, and use mathematics and computational skills. In addition, students must problem-solve, reason, and act professionally on the job. Students must be able to function as a member of a team.

All students should know what the standards and the expectations are for a successful cooperative education experience. Academic and technical teachers need to be aware of the demands of today’s workplace and must demonstrate those authentic demands through a variety of relevant lessons that include using problem-based and project-based instructional strategies. Research indicates that students benefit from instruction that is taught in the context of relevant problems.

In addition, students must be provided with ongoing impartial assessment to let them know where they are in the continuum of learning as well as what they need to improve. Students benefit when they know where they are and where they need to be. All teachers should make sure that work expectations are clear and that relevant models are used for instructional and assessment strategies.

Finally, employers expect workers to be reliable, honest, and able to work on their own. Teachers provide invaluable instruction by modeling proper workplace behavior and by providing a classroom setting that mirrors the expectations of the workplace.

School Counselor

Working with each individual student and teacher, the cooperative education coordinator and school counselor play a unique role in the development of each individual student's Career Plan. Cooperative education coordinators should help tie the individual cooperative education for each student to the student's Career Plan.

Employer

The role of the employer is key to a successful program for both the student and the company. The fact that employers step up to provide cooperative education opportunities already speaks to their commitment. The employers must:

- be familiar with each student's Career Plan
- provide experienced supervision
- follow worksite safety per OSHA regulations
- provide orientation including safety and emergency practices
- evaluate student performance
- pay wages according to law
- ensure worker's compensation coverage
- meet day and hour requirements.
- participate in an advisory committee
- comply with labor laws and time constraints
- notify student, teacher and cooperative education coordinator of any serious problem
- notify school when student is absent from work
- notify school if student is injured or if police are called in relation to student's employment
- mail or deliver signed time cards to the school at the end of each co-op week
- abide by Equal Employment Opportunity laws/regulations/guidelines

Community

Vocational technical education programs benefit when the community is involved. Leaders in local business and industry play an important role in the education process by establishing partnerships with the schools, and by:

- making cooperative education available to students
- hiring vocational technical education program graduates
- participating on vocational technical education advisory committees

ESTABLISHING COOPERATIVE EDUCATION SITES

Negotiating Placements

All schools should establish procedures for finding and assessing potential cooperative education sites. The cooperative education coordinator and/or teacher conducts an assessment of each site, including worksites at businesses owned and operated by students' families, taking into consideration the following:

- the employer's and individual supervisor's positive attitude and commitment to the provision of cooperative education opportunities

- the opportunity for each student to work in a one-on-one relationship with an experienced supervisor
- the range and scope of the learning opportunities and experiences available
- the technology, equipment, and facilities provided at the worksite
- the health and safety conditions of the worksite
- the employment policies and practice of the employer
- the provision of an environment that is free from discrimination, violence, and expressions of hate and harassment
- the ability to provide necessary accommodations for students with disabilities

Cooperative education should provide students with sufficient time for competency acquisition and career exploration. Cooperative education should be planned in full-day or half-day segments wherever possible. Cooperative education must include sufficient experiences and be long enough to permit students to acquire the pre-identified knowledge and skills.

INSPECTING COOPERATIVE EDUCATION SITES

A critically important part of the cooperative education coordinator's job is to inspect the cooperative education site prior to the finalization of the cooperative education agreement. Although the coordinator is not a safety expert per se, he/she is qualified to perform a minimum inspection of the site. The Career/Vocational Technical Education Facility Checklist that is contained in the Career/Vocational Technical Education Safety and Health Guide at http://www.doe.mass.edu/cte/safety_health.html is representative of a minimum review.

REQUIREMENTS FOR STUDENT PARTICIPATION

Grades, Attendance, Performance Requirements

Student eligibility criteria are a very important part of cooperative education. Students must be encouraged to work hard to become eligible to participate. The criteria used must be checked for the period prior to cooperative education commencing and maintained during the cooperative education experience. The following is a list of factors to consider when developing the student eligibility criteria:

- possession of a Career Plan
- minimum age of 16
- shop/related grade minimum
- academic grade minimum (either overall averages with no failures or minimum grade per class)
- enroll only those students who are enrolled in an approved vocational technical education program and who have demonstrated the acquisition of the knowledge and skills in the applicable Vocational Technical Education Framework and the Massachusetts Curriculum Frameworks associated with at least one and one half years of full time study in the vocational technical cooperative education program area, and in no case enroll students earlier than midway through the junior year
- teacher recommendation/approval (shop/ related/ academic)*
- administrative recommendation/approval to ensure good discipline/conduct and attendance*

* Recommendation/Approval: The student candidate must have the recommendation/approval of their individual technical and academic teachers before they may apply for cooperative education to ensure the minimum grades are being met. The guidance counselor, dean of students or principal must recommend the student regarding conduct/discipline and attendance. In addition, the guidance counselor, dean of students and/or principal as well as by the cooperative education coordinator, should verify the student's possession of a Career Plan.

- guidance counselor recommendation/approval*
- parent/guardian approval

Application and Selection process

Every student who wishes to participate in cooperative education must complete an application. The application must include the student's biographical information. The form should be circulated to all teachers (technical & academic) to ensure that eligibility requirements are being met. The school counselor, dean of students or principal must also sign the application.

INTEGRATION OF ACADEMIC AND TECHNICAL EDUCATION THROUGH COOPERATIVE EDUCATION

There are a number of ways to bring the cooperative education experience back into the classroom and shop. Research and past experience have shown that students learn best when their academic content is connected to other experiences. The techniques described in this section are suggestions for ways to maximize the cooperative education experience and allow students to make the connection between work and learning.

Cooperative Education Related Instruction Course

One way to supervise and integrate work based learning activities is to include in the curriculum for the cooperative education student's related instruction course, a seminar in which where students would have an opportunity to explore and discuss experiences they are having at the workplace, allowing the student to raise concerns or questions they have about the work environment. Students could work together to develop employability skills and strategies for conflict resolution and problem solving on the job. The seminar should include a curriculum on work related issues and provide a facilitated group discussion. Key components for such a seminar would include:

- Specific assignments for discussion sessions: (for example, clothing, appearance, and presentation at the work place: students would get an overview of different expectations in this area. At the next class, students would share their observations and reflect on the requirements (or lack of requirements) at their workplace. How does this effect safety? Does the appearance of employees affect customer service or a student's professionalism?
- Conflict resolution, problem solving: Giving students a set time that they know they can bring up an issue or get feedback from others will give them a sense of support on their placement and enforce the concept that a cooperative education placement is a learning experience in addition to a source of income.

Employment Presentations

Students who are participating in cooperative education are a source of information for first and second year students in a shop/major program area. Developing a schedule in which students come back to the school and present to the 9th and 10th grade students on their experiences in the workplace, what they have learned and what they like/dislike can be part of the employability and career awareness program. In addition, through the design, development and delivery of a presentation, the cooperative education student will gain valuable communication, research and presentation skills.

Integrated Lessons

Technical and academic teachers may integrate the cooperative experience into class lessons and assignments pulling in student experiences to support their school-based learning. Journals, senior projects, technical challenges, and other strategies can offer opportunities for students to see how school and employment support and advance each other.

Note: Teachers should be sensitive to the confidential nature of students' journals, which contain their reflections on the activities in which they are involved. Journals should either be kept by the students or returned to them at the end of the course.

COOPERATIVE EDUCATION FOR STUDENTS WITH DISABILITIES

Transition services for students with disabilities, as outlined in the Individuals with Disabilities Education Act (IDEA), are defined as "a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation [34 CFR 300.29]." Cooperative education is consistent with IDEA transition requirements and should be given strong consideration by transitional planning teams for students with disabilities. The Individualized Education Program (IEP) must contain a plan to help students with disabilities make the transition to postsecondary education, apprenticeship programs, or the workplace, and to help them live as independently as possible in the community. Cooperative education experiences assists students with disabilities in deciding what they would like to do, aide them in making these successful transitions and lead to positive post-school employment and labor market advantages.

It is important that the cooperative education teacher/coordinator work to ensure that every student becomes a capable, qualified employee. To ensure a meaningful work experience, the IEP team, in collaboration with teachers, must consider the student's goals, strengths, and needs as documented in the IEP, including the need for specialized services or other accommodations and/or for modifications to the curriculum's expectations.

In an effort to encourage early communication between special education liaisons and vocational technical education personnel, the IEP team chairperson should consider inviting the cooperative education teacher/coordinator to the IEP meeting of an eleventh-grade student interested in enrolling in cooperative education.

COOPERATIVE EDUCATION AND ENGLISH LANGUAGE LEARNERS

An English language learner (ELL) student is defined as a student whose first language is a language other than English who is unable to perform ordinary classroom work in English.

The challenges that an English language learner encounters in cooperative education are extensive. Many English language learners have basic interpersonal communication skills but their cultural understanding may differ significantly from their native English-speaking peers. Basic interpersonal communication skills also differs considerably from cognitive academic language proficiency. Until cooperative education coordinators and employers are cognizant of every student's level of understanding, student safety may be compromised.

A successful cooperative education experience is an opportunity to unite technical competency content with language learning in meaningful context, and in a safe environment.

COOPERATIVE EDUCATION and NONTRADITIONAL BY GENDER INITIATIVES

The term “nontraditional training and employment” means occupations for which individuals from one gender comprise less than 25 percent of the individuals employed in each such occupation or field of work. A list of nontraditional occupations is provided at <http://www.doe.mass.edu/cte/ntbg/>. Students must have equal access to all cooperative education experiences including those in occupations that would be nontraditional for their gender. Once employed, students often need a level of support from the school that is unique to their special population status. Females and males alike may feel isolated because of the lack of role models of their gender. In some cases, sexual harassment issues are more likely to surface in such environments. Many vocational technical programs have support services for students in programs that would prepare them for careers that would be nontraditional for their gender. Students participating in cooperative education need to be connected with those services.

REGISTERED APPRENTICESHIP PROGRAMS AND COOPERATIVE EDUCATION

Registered apprenticeships must be completed for many occupations known as “apprenticeable occupations.” For example, students in Chapter 74-approved vocational technical education programs in electrical must complete an apprenticeship after completion of their Chapter 74-approved vocational technical education program in order to become licensed as journey worker electricians. Students receive credit from the State Board of Examiners of Electricians for their in-school electrical shop and related instruction work as well as for their cooperative education.

It is important for the cooperative education to be aligned with apprenticeship programs so that students will be eligible for credit transferred from the high school vocational technical education program to the apprenticeship program and that non-essential duplication of learning is avoided in favor of new learning.

Many Joint Apprenticeship and Training Committees (JATCs) of apprenticeship programs registered with the Massachusetts Department of Labor and Workforce Development, Division of Apprenticeship Training are developing articulation agreements with Chapter 74-approved vocational technical education programs.

For more information on registered apprenticeship programs visit <http://www.mass.gov/dat/>.

SAMPLE TOOLKIT FOR ASSESSMENT OF STUDENT WORK

This Sample Toolkit for Assessment of Student Work was developed as part of an Exemplary Models for Student Success grant from the Department of Elementary and Secondary Education to Shawsheen Valley Technical School.

[High School](#)

MASSACHUSETTS COOPERATIVE EDUCATION STUDENT ASSESSMENT TOOLKIT INSTRUMENT

Student: _____	Date: _____	Grading Cycle: _____
Supervisor: _____	Employer: _____	
Technical Teacher: _____	Cooperative Education Coordinator: _____	

1. Safety and Health Knowledge and Skills 20 Points

The student understands occupational safety and health issues related to this occupation.

Exemplary	<input type="checkbox"/>	20	Recognizes unsafe situations and communicates concerns to appropriate authority.
Proficient	<input type="checkbox"/>	18	Practices health and safety protocol independently.
Developing	<input type="checkbox"/>	16	Practices health and safety protocol with minimal reinforcement and supervision.
Needs Imp.	<input type="checkbox"/>	14	Practices health and safety protocol with continuous reinforcement.

Comment: _____

2. Technical Knowledge and Skills 20 Points

The student is strengthening and developing the technical knowledge and skills listed in the cooperative education agreement.

Exemplary	<input type="checkbox"/>	20	Demonstrates independent performance in alignment with the highest level of industry standards.
Proficient	<input type="checkbox"/>	18	Demonstrates the ability to perform these skills without assistance and has attained proficiency.
Developing	<input type="checkbox"/>	16	Demonstrates the ability to perform these skills only with assistance and must continue development.
Needs Imp.	<input type="checkbox"/>	14	Demonstrates a very limited ability to perform these skills and needs to improve significantly.

Comment: _____

3. Acting Professionally (Employability Knowledge and Skills) 10 Points

The student accepts direction/criticism and meets workplace standards on attendance, punctuality, and dress code.

<input type="checkbox"/>	N/A	This section is not applicable to the student's work-based learning at this time.	
Exemplary	<input type="checkbox"/>	10	Accepts constructive criticism and exceeds attendance, punctuality, and dress expectations.
Proficient	<input type="checkbox"/>	9	Accepts direction positively and maintains appropriate attendance, punctuality, and dress.
Developing	<input type="checkbox"/>	8	Accepts direction and maintains appropriate attendance, punctuality, and dress with assistance/reinforcement.
Needs Imp.	<input type="checkbox"/>	7	Experiences difficulty accepting direction and maintaining appropriate attendance, punctuality, and dress.

Comment: _____

4. Problem Solving (Employability Knowledge and Skills) 10 Points

The student identifies problems, understands their context, and develops solutions using critical thinking skills and teamwork.

<input type="checkbox"/>	N/A	This section is not applicable to the student's work-based learning at this time.	
Exemplary	<input type="checkbox"/>	10	Identifies potential problems and their causes as well as proposing creative solutions including preventive action.
Proficient	<input type="checkbox"/>	9	Identifies and solves problems independently.
Developing	<input type="checkbox"/>	8	Identifies and solves problems with minimal assistance and direction.
Needs Imp.	<input type="checkbox"/>	7	Identifies and solves problems with significant assistance and support.

Comment: _____

5. Interacting with Others (Employability Knowledge and Skills) 10 Points

The student works professionally and respectfully with a diversity of co-workers, supervisors and customers/clients.

<input type="checkbox"/>	N/A	This section is not applicable to the student's work-based learning at this time.	
Exemplary	<input type="checkbox"/>	10	Handles difficult and stressful customer/client, co-worker, and/or supervisor situations.
Proficient	<input type="checkbox"/>	9	Resolves client/customer problems where appropriate; participates as part of a team.
Developing	<input type="checkbox"/>	8	Initiates positive interactions with customers/clients, co-workers and supervisors.
Needs Imp.	<input type="checkbox"/>	7	Demonstrates basic interaction skills; responds when others initiate conversation.

Comment: _____

6. Completing Tasks (Employability Knowledge and Skills)**10 Points***The student participates fully in a task or project from initiation to completion, using time management skills.* N/A This section is not applicable to the student's work-based learning at this time.

Exemplary	<input type="checkbox"/>	10	Initiates and manages multiple tasks/projects and delivers high-quality results on schedule.
Proficient	<input type="checkbox"/>	9	Sets priorities/deadlines and completes projects independently.
Developing	<input type="checkbox"/>	8	Manages time in order to complete tasks and projects with assistance/reinforcement.
Needs Imp.	<input type="checkbox"/>	7	Experiences difficulty managing time in order to complete tasks and projects.

Comment:**7. Demonstrating Character (Employability Knowledge and Skills)****10 Points***The student displays loyalty, honesty, and dependability.*

Exemplary	<input type="checkbox"/>	10	Takes pride in exhibiting personal and professional integrity.
Proficient	<input type="checkbox"/>	9	Displays and practices positive personal character traits.
Developing	<input type="checkbox"/>	8	Occasionally displays positive personal and professional character traits.
Needs Imp.	<input type="checkbox"/>	7	Experiences difficulty understanding the traits that define personal character.

Comment:**8. Workplace Technology, Equipment and Tools (Technical and Technological Knowledge and Skills)****10 Points***The student selects and uses relevant workplace technology, equipment and tools in a safe and appropriate manner.* N/A This section is not applicable to the student's work-based learning at this time.

Exemplary	<input type="checkbox"/>	10	Identifies innovative uses of technology, equipment, and tooling that result in increased productivity.
Proficient	<input type="checkbox"/>	9	Selects/uses appropriate technology, equipment, and tooling to complete work tasks.
Developing	<input type="checkbox"/>	8	Selects/uses appropriate technology, equipment, and tooling to complete work tasks with assistance/reinforcement.
Needs Imp.	<input type="checkbox"/>	7	Experiences difficulty identifying appropriate technology, equipment and tools necessary to complete tasks.

Comment:**9. Applied Mathematics (Embedded Academic Knowledge and Skills)****10 Points***The student applies relevant mathematical calculations and concepts.* N/A This section is not applicable to the student's work-based learning at this time.

Exemplary	<input type="checkbox"/>	10	Applies advanced math concepts in order to complete tasks.
Proficient	<input type="checkbox"/>	9	Applies math calculations such as measurements, fractions, percentages, etc.
Developing	<input type="checkbox"/>	8	Applies basic math calculations as necessary to complete appropriate tasks.
Needs Imp.	<input type="checkbox"/>	7	Performs basic math calculations – addition, subtraction, multiplication, and division with assistance.

Comment:**10. Communication and Literacy (Embedded Academic and Employability Knowledge and Skills)****10 Points***The student demonstrates the ability to speak, listen, read, and write in order to function successfully in the workplace.***10a. Speaking and Listening** N/A This section is not applicable to the student's work-based learning at this time.

Exemplary	<input type="checkbox"/>	10	Expresses complex ideas in an organized and concise manner; listens and retains information over time.
Proficient	<input type="checkbox"/>	9	Communicates through clear, articulate speech; listens attentively and demonstrates comprehension.
Developing	<input type="checkbox"/>	8	Speaks and listens with assistance/reinforcement.
Needs Imp.	<input type="checkbox"/>	7	Experiences difficulty speaking clearly and listening.

Comment:**10b. Reading and Writing (Embedded Academic Knowledge and Skills)** N/A This section is not applicable to the student's work-based learning at this time.

Exemplary	<input type="checkbox"/>	10	Reads and comprehends complex materials and/or exhibits high-level writing skills.
Proficient	<input type="checkbox"/>	9	Reads for understanding and/or writes clearly with proper spelling, punctuation, and grammar.
Developing	<input type="checkbox"/>	8	Reads and/or writes with assistance/reinforcement.
Needs Imp.	<input type="checkbox"/>	7	Experiences difficulty reading for comprehension and/or executing tasks involving writing.

Comment:

COOPERATIVE EDUCATION RECORDKEEPING

Placement Documentation

The following records should be maintained for cooperative education:

1. cooperative education agreement
2. knowledge and skills to be acquired, and those acquired
3. assessment and evaluation documentation
4. weekly logs or records of activities
5. follow-up forms
6. a union memorandum of agreement, if applicable
7. worker's compensation record folder
8. copy of safety review of the site done by the school

QUESTIONS AND ANSWERS (Q's & A's)

General

1Q. Must all Chapter 74-approved vocational technical education programs have a cooperative education component?

1A. The Vocational technical Education Regulations state that programs shall include program specific work-based experience wherever appropriate and feasible.

2Q. I am not sure how to determine one and one half years in reference to the knowledge and skills associated with at least one and one half years of full time study in the cooperative education program area.”

2A. One and a half years of full time study in the cooperative education program area would include the academic and technical courses completed in one and one half years while enrolled in the program with the cooperative education component. Thus, a student who completed one and one half years such as grade 10 and the first half of the junior year would be eligible for cooperative education provided that the student could demonstrate the knowledge and skills associated with those academic and technical courses, and meet any additional requirements set by the school.

3Q. Must schools have a licensed cooperative education coordinator?

3A. A technical education teacher may supervise cooperative education in his/her program area. However if the school district has cooperative education of sufficient scope to warrant the services of .50 FTE or more for cooperative program supervision, it is recommended that a licensed cooperative education coordinator be employed.

4Q. May a technical teacher perform the duties of a cooperative education coordinator?

4A. A technical teacher may perform the duties of a cooperative education coordinator. He/she would be required to hold a Vocational Technical Cooperative Education Coordinator license if the time spent on cooperative education comprised 50% or more of his/her duties.

5Q. Must schools have minimum entrance requirements for student participation in cooperative education?

5A. Yes

6Q. Should a school allow student participation in cooperative education if the employer, who is a family member, does not hold worker's compensation insurance?

7A. No. To determine if an employer holds worker's compensation, contact the Massachusetts Division of Industrial Accidents at (617) 727-4900 x 405.

8Q. How often must a cooperative education coordinator or technical education teacher visit the cooperative education site?

8A. There is no one size fits all answer. The educator who placed the student in the cooperative education worksite are best able to answer this question. The answer depends on many factors, including the student's age and experience, the nature of the placement, the history of the employer with cooperative education, etc. As a rule of thumb, a minimum of at least one supervisory visit per month may be used.

9Q. Can Massachusetts students work in cooperative education employment in other states?

9A. In order for a Massachusetts student to work in cooperative education employment in outside of Massachusetts, the state in which they would work must allow for it and all labor laws that are pertinent to that state must be followed. This can be a complicated matter, requiring much research on the part of the cooperative education coordinator beginning with the pertinent state's Department of Labor. Note that Massachusetts Cooperative Education Employment Permits are issued for Massachusetts, only. The following are useful links to bordering states' appropriate web sites:

New Hampshire: www.labor.state.nh.us/

Vermont: www.state.vt.us/labind/

Rhode Island: www.ristc.org/

Connecticut: <http://www.ctdol.state.ct.us/>

New York: <http://www.labor.ny.gov/home>

10Q. Are students on cooperative education eligible to collect unemployment insurance benefits?

10A. No. The relevant statute is M.G.L. c. 151A Section 6 (k). The statute indicates that the definition of employment for the purpose of unemployment insurance benefits does not include *“service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subsection shall not apply to service performed in a program established for or on behalf of an employer or group of employers.”*

11Q. May students in Chapter 74-approved vocational technical education programs be self-employed for the cooperative education component of the program.

11A. No. State and federal laws governing cooperative education for high school students consistently define cooperative education as a program for a student under an employer.

12Q. What about cooperative education in the summer when school is not in session?

12A. The Department of Elementary and Secondary Education is not aware of any schools that currently offer a cooperative education course in the summer as part of a Chapter 74-approved vocational technical education program. However, a school may offer a cooperative education course in the summer, provided that the school has policies and procedures for the summer cooperative education course. The policies and procedures must be in compliance with all applicable laws, regulations, and guidelines regarding cooperative education including those related to supervision by the school.

Note that a student who is under 18 and employed cannot perform prohibited work (prohibited by M.G.L. c. 149 Section 62A MASSACHUSETTS LAW RESTRICTING MINORS UNDER 18 FROM CERTAIN OCCUPATIONS, and the Code of Federal Regulations Title 29 (CFR 29) Part 570.51-570.68; Code of

Federal Regulations Title 29 (CFR 29) Part 570.50 (c) (1) and the Child Labor Bulletin 101 – Child Labor Requirements in Nonagricultural Occupations under the Fair Labor Standards Act WH – Revised March 2001) unless the student is enrolled in the cooperative education course that is part of a Chapter 74-approved vocational technical education program. Students under 18 on non-cooperative education course summer jobs that they began while enrolled in a cooperative education course during the school year (or began simply as a summer job) are not enrolled in a cooperative education course in the summer, and are therefore prohibited from performing work that minors under 18 are prohibited from performing.

Note that M.G.L.c. 149 Section 62 states in the last sentence “The provisions of sections sixty-one and sixty-two prohibiting the employment of certain minors shall not prohibit the employment of minors who are graduates of trade or vocational high schools; provided that such minors are employed in the same occupation as they were trained for in such trade or vocational school.” This provision allows graduates to continue performing the work that they performed in shop or in a cooperative education course seamlessly from graduation even if they are under 18.

Child Labor Laws

1Q. Does the Massachusetts Child Labor Law (M.G.L.c.149 Section 62) that prohibits minors under 18 from operating polishing and buffing wheels prohibit students enrolled in cooperative education as part of a Chapter 74-approved vocational technical education program in automotive collision repair & refinishing programs from learning to use polishing and buffing wheels for auto body finish while employed in a cooperative education employment?

1A. No* – see Exemptions Summary for Cooperative Education above

2Q. Does the Massachusetts Child Labor Law that prohibits minors under 18 from operating bakery machines prohibit students enrolled in cooperative education that is part of a Chapter 74-approved vocational technical education program in culinary arts from learning to use meat slicers while employed in a cooperative education?

2A. No* see Exemptions Summary for Cooperative Education above

3Q. Does the Massachusetts Child Labor Law that prohibits minors under 18 from working at a height of more than 30 feet prohibit students enrolled in cooperative education that is part of a Chapter 74-approved vocational technical education program in carpentry from learning to roof while employed in a cooperative education if the roofing work is below 30 feet?

3A. No* – see Exemptions Summary for Cooperative Education above

4A. Does the Massachusetts Child Labor Law that prohibits minors under 18 from working in the operation or management of hoisting machines prohibit students enrolled in cooperative education that is part of a Chapter 74-approved vocational technical education program in automotive technology from learning to use automotive lifts while employed in a cooperative education?

4Q. There is no exemption for students enrolled in Chapter 74-approved vocational technical education cooperative education for **operating or managing** lifts. See: **No Exemptions Summary, Period! Above.**

Note: This does not prohibit a student from working under and around the lifts with proper supervision.

5Q. Does the limited exemption for 17-year-old persons to drive vehicles on public roads subject to a number of conditions mean that a student enrolled in cooperative education that is part of a Chapter 74-approved vocational technical education program may be allowed to operate vehicles off-roads in the automotive shop or yard?

5A. A student enrolled in a cooperative education program that is part of a Chapter 74-approved vocational technical education program in automotive technology or automotive collision repair and refinishing may operate a motor vehicle off the roadway. *

*** provided the work is: • incidental to his/her training; • intermittent and for short periods of time, and under the direct and close supervision of a qualified and experienced person; • preceded by safety instructions given by the school and correlated by the employer with on-the-job training.**

6Q. A senior in our machine technology program, who is 17 and will not turn 18 until August 2005, is participating in cooperative education for machine technology. The student has been issued a Cooperative Education Employment Permit. The student will graduate from the program on June 11th of this year. The employer wishes to continue with this student and has asked if the student can continue under the existing employment permit until his 18th birthday in early August 2005.

6A. Whereas the student will graduate on June 11, it would appear to some that the Cooperative Education Employment Permit would expire on June 11. However, both federal and Massachusetts' lawmakers appear to have anticipated the situation of a 17 year old graduating and being in limbo until his/her 18th birthday. There is federal regulatory language that would allow for the 17 year old to continue working under the Cooperative Education Employment Permit.

However, we must look to see if MA has the same allowance because if it does not, the MA rule would apply, as it would be more stringent. Looking at MA law (M.G.L.c. 149 section 62A), we see that MA allows for the 17 year old to continue:

"The provisions of sections sixty-one and sixty-two prohibiting the employment of certain minors shall not prohibit the employment of minors who are graduates of trade or vocational high schools; provided that such minors are employed in the same occupation as they were trained for in such trade or vocational school."

Thus, the 17-year-old student should continue under the permit until his 18th birthday in early August 2005.

CORI Checks

1Q. Is there a rule of thumb that is usable in determining whether the school should conduct CORI checks on the employers and their employees who are involved with cooperative education?

1A. In the Department's opinion, the applicability of the CORI law to private employees in cooperative education placement depends on the placement. For example, in many settings the employees of a private company will never have "direct and unmonitored contact" with students. In those circumstances, the CORI law would not require the school to conduct criminal record checks on the private company's employees. In contrast, if the school were sponsoring placement of a student in a one-on-one setting with an adult, such as in some cooperative education placements, it would be appropriate for the school to conduct a CORI check on the employee/supervisor or other employees who may have direct and unmonitored contact with the student. Please refer to the Advisory on Advisory on Criminal Offender Record Information (CORI) Checks at <http://www.doe.mass.edu/lawsregs/advisory/cori.html>.

REFERENCES

Advisory on Advisory on Criminal Offender Record Information (CORI) Checks at <http://www.doe.mass.edu/lawsregs/advisory/cori.html>

Automotive Youth Educational Systems (AYES) Contact Mike Nixon, MA state Manager at mnixon@ayes.org or visit the AYES Web site at <http://www.ayes.org>.

Massachusetts Association of Cooperative Education and Placement Coordinators is a source of information on all aspects of cooperative education relating to cooperative education in Chapter 74-approved vocational technical education programs. Contact Jeff Koopman at Assabet Valley Regional Vocational Technical School Telephone 508-485-9430; e-mail jkoopman@assabet.org

MA Board of Registration of Cosmetologists at the Division of Professional Licensure, 239 Causeway Street, Suite 500, Boston, MA 02114 Tel. (617) 727-9940 <http://www.state.ma.us/reg/boards/htm>

MA Board of Registration in Nursing, 239 Causeway Street, Suite 500, Boston, MA 02114 Tel. (617) 727-9961 <http://www.state.ma.us/reg/boards/htm>

MA Board of State Examiners of Electricians at the Division of Professional Licensure, 239 Causeway Street, Suite 500, Boston, MA 02114 Tel. (617) 727-9931 <http://www.state.ma.us/reg/boards/htm>

MA Board of State Examiners of Plumbers & Gas Fitters at the Division of Professional Licensure, 239 Causeway Street, Suite 500, Boston, MA 02114 Tel. (617) 727-9952 <http://www.state.ma.us/reg/borads/htm>

MA Department of Labor & Workforce Development, Division of Apprentice Training, 19 Staniford Street, Boston, MA 02114 Tel. (617) 626-5409 <http://www.mass.gov/dat/>

MA Division of Industrial Accidents, 600 Washington Street, Boston, MA 02111 Tel. (617) 727-4900 x 405 <http://www.state.ma.us/dia/>

MA Office of Child Care Services (OCCS), 1 Ashburton Place, Room 1105 Boston, MA 02108 Tel. (617) 626-2000 <http://www.qualitychildcare.org>

MA Department of Elementary and Secondary Education Web site <http://www.doe.mass.edu/>

MA Department of Elementary and Secondary Education – Career/Vocational Technical Education Web site <http://www.doe.mass.edu/cte/>.

This Web site includes the Career/Vocational Technical Education Safety and Health Guide and additional resource documents.

National Automotive Technology Foundation (NATEF), both at 1305 DullesTechnologies Drive, Herndon, VA 20171-3421 Tel. (703) 713-0100 <http://www.natef.org>

APPENDIX A

LAWS & REGULATIONS

✓ **MASSACHUSETTS GENERAL LAW CHAPTER 149 (M.G.L.c.149)** is the state law that governs labor. Sections 56 - 105 govern child labor. The Massachusetts Office of the Attorney General administers this law. The link to all Chapter 149 is: <http://www.state.ma.us/legis/laws/mgl/gl-149-toc.htm>. Sections 1, 62 and 62A are particularly relevant to cooperative education programs so they are cited here with their direct links.

✓ **MASSACHUSETTS LAW RESTRICTING MINORS UNDER 18 FROM CERTAIN OCCUPATIONS**
M.G.L. c. 149 Section 62 states:

“No person shall employ a minor under eighteen or permit him to work: (1) in or about blast furnaces; (2) in the operation or management of hoisting machines; (3) in oiling or cleaning hazardous machinery in motion; (4) in the operation or use of any polishing or buffing wheel; (5) at switch tending; (6) at gate tending; (7) at track repairing; (8) as a brakeman, fireman, engineer, motorman or conductor upon a railroad or railway; (9) as a fireman or engineer upon any boat or vessel; (10) in operating motor vehicles of any description, except golf carts on a golf course if the minor is licensed to operate a motor vehicle, and except in the course of employment in an automobile repair shop; (11) in or about establishments wherein gunpowder, nitroglycerine, dynamite or other high or dangerous explosive is manufactured or compounded; (12) in the manufacture of white or yellow phosphorous or phosphorous matches; (13) in any distillery, brewery, or any other establishment where alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, are manufactured, packed, wrapped or bottled; (14) in that part of any hotel, theatre, concert hall, place of amusement or other establishment where intoxicating liquors are sold; (15) in any room or other subdivision of a building at a height of more than thirty feet above the floor of such room or other subdivision, or in any other place at a height of more than thirty feet above the ground level or water level, as the case may be; in the operation or management of any type of elevator other than a self-service elevator, as defined in the regulations of the board of elevator regulations and duly filed with the office of the state secretary, or in the cleaning or repairing of any type of elevator. This section shall not prohibit the employment of minors in drug stores or retail food stores, nor shall it prevent the employment of a minor, to whom has been issued a license to operate motor vehicles, in the operation on a farm, or on a way for a distance not exceeding ten miles there from, of any truck, tractor, trailer or self-propelled agricultural instrument registered by a farmer under chapter ninety, nor in the operation of any vehicle not registered in accordance with the provisions of section nine of said chapter ninety if such vehicle is used exclusively for agricultural purposes.” <http://www.state.ma.us/legis/laws/mgl/149-62.htm>

✓ **EMPLOYMENT of VOCATIONAL AGRICULTURAL STUDENTS M.G.L. c. 149 Section 62A states:**

“The provisions of sections sixty-one and sixty-two prohibiting the employment of certain minors shall not prohibit the employment of minors fourteen years of age and older to operate, or to assist in the operation of, small power equipment of the kind utilized by home gardeners nor shall it prohibit the operation of a farm tractor operated on a farm; provided, that such minors under the age of sixteen have been certified as having satisfactorily completed a training program in vocational agriculture by the department of education. The provisions of section sixty-two shall not prohibit the employment of minors sixteen years of age or older, consistent with federal law; provided, that such minors are enrolled in a course of study and training in a co-operative vocational training program, including co-operative agricultural programs, under a state or local authority; and provided, further, that such minors are employed under written agreements, that the work of such minors shall be incidental to their training, that such work shall be intermittent and for short periods of time, shall be under the direct and close supervision of a qualified and experienced person and that safety instruction given in any such course shall

be correlated by the employer with on-the-job training. The provisions of sections sixty-one and sixty-two prohibiting the employment of certain minors shall not prohibit the employment of minors who are graduates of trade or vocational high schools; provided that such minors are employed in the same occupation as they were trained for in such trade or vocational school."
<http://www.state.ma.us/legis/laws/mgl/149-62A.htm>

✓ **FEDERAL REGULATION PERTAINING to COOPERATIVE EDUCATION**

The Code of Federal Regulations Title 29 (CFR 29) Part 570.50 (c) (1) (2) defines 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 his 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 student-learner, and shall be signed by the employer and the school coordinator or principal. Copies of each agreement shall be kept on file by both the school and the employer. This exemption for the employment of student-learners may be revoked in any individual situation where it is found that reasonable precautions have not been observed for the safety of minors employed there under. A high school graduate may be employed in an occupation in which he has completed training as provided in this paragraph as a student-learner, even though he is not yet 18 years of age."

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=48d6ee3b99d3b3a97b1bf189e1757786&rgn=div5&view=text&node=29:3.1.1.1.30&idno=29#29:3.1.1.1.30.5.122.1>

✓ **FEDERAL REGULATION RESTRICTING 16 AND 17 YEAR OLD MINORS FROM CERTAIN OCCUPTIONS**

CFR 29 Section 570.51-570.68 lists 17 occupations particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well being:

1. occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components
2. occupations of motor-vehicle driver and outside helper**
3. coalmine occupations
4. logging occupations and occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage stock mill
5. occupations involved in the operation of power-driven woodworking machines*
6. exposure to radioactive substances and to ionizing radiations.
7. occupations involved in the operation of power-driven hoisting apparatus
8. occupations involved in the operations of power-driven metal forming, punching, and shearing machines*
9. occupations in connection with mining, other than coal
10. occupations in the operation of power-driven meat-processing machines and occupations involving slaughtering, meat packing or processing*
11. occupations involved in the operation of bakery machines
12. occupations involved in the operation of paper-products machines*
13. occupations involved in the manufacture of brick, tile, and kindred production
14. occupations involved in the operations of circular saws, band saws, and guillotine shears*
15. occupations involved in wrecking, demolition, and ship breaking operations.
16. occupations in roofing operations*
17. occupations in excavation operations*

* Exemption for students enrolled in Chapter 74-approved Cooperative Education in MA

****Limited Exemption for 17 year old employees (from Child Labor Requirements In Nonagricultural Occupations Under the Fair Labor Standards Act CHILD LABOR BULLETIN 101, U. S. Department of Labor Employment Standards Administration Wage and Hour Division, WH-1330 Revised March 2001)**

HO 2 – Motor-Vehicle Occupations

The occupation of motor-vehicle driver and outside helper on any public road, highway, in or about any mine (including open pit mine or quarry), place where logging or sawmill operations are in progress, or in any excavation of the type identified in HO 17 are prohibited for minors between 16 and 18 years of age *except* that 17-year-olds may drive automobiles and trucks on an incidental and occasional basis if all of the criteria listed in the following exemption are met.

Exemption

Limited exemption from HO 2 for 17-year-old employees:

Seventeen-year-olds, but no one under 17 years of age, may drive automobiles and trucks on public roads as part of their employment on an occasional and incidental basis if all the following requirements are met:

- the automobile or truck does not exceed 6,000 pounds gross vehicle weight;
- the driving is limited to daylight hours;
- the 17-year-old holds a State license valid for the type of driving involved;
- the 17-year-old has successfully completed a State-approved driver education course and has no record of any moving violations at the time of hire;
- the automobile or truck is equipped with a seat belt for the driver and any passengers and the employer has instructed the youth that the seat belts must be used when driving the vehicle;
- the driving may not involve:
 - ✓ towing vehicles;
 - ✓ route deliveries or route sales;
 - ✓ transportation for hire of property, goods, or passengers;
 - ✓ urgent, time-sensitive deliveries;
 - ✓ transporting more than three passengers, including employees of the employer;
 - ✓ driving beyond a 30 mile radius from the youth's place of employment;
 - ✓ more than two trips away from the primary place of employment in any single day to deliver the employer's goods to a customer (other than urgent, time-sensitive deliveries which are prohibited);
 - ✓ more than two trips away from the primary place of employment in any single day to transport passengers, other than employees of the employer.

Definitions

1. The term *motor vehicle* shall mean any automobile, truck, truck tractor, trailer, semi-trailer, motorcycle, or similar vehicle propelled or drawn by mechanical power and designed for use as a means of transportation but shall not include any vehicle operated exclusively on rails.
2. The term *driver* shall mean any individual who in the course of employment, drives a motor vehicle at any time.
3. The term *outside helper* shall mean any individual, other than a driver, whose work includes riding on a motor vehicle outside the cab for the purpose of assisting in transporting or delivering goods.
4. The term *gross vehicle weight* includes the truck chassis with lubricants, water, and full tank or tanks of fuel, plus the weight of the cab or driver's compartment, body, and special chassis and body equipment, and payload.
5. The term *urgent, time-sensitive deliveries* shall mean trips which, because of such factors as customer satisfaction, the rapid deterioration of the quality or change in temperature of the product, and/or economic incentives, are subject to timelines, schedules, and/or turnaround times which might impel the driver to hurry in the completion of the delivery. Prohibited trips would include, but are not limited to, the delivery of pizzas and prepared foods to the customer; the delivery of materials under a deadline (such as deposits to a bank at closing); and the shuttling of passengers to and from transportation depots to meet transport schedules. *Urgent, time-sensitive deliveries* do not depend on the delivery's points of origin and

termination, and include the delivery of people and things *to* the employer's place of business as well as *from* that business to some other location.

6. The term *occasional and incidental* shall mean no more than one-third of the 17-year-old driver's work time in any workday and no more than 20 percent of the 17-year-old driver's work time in any workweek.

✓ **CHILD LABOR PROVISIONS for NONAGRICULTURAL OCCUPATIONS UNDER THE FAIR LABOR STANDARDS ACT – Revised July 2010**
<http://www.dol.gov/whd/regs/compliance/childlabor101.pdf>

✓ **VOCATIONAL TECHNICAL EDUCATION REGULATIONS (603 CMR 4.00) administered by the Department of Elementary and Secondary Education provides in section 4.03 (4) the requirements for the Program of Study.**

✓ **VOCATIONAL TECHNICAL EDUCATION REGULATIONS (603 CMR 4.00) administered by the Department of Elementary and Secondary Education provides in section 4.03 (7) the requirements for cooperative education. .**

✓ **VOCATIONAL TECHNICAL EDUCATION REGULATIONS (603 CMR 4.00) administered by the Department of Elementary and Secondary Education provides in section 4.10 (3) the Professional Standards for Vocational Technical Cooperative Education Coordinators.**

✓ **STUDENT RECORDS REGULATIONS (603 CMR 23.00)**
603 CMR 23.07 (4) Access of Third Parties. Except for the provisions of 603 CMR 23.07(4)(a) through 23.07(4)(h), no third party shall have access to information in or from a student record without the specific, informed written consent of the eligible student or the parent. When granting consent, the eligible student or parent shall have the right to designate which parts of the student record shall be released to the third party. A copy of such consent shall be retained by the eligible student or parent and a duplicate placed in the temporary record. Except for information described in 603 CMR 23.07(4)(a), personally identifiable information from a student record shall only be released to a third party on the condition that he/she will not permit any other third party to have access to such information without the written consent of the eligible student or parent.

✓ **STUDENT LEARNING TIME REGULATIONS(603 CMR 27.00)**

Section

27.01: Authority, Scope and Purpose

27.03: School Year Requirements

27.04: Structured Learning Time Requirements

27.05: Early Release of High School Seniors

27.06: Waivers

27.07: Implementation

27.01: Authority, Scope and Purpose

(1) 603 CMR 27.00 is promulgated by the Board of Education pursuant to M.G.L. c. 69, section 1G, as amended by St. 1993, c. 71, section 29, which requires the Board to establish the minimum length for a school day and the minimum number of days in a school year for Massachusetts public schools.

(2) The purpose of 603 CMR 27.00 is to ensure that every public school in the Commonwealth provides its students with the structured learning time needed to enable the students to achieve competency in "core subjects" and "other subjects" as defined in 603 CMR 27.02.

(3) The requirements set forth in 603 CMR 27.00 are not intended to confer privately enforceable legal rights upon individual students, or persons acting on their behalf.

27.02: Definitions

As used in 603 CMR 27.00, the terms listed below shall have the following meanings:

Core subjects shall mean the core academic subjects specified in G.L. c. 69, section 1D (mathematics, science and technology, history and social science, English, foreign languages and the arts), and the subjects covered in courses which are part of an approved vocational-technical education program under M.G.L. c. 74.

Other subjects shall mean subjects other than core academic subjects that are required to be taught pursuant to G.L. c. 71, sections 1 and 3, and other subjects approved by the school committee as part of the district's program of studies.

Elementary school shall mean a school providing instruction to grades one through five, six, seven, or eight, and, where so designated by a school committee prior to the commencement of a school year, may also include a middle school or other intermediate level school providing instruction to grades five through eight or any combination thereof.

Optional school programs shall mean school activities not part of a course of study in either "core subjects" or "other subjects," which are offered by a school district to enrich the educational experience of its students and meet educational goals set by the local or regional school committee. Examples include: activity clubs; driver education; extracurricular student performance groups; non-academic assemblies; non-academic field trips; pep-rallies; sports; standardized testing other than statewide assessments conducted under M.G.L. c. 69, sections 1D and 1I; student government.

School services shall mean services, which a school district provides to some or all students, either as a matter of state or federal law or regulation or local school district policy, to protect or improve student health and personal well-being, or enhance students' readiness and ability to learn. Examples include: special education diagnosis and evaluation; special education related services such as speech, physical and occupational therapy; health screening and prevention services; school breakfast and lunch.

Secondary school shall mean a school providing instruction to grades six through twelve, or any combination of those grades, except where a school committee, prior to the commencement of the school year, has designated a middle or other intermediate level school providing instruction to grades five through eight, or any combination thereof, as an elementary school.

Structured learning time shall mean time during which students are engaged in regularly scheduled instruction, learning activities, or learning assessments within the curriculum for study of the "core subjects" and "other subjects." In addition to classroom time where both teachers and students are present, structured learning time may include directed study, independent study, technology-assisted learning, presentations by persons other than teachers, school-to-work programs, and statewide student performance assessments.

27.03: School Year Requirements

(1) Prior to the beginning of each school year, every school committee shall establish school year schedules for each of the public schools under its supervision and control, based on the particular learning needs of students within each school. In determining the school year schedule for each school, the school committee shall be guided by the student learning time plan recommended by the school council for each school, and shall attempt to maximize high quality teaching, learning, and professional development opportunities.

(2) Every school committee shall schedule a school year which includes at least 185 school days at each elementary, middle, and secondary school within the school district.

(3) Every school committee shall operate the schools within its district at least 180 school days in a school year.

(4) School committees are encouraged to exceed the minimum number of school days wherever possible, and to offer extended day and extended year programs that expand student learning opportunities.

(5) A school committee may establish a separate school year and school day schedule for kindergarten programs which it maintains pursuant to the Board of Education Regulations for Kindergarten (603 CMR 8.00), so long as it provides a minimum of 425 annual hours of structured learning time. In those school districts which schedule two sessions of kindergarten daily, the school committee shall adopt a schedule for its kindergarten programs, which ensures equal instructional time for all kindergarten students.

27.04: Structured Learning Time Requirements

(1) No later than the 1997 - 1998 school year, schools shall ensure that every elementary school student is scheduled to receive a minimum of 900 hours per school year of structured learning time, as defined in 603 CMR 27.02. Time which a student spends at school breakfast and lunch, passing between classes, in homeroom, at recess, in non-directed study periods, receiving school services, and participating in optional school programs shall not count toward meeting the minimum structured learning time requirement for that student.

(2) No later than the 1997 - 1998 school year, all schools shall ensure that every secondary school student is scheduled to receive a minimum of 990 hours per school year of structured learning time, as defined in 603 CMR 27.02. Time which a student spends at school breakfast and lunch, passing between classes, in homeroom, at recess, in non-directed study periods, receiving school services, and participating in optional school programs shall not count toward meeting the minimum structured learning time requirement for that student.

27.05: Early Release of High School Seniors

(1) As a matter of policy the Board of Education encourages school districts to schedule high school graduation as close as possible to the scheduled closing date of the high school to maximize the learning time offered to graduating seniors and minimize the disruption of instruction provided to other students.

(2) notwithstanding the minimum school year requirements set forth in 603 CMR 27.03 and 27.04(2), at the discretion of the school committee the scheduled school year for the graduating senior class of a high school or vocational/technical school may conclude, and the school graduation may be held, up to twelve school days before the regular scheduled closing date of that school.

27.06: Waivers

(1) The Board of Education may, upon the written application of a school committee and the recommendation of the Commissioner of Education, grant a waiver of any requirements set forth in 603 CMR 27.00 for good cause. School committees are encouraged to apply for waivers, as needed, to permit the district to initiate innovative programs or schedules intended to improve student learning.

(2) Upon the written request of a school district, the Commissioner of Education may, in his discretion, grant a waiver of the minimum school year requirement set forth in 603 CMR 27.03(3) in situations where an emergency or extraordinary circumstance forces the closing of one or more of the district's schools.

27.07: Implementation

(1) The requirements set forth in 603 CMR 27.00, as amended, shall be effective July 1, 1995, and shall govern the operation of all public schools within the Commonwealth of Massachusetts beginning with the 1995 - 1996 school year, with the exception of the structured learning time requirements set out in 603 CMR 27.04, which shall be effective July 1, 1997.

(2) During the 1995 - 1996 and 1996 - 1997 school years, schools and school districts are urged to meet the structured learning time requirements set out in 603 CMR 27.04 to the extent feasible. However, the following minimum learning time requirements, rather than those set out in 603 CMR 27.04(1) and (2), shall apply during the 1995 - 1996 and 1996 - 1997 school years:

- a. Elementary schools shall offer to all enrolled students a minimum of 900 hours per school year of learning time. Structured learning time, as defined in 603 CMR 27.02 shall be the focus of that time, but time spent delivering school services other than those listed below and offering optional school programs may also be counted toward meeting the minimum learning time requirement. Time scheduled for school breakfast and lunch, passing between classes, homeroom, and recess will not count toward meeting the minimum learning time requirement.
- b. Secondary schools shall offer to all enrolled students a minimum of 990 hours per school year of learning time. Structured learning time, as defined in 603 CMR 27.02 shall be the focus of that time, but time spent delivering school services other than those listed below and offering optional school programs may also be counted toward meeting the minimum learning time requirement. Time scheduled for school breakfast and lunch, passing between classes, homeroom, and recess will not count toward meeting the minimum learning time requirement.

(3) In preparation for the 1995 - 1996 school year, each school council shall submit to the district school committee, as part of its school improvement plan, any recommended scheduling changes or changes in school practices or structure that will be needed to ensure that their school will be in compliance with the learning time requirements set out in 603 CMR 27.07(2) and school year requirements set out in 603 CMR 27.03.

(4) During the 1995 - 1996 school year, each school council shall submit to the district school committee, as part of its school improvement plan, recommended actions to be taken to ensure that, no later than September 1997, each student within the school will be scheduled to receive at least the minimum required hours per year of structured learning time required under 603 CMR 27.00, and the school will comply with all other requirements set forth in 603 CMR 27.00.

(5) No later than June 30, 1996, every school district shall submit to the Department of Education, for review and approval, a Learning Time Implementation Plan which describes changes that are being undertaken at the school and district level to ensure that, on or before September 1997, every student in every school within the district is scheduled to receive at least the minimum amount of structured learning time per school year specified in 603 CMR 27.04, and the district's schools will comply with all other requirements set forth in 603 CMR 27.04. The Department of Education shall issue guidelines regarding the issues to be addressed in school district-wide Learning Time Implementation Plans.

REGULATORY AUTHORITY

603 CMR 27.00: M.G.L. c. 69, s.1G; St. 1993, c.71, s.29.

- ✓ **Child Labor Bulletin 101 – Child Labor Requirements in Nonagricultural Occupations under the Fair Labor Standards Act WH – Revised March 2001**
<http://www.dol.gov/whd/regs/compliance/childlabor101.pdf>

- ✓ **CORI LAW Chapter 385 of the Acts of 2002 affects Cooperative Education programs:**
Chapter 385 of the Acts of 2002

AN ACT FURTHER PROTECTING CHILDREN.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows: SECTION 1. Chapter 6 of the General Laws, is hereby amended by inserting after section 172F the following 3 sections: -

Section 172G. Notwithstanding section 172, section 60 or 60A of chapter 119, or any other general or special law to the contrary, operators of camps for children shall obtain all available criminal offender record information and juvenile data as found in the court activity record information from the criminal history systems board of all employees or volunteers prior to employment or volunteer service. Information obtained under this section shall not be disseminated for any purpose other than to further the protection of children.

Section 172H. Notwithstanding section 172 or any other general or special law to the contrary, any entity or organization primarily engaged in providing activities or programs to children 18 years of age or less that accepts volunteers, shall obtain all available criminal offender record information from the criminal history systems board prior to accepting any person as a volunteer. Any entity or organization obtaining information under this section shall not disseminate such information for any purpose other than to further the protection of children.

Section 172I. Notwithstanding section 172 or any other general or special law to the contrary, taxicab companies that have contracted to provide transportation of pupils pursuant to section 7A of chapter 71 shall submit the names of any employee who may have direct and unmonitored contact with pupils to the appropriate school committee or school superintendent prior to transporting any pupil. The school committee or superintendent shall obtain all available criminal offender record information on such employees from the criminal history systems board pursuant to section 38R of chapter 71.

SECTION 2. Chapter 71 of the General Laws is hereby amended by striking out section 38R, as appearing in the 2000 Official Edition, and inserting in place thereof the following section: -

Section 38R. The school committee and superintendent of any city, town or regional school district and the principal, by whatever title the position be known, of a public or accredited private school of any city, town or regional school district shall have access to and shall obtain all available criminal offender record information from the criminal history systems board of any current or prospective employee or volunteer of the school department, who may have direct and unmonitored contact with children, including any individual who regularly provides school related transportation to children. Such school committee, superintendent or principal shall periodically, but not less than every 3 years, obtain all available criminal offender record information from the criminal history systems board on all such employees and volunteers during their term of employment or volunteer service. Said school committee, superintendent, or principal shall also have access to all criminal offender record information of any subcontractor or laborer commissioned by the school committee of any city, town or regional school district to perform work on school grounds, and who may have direct and unmonitored contact with children.

Access to such information shall be obtained in accordance with sections 167 to 168, inclusive, of chapter 6. A school committee, superintendent or principal obtaining information under this section shall prohibit the dissemination of such information for any purpose other than to further the protection of school children.

SECTION 3. Chapter 265 of the General Laws is hereby amended by inserting after section 26B the following section: -

Section 26C. (a) As used in this section, the term "entice" shall mean to lure, induce, persuade, tempt, incite, solicit, coax or invite.

(b) Any one who entices a child under the age of 16, or someone he believes to be a child under the age of 16, to enter, exit or remain within any vehicle, dwelling, building, or other outdoor space with the intent that he or another person will violate section 13B, 13F, 13H, 22, 22A, 23, 24 or 24B of chapter 265, section 4A, 16, 28, 29, 29A, 29B, 29C, 35A, 53 or 53A of chapter 272, or any offense that has as an element the use or attempted use of force, shall be punished by imprisonment in the state prison for not more than 5 years, or in the house of correction for not more than 2½ years, or by both imprisonment and a fine of not more than \$5,000.

SECTION 4. Within 90 days of the effective date of this act, operators of camps for children shall obtain all available criminal offender record information and juvenile data as found in the court activity record information for the criminal history systems board for any person then providing volunteer service, as a condition of continued service. Any operator of a camp for children obtaining information under this section shall not disseminate such information for any purpose other than to further the protection of children.

SECTION 5. Within 90 days of the effective date of this act, any entity or organization primarily engaged in providing activities or programs to children 18 years of age or less shall obtain all available criminal offender record information for any person then providing volunteer service, as a condition of continued service. Any entity or organization obtaining information under this section shall not disseminate such information for any purpose other than to further the protection of children. Approved November 27, 2002.

✓ **Worker's Compensation Insurance per M.G.L. c. 152 452 CMR 1:00-8:00**

Worker's Compensation Insurance must cover all students on cooperative education work experience. All employers are required to hold worker's compensation insurance. Cooperative education placement must not commence until the school has verified that the employer holds the insurance. To find out whether an employer has this insurance contact: MA Division of Industrial Accidents, 600 Washington Street, Boston, MA 02111 Tel. (617) 727-4900 x 405 <http://www.state.ma.us/dia/>

APPENDIX B

SAMPLE COOPERATIVE EDUCATION APPLICATION

Cooperative Education Course Application
Competency Regional Vocational Technical High School
20 Task Lane Skill, MA 00000-0000
Telephone (000) 000-0000 FAX (000) 000-0000

Competency Regional Vocational Technical High School admits students and makes available to them its advantages, privileges, and courses of study without regard to race, color, sex, religion, national origin, sexual orientation, or disability.

STUDENT INFORMATION		
Student's Name: Last: _____ First: _____ Middle: _____ Mr. <input type="checkbox"/> Ms. <input type="checkbox"/>		
Home Address: Street and Number: _____		
City/Town: _____ State: <u>MA</u> Zip Code: _____		
Vocational Technical Program: _____		E-mail: _____
Home Phone # _____		
Please include a copy of your resume with this application.		
Do you have transportation to/from work? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Do you have a driver's license? <input type="checkbox"/> Yes <input type="checkbox"/> No License Number: _____		
Are you available to work part time after school if requested? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Are you available to work full time during shop week? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Please list any days and/or hours that you are unable or unwilling to work? _____		
Do you agree to follow all the rules and regulations for participation in this program as outlined in the Student Handbook? <input type="checkbox"/> Yes <input type="checkbox"/> No		
PARENT/GUARDIAN INFORMATION		
Parent/Guardian's Name: Last: _____		First: _____
Home Address: Street and Number: _____		
City/Town: _____ State: <u>MA</u> Zip Code: _____		
Home Phone Number: _____		Work Phone Number: _____
Home E-mail: _____		Work E-mail: _____
TEACHERS' RECOMMENDATIONS		
The student has met the initial eligibility requirements, as outlined in the Student Handbook, and is applying to participate in cooperative education and needs your recommendation in order to do so. If you feel that this student has acquired the necessary knowledge and skills to be successful in cooperative education and you would like to recommend him/her for placement at this time, check yes. Please note that if it becomes necessary to withdraw your recommendation during the school year, simply notify the cooperative education coordinator in writing.		
SUBJECT	TEACHER'S NAME	RECOMMENDATION
Shop		<input type="checkbox"/> Yes <input type="checkbox"/> No

English Language Arts		<input type="checkbox"/> Yes <input type="checkbox"/> No
Mathematics		<input type="checkbox"/> Yes <input type="checkbox"/> No
Science		<input type="checkbox"/> Yes <input type="checkbox"/> No
Social Studies		<input type="checkbox"/> Yes <input type="checkbox"/> No
Physical Education		<input type="checkbox"/> Yes <input type="checkbox"/> No
Other Subject		<input type="checkbox"/> Yes <input type="checkbox"/> No
Other Subject		<input type="checkbox"/> Yes <input type="checkbox"/> No
Other Subject		<input type="checkbox"/> Yes <input type="checkbox"/> No
School Counselor		<input type="checkbox"/> Yes <input type="checkbox"/> No
Attendance Officer		<input type="checkbox"/> Yes <input type="checkbox"/> No
Vocational Technical Director		<input type="checkbox"/> Yes <input type="checkbox"/> No
Cooperative Education Coordinator		<input type="checkbox"/> Yes <input type="checkbox"/> No

SIGNATURE SECTION

Signature of Student:	Date:
Signature of Parent/ Guardian:	Date:
Signature of Shop Teacher:	Date:
Signature of English Language Arts Teacher:	Date:
Signature of Mathematics Teacher:	Date:
Signature of Science Teacher:	Date:
Signature of Social Science Teacher:	Date:
Signature of Physical Education Teacher:	Date:
Signature of Other Subject Teacher:	Date:
Signature of Other Subject Teacher:	Date:
Signature of Other Subject Teacher:	Date:
Signature of School Counselor:	Date:
Signature of Attendance Officer:	Date:
Signature of Vocational Technical Coordinator:	Date:
Signature of Cooperative Education Coordinator:	Date:

APPENDIX C

SAMPLE COOPERATIVE EDUCATION AGREEMENT

Competency Regional Vocational Technical High School

20 Skill Lane Skill, MA 00000-0000

Telephone (000) 000-0000 FAX (000) 000-0000

COOPERATIVE EDUCATION AGREEMENT

M.G.L. Chapter 74 and 603 CMR 4.03 (7)

The is an agreement between an Equal Opportunity Employer and the Majestic Regional Vocational Technical School to provide a student who is enrolled in a state-approved (Chapter 74-approved) vocational technical education program with an organized, progressive and diversified paid employment experience that will provide him/her with employability and technical knowledge and skills that are not acquirable in a school-based setting.

Student's Name: _____ Grade Level: _____

Student's Major: _____ Age: _____

Name of Employer: _____

Address: Street and Number: _____

City/Town: _____ State: MA Zip Code: _____

Phone Number: _____ Fax Number: _____

E-mail: _____

Nature of Employer's Business: _____ Hours per week: _____

Hours per day: _____ Starting wage: _____

Salary increase policy: _____

Workers' Compensation Insurance Number: _____ Insurance Company: _____

Number of qualified and experienced workers now employed by this company in the student's program area: _____

School and employer agree that a person holding a Vocational Technical Cooperative Education Coordinator license or Vocational Technical Teacher license in the cooperative education course area will supervise the course for this student.

School stipulates that this student is enrolled in a Chapter 74-approved vocational technical education program and that he/she has demonstrated the knowledge and skills associated with at least one and one half years of full time study in the program area of this placement, and is at least midway through the junior year.

School stipulates that the course will only be provided during time not scheduled for academic classes.

School ensures that the course will provide students the opportunity to develop knowledge and skills not acquirable in a school-based setting but acquirable in a work-based setting.

School ensures that the course will provide competency-based assessment of student work.

The employer ensures that students will be provided with continuous supervision by a qualified and experienced employer/employee.

School stipulates that that students will be eligible for vocational technical education program credit.

School and employer stipulate that the student has already, or will be provided with a safety and health orientation specific to the work site prior to commencing work.

The employer stipulates that the work environment meets health and safety standards that maximize employee protection in compliance with Occupational Safety and Health Administration regulations

Employer agrees to provide sufficient supervisory visit time between the student, employer and the school's cooperative education coordinator or appropriate technical teacher. Supervision shall be coordinated to allow for the joint participation by all parties including the technical teacher. The school's cooperative education coordinator or technical teacher shall conduct regular supervisory activities at the work site to ensure that the agreement is being followed and to update the student's Competency List.

Employer is an equal opportunity employer who does not discriminate against any applicant because of race, color, religion, sex, national origin, age, marital status, veteran status, disability, sexual orientation or any other legally protected group and that all working conditions related to hours, wages, and benefits are free from discriminatory practices.

IMPORTANT NOTICE: Several trades for which cooperative education is applicable have been declared "Hazardous Occupations" for persons under 18 years of age and are regulated by Federal and/or State statute (whichever is the most stringent standard). In all such trades, the work of the student-learner shall be incidental to his or her training, shall be intermittent and for short periods of time, shall be under the direct and close supervision of a qualified and experienced person, and shall include safety instruction by the employer as part of the training.

The following is an outline of the knowledge and skills that will be acquired by the student during cooperative education.

Our signatures certify that we have read and agree with the conditions outlined contained in this agreement.

Parent/Guardian

Date

Student

Date

Employer

Date

Cooperative Education Coordinator

Date

The school, employer, student, parent/guardian may terminate this agreement at any time with appropriate notice to the other parties. Otherwise, this agreement expires upon high school graduation of the student.

APPENDIX D

May 7, 2007 Advisory on Criminal Offender Record Information (CORI) Checks is reprinted below. It is also available at <http://www.doe.mass.edu/lawsregs/advisory/cori.html>

:

To: School Committee Chairpersons, Superintendents of Schools, Charter School Leaders, Directors of Educational Collaboratives, and Administrators of Private and Parochial Schools

From: David P. Driscoll
Commissioner of Education

Date: Revised as of May 7, 2007

I. Overview of the CORI Law

I wanted to take this opportunity to remind public and private school officials¹ about your obligations under the law to conduct criminal record information (CORI) checks on employees, volunteers, and transportation providers and to provide you with information about the CORI regulations that took effect on June 30, 2005.² The Department is issuing this revised advisory in cooperation with the Criminal History Systems Board (the CHSB), the state agency authorized to provide CORI to certified agencies.

M.G.L. c. 71, § 38R requires all schools to conduct criminal background checks on current and prospective employees and volunteers, including those who regularly provide school related transportation to students, who may have direct and unmonitored contact with children. CORI must be obtained from the CHSB at least every three years during an individual's term of employment or service. In addition, M.G.L. c. 6, § 172I, requires schools to obtain CORI of employees of taxicab companies that have contracted with the schools to provide transportation to pupils under M.G.L. c. 71, § 7A. Contracting taxicab companies are required to submit the names of employees who may have direct and unmonitored contact with pupils to the appropriate school committee or school superintendent prior to those drivers transporting any pupil.

The law also allows schools to conduct CORI checks on subcontractors or laborers commissioned to do work on school grounds that may have direct and unmonitored contact with children. This includes school bus or van drivers employed by a transportation company under contract with the district to provide transportation services to students. I recommend that you review and update your CORI policies and records to ensure full compliance with the CORI law and the applicable regulations. Also, you should ensure that your school's or district's certification is current. You should submit to the CHSB requests for CORI on those employees, volunteers, transportation providers, and contractors whose criminal background checks are up for renewal if you have not done so already.

II. Application for or Renewal of Certification to Obtain CORI

A school or district must be certified under a general grant of access approved by the CHSB in order to obtain criminal record information. A new charter school or private school that is not currently certified must submit to the CHSB an original *CORI Certification Application*.

CORI certification is valid only for two years. Therefore, schools and districts that have been previously certified by the CHSB to obtain CORI must renew their certification every other year by submitting to the CHSB an *Application for Renewal of CORI Access Certification*.

With each application, whether for initial or renewal certification, the school must identify each person who will be reviewing and handling CORI (i.e., designated school administrators, secretaries, or other personnel). Such persons must sign an Individual Agreement of Non-Disclosure (AOND), even if those persons have received prior CORI authorization. You should submit the AONDS with your completed certification application.

The Legal Division at the CHSB will conduct a criminal background check on individuals submitting AONDS. After reviewing and approving your application, the CHSB will issue written certification to your school or district and will send you a CORI Request Form to be completed by all individuals about whom you request CORI. The CHSB anticipates that it will take three to four weeks to process a certification application. Additional information about the certification process, including copies of the applications, is available on the CHSB's website at [http://www.mass.gov/?pageID=eopsagencylanding&L=3&L0=Home&L1=Public+Safety+Agencies&L2=Criminal+History+Systems+Board+\(CHSB\)&sid=Eeops](http://www.mass.gov/?pageID=eopsagencylanding&L=3&L0=Home&L1=Public+Safety+Agencies&L2=Criminal+History+Systems+Board+(CHSB)&sid=Eeops).

When the CHSB notifies you that your school or district has been certified (or recertified) to receive CORI, the CHSB will provide you with information about the specific procedures you must follow when requesting CORI. You may submit requests individually by mail or submit requests for more than 10 names via disk. A request

submitted via disk must certify that the subjects' completed Request Forms are on file and are available for review. You also may submit requests via the Internet by using the CHSB's secure Web CORI application.

III. Requesting and Reviewing CORI

A. Request Forms Are Required to Obtain CORI

The CORI law requires a school or district to notify all persons for whom CORI is requested that such information is being or may be obtained. To ensure that the notice requirements are met, you should:

- notify all current and prospective employees, volunteers, transportation providers, and contractors, as appropriate, that the school or district will be reviewing CORI available from the CHSB;
- require all appropriate staff, volunteers, applicants, transportation providers, and contractors to complete and sign a Request Form prescribed by the CHSB;
- revise the job application and other hiring or contracting protocols to include notice of the CORI requirements and require completion of the Request Form; and
- maintain completed and signed Request Forms in files and submit them to the CHSB as necessary.

You should copy the Request Form provided by the CHSB on your school's or district's letterhead and distribute it for signature to each individual about whom CORI is sought prior to requesting CORI. (Note: An exception to this requirement applies to requests under M.G.L. c. 6, § 172I, for CORI of employees of taxicab companies who are contracted by the district to transport students. This statute is part of the criminal offender record information law (found in M.G.L. c. 6, § 172 et seq.), and does not require these drivers to complete and sign Request Forms.) The Request Form is used to document that you have provided the individual with notice and you have verified the individual's identity.

The Request Form revised by the CHSB in June 2005 includes additional data fields to be completed by individuals about whom you are requesting CORI. Also, the school or district must verify the individual's identity by reviewing a government issued form of photographic identification, documenting verification on the Request Form, and maintaining a copy of the identification.

The CHSB recommends that the school or district review the completeness, legibility, and accuracy of the completed Request Forms in order to avoid inadvertent errors. You may not obtain CORI about a person who has not completed the Request Form or if you have not verified the individual's identity by reviewing a form of photographic identification. If an individual refuses to sign a Request Form or to complete it fully, please consult with your legal counsel to determine the appropriate response. Completed Request Forms must be kept in secure files and are subject to review by the CHSB.

B. Guidelines for Requesting CORI

In general, requests for CORI must be submitted to the CHSB by mail. The school or district requesting CORI by mail must forward the completed CORI Request Form(s), along with a self-addressed stamped envelope, to the CHSB. The CHSB will complete the criminal records check and mail back the results.

If you are submitting more than 10 names at a time to the CHSB, then you must submit that request on disk rather than by mail. Instructions for submitting requests via disk, including formatting directions, are available on the CHSB's website at

[http://www.mass.gov/?pageID=eopsterminal&L=4&L0=Home&L1=Crime+Prevention+%26+Personal+Safety&L2=Background+Check&L3=Criminal+Offender+Record+Information+\(CORI\)&sid=Eeops&b=terminalcontent&f=chsb_cori_forms&csid=Eeops](http://www.mass.gov/?pageID=eopsterminal&L=4&L0=Home&L1=Crime+Prevention+%26+Personal+Safety&L2=Background+Check&L3=Criminal+Offender+Record+Information+(CORI)&sid=Eeops&b=terminalcontent&f=chsb_cori_forms&csid=Eeops), or by calling the CORI Unit at (617) 660-4640.

You may also submit information to the CHSB by using Web CORI, which is an Internet application that can be used by certified agencies to submit electronic certification applications and CORI requests. Web CORI also includes the ability to upload batch requests in the same manner as the existing disk process. In order to submit applications and CORI requests electronically, agencies must designate an agency

"Administrator", contact e-mail address and "Submitters." The designated administrator is the individual who is authorized to submit CORI requests and to receive results and also serves as the agency's email contact for Web CORI purposes. Submitters are authorized to submit CORI requests on behalf of the certified agency; however, they may not receive results for security purposes. Although an agency may designate only one individual to serve as the Administrator, it may designate as many Submitters as needed. Any individual who is designated as the Administrator or Submitter for an agency must complete and submit to the CHSB an AOND if he or she has not already done so in conjunction with the agency's most recent certification application prior to using the Web CORI system.

Upon enrollment in Web CORI, the Administrator and Submitter(s) are assigned a unique user code and password in order to log into the system. The Administrator and Submitters are responsible for ensuring the safety and confidentiality of this information. Upon submission of CORI requests, a batch number is assigned to the transaction. The Administrator is notified by e-mail from the CHSB when the batch has been processed and is available to be downloaded from a secure website.

Although Web CORI does not require the agency to submit the completed Request Forms in order for results to be returned by the CHSB, schools and districts are still required to have the subjects about whom CORI is requested complete the Request Forms and to retain them on file in a secure location in the school or district.

Schools and districts that currently do not have access to Web CORI should contact the CHSB's CORI Unit at (617) 660-4760 to request an enrollment form.

C. Fees

A certified government entity -- namely a public school (including a charter school) or school district -- is not required to pay a fee to obtain CORI data. A non-governmental entity, however, such as a private school must pay \$15.00 per name unless approved by the CHSB for a fee waiver.

D. How to Interpret CORI

The CHSB provides certified agencies with a disposition code to assist in interpreting an individual's criminal record. The code is also available at www.state.ma.us/courts/probation/dispositioncodes.htm. If you have questions about interpreting CORI, please consult with your legal counsel or call the CHSB Legal Division at (617) 660-4760.

E. Employment Decisions Regarding CORI

Neither the Department nor the CHSB can provide legal advice about how CORI information should affect a hiring, employment, or contracting decision. Decisions as to whether to dismiss an employee or volunteer, not to hire an applicant, or not to work with a particular contractor, based on an individual's criminal record information, should be made by the school or district in consultation with its legal counsel. Additionally, all employees must be provided with the due process protections to which they are entitled by law and under any applicable collective bargaining agreements. *See* M.G.L. c. 71, §§ 41, 42, and 42D. Obtaining CORI for prospective employees, volunteers, and other non-employee contract personnel should be the *last* step in the screening process and should occur only where an applicant is otherwise in all respects qualified for the position.

Before making an adverse decision based upon an individual's CORI, the new CORI regulations require an agency to provide the individual with an opportunity to challenge the accuracy and relevancy of the CORI.³ An "adverse decision" may include not hiring an applicant, releasing someone from service, or declining to work with contract personnel. Please see Section V below for more information about this requirement.

F. Factors to Consider in Reviewing a Record

The CHSB advises you to consider the following factors when you review a criminal record:

1. the type of offense (is it a felony or misdemeanor);
2. the nature of the offense;
3. whether the charge resulted in a conviction;
4. the type of sentence;
5. whether the individual successfully completed probation;
6. the date of the offense; and
7. whether the individual has been arrested subsequently.

You also may wish take into account unique factors such as the school environment, the student population, health and safety needs, and other relevant district policies and procedures when you make decisions based on CORI.

IV. Unauthorized Dissemination of CORI Prohibited

CORI is not subject to the public records law and may not be disseminated to unauthorized persons or for any purpose "other than to further the protection of children." To willfully request, obtain, or seek CORI under false pretenses or to communicate or seek to communicate CORI to any agency or person not authorized to receive it, may subject the offending agency and individual to criminal and civil penalties.

You may always share CORI with the individual to whom it pertains and you must share CORI with the individual if your school or district may make an adverse decision about the individual's employment or service based on it. Consult the CHSB website for additional information.

CORI must be kept in a secure location, separate from personnel files, and may be kept for no more than three years. Please note that M.G.L. c. 71, § 38R, requires you to obtain new CORI reports every three years during an individual's term of service with the school or district. Every time you obtain a new CORI report on an employee, volunteer, transportation provider, or contractor, you must destroy the previous CORI file. In order to ensure the security of the records and to control access to them, the Department recommends that CORI records be kept in a secure district office rather than in individual schools.

V. CORI Policy for Schools and Districts

The law requires certified agencies to adopt and maintain a CORI policy that is consistent with the CORI law. Your policy also must include the requirements described in the CORI regulations that took effect on June 30, 2005. To assist you with amending your school's or district's policy to comply with these new requirements, you may wish to consult the Model CORI Policy prepared by the CHSB, which is available at http://www.mass.gov/Eeops/docs/chsb/cori_model_policy.pdf.

A. Elements of a CORI Policy

The Department recommends that you consider the following issues when adopting or updating a CORI policy for your school or district:

1. categories of persons for whom CORI may and will be obtained;
2. standards for determining whether a staff or volunteer position entails direct and unmonitored contact with children;
3. process for informing current and prospective employees, volunteers, and others (including taxicab drivers, transportation providers, and other contractors or laborers) about CORI checks and for obtaining written confirmation from them by use of the Request Form provided by the CHSB, including verification of identity upon review of photographic identification;
4. procedures to be followed when a person refuses to complete or sign the Request Form;
5. process for requesting, reviewing, and maintaining CORI;
6. personnel who are authorized to request, access, and review CORI;
7. process and standard of review for determining an individual's eligibility for employment or service based on the CORI record, including whether any criminal offenses may disqualify an individual; and
8. requirements of confidentiality and prohibitions against unauthorized dissemination of CORI.

In addition, the CORI regulations require that agency policies include specific provisions about the right of an individual to challenge the accuracy and relevance of CORI if the agency may make an "adverse decision" on the basis of the CORI. The CORI regulations⁴ require that your school's or district's policy include the following provisions:

9. notice to the individual of the potential adverse decision your agency may make based on the CORI;
10. your obligation to provide the individual with a copy of the CORI and the school's or district's CORI policy;
11. your obligation to provide the individual with information from the CHSB about the process by which he or she may correct an inaccurate criminal record;
12. notice to the individual about which part of the criminal record appears to make him or her ineligible for the position;
13. opportunity for the individual to dispute the accuracy and relevance of the CORI;
14. your obligations to review additional documentation that the individual or the CHSB may provide to you and to inform the individual of the final decision; and
15. the ways that the school or district will document all steps taken to comply with these requirements.

Schools and districts should amend staff handbooks, job applications, contracts, and other relevant policies and procedures to reflect the requirements of the CORI law. If you have questions about employment policies and practices related to CORI, including whether the CORI law affects your school's or district's collective bargaining obligations, please consult with your legal counsel.

VI. Questions and Answers

1. What entities and individuals are covered by the CORI law?

The requirements for accessing and obtaining CORI under M.G.L. c. 71, § 38R, apply to the school committee and superintendent of any city, town, or regional school district, and the principal or chief administrator of all public, private, and parochial schools in the Commonwealth. While certain educational entities, such as educational collaboratives, are not expressly covered by the statute, the Department has interpreted the law to apply to *all* K-12 public and private schools, public school districts, educational collaboratives, charter schools, approved day and residential special education schools, and private providers of educational services for children with which a local education agency has contracted. The authority of the superintendent, school committee, and principal to obtain and to review CORI may be delegated to other school or district personnel as appropriate.

Covered entities *must* obtain CORI on current employees and volunteers, and otherwise qualified prospective employees and volunteers, including those individuals who regularly provide school-related transportation to children, who may have direct and unmonitored contact with children. Also, districts must obtain CORI on employees of taxicab companies who have contracted with the school department to provide transportation services to students, where such individuals may have direct and unmonitored contact with children. In addition, schools and districts may obtain CORI for any subcontractor or laborer commissioned by the school committee to perform work on school grounds when that individual may have direct and unmonitored contact with children. This includes school bus or van drivers who are employed by a transportation company with which the district has a contract.

2. What is the meaning of "direct and unmonitored contact with children," as used in M.G.L. c. 71, § 38R?

While there is no case law defining "direct and unmonitored contact," schools and districts may find it helpful to adopt a standard modeled on that in the regulations of social service agencies that are required to obtain CORI about individuals who may have client contact. For example:

"Direct and unmonitored contact with children" means contact with a child when no other CORI cleared employee of the school or district is present. A person having only the potential for incidental unsupervised contact with children in commonly used areas of the school grounds, such as hallways, shall not be considered to have the potential for direct and unmonitored contact with children. These excluded areas do not include bathrooms and other isolated areas (not commonly utilized and separated by sight or sound from other staff) that are accessible to students.

As a practical matter and in the interest of not limiting the individual contact with students that is an essential part of the educational process, it may be advisable for schools and districts to conduct CORI checks on all district employees if there is the potential that such employees will have individual contact with students. Such employees include but are not limited to administrators, counselors, teachers, paraprofessionals, custodians, coaches, and activity advisors. In consultation with their legal counsel, schools must assess their staffing needs and their volunteer and transportation programs in order to determine which positions to check.

3. Which school and district staff should be authorized to access CORI?

In determining who from your school or district will access CORI, centralized coordination of the CORI process by the superintendent or human resources director may be particularly appropriate in smaller districts. In some large districts, however, officials may decide that CORI is best handled by each school principal or by other designated personnel. Consider the school's or district's particular needs in identifying all appropriate personnel who will be designated and receive authorization from CHSB to submit requests and view CORI.

Each person who will have access to CORI must be certified by the CHSB to do so. Submit completed Individual Agreements of Non-Disclosure (AONDs) for all agency staff who will access CORI on behalf of the school or district, including personnel who will assist with collecting completed Request Forms and verifying the individual's identity by reviewing his or her photographic identification. Submit these AONDs with your application for recertification and also send the CHSB updated information about designated school or district personnel as needed during the term of your school's or district's certification if those personnel change.

4. Is the school or district required to obtain CORI on all volunteers?

M.G.L. c. 71, § 38R, requires a certified school or district to obtain CORI for "any current or prospective ... volunteer of the school department, who may have direct and unmonitored contact with children, including any individual who regularly provides school related transportation to children." Applying the suggested standard for determining "direct and unmonitored contact" discussed in Question 2 above, the school may determine that there are circumstances in which a volunteer is never in the presence of a child without also being in the presence of another CORI-checked individual, such as the classroom teacher. Similarly, the school may determine that a parent chaperone at a school dance is never permitted to have direct and unmonitored access to students due to the nature of the volunteer position. In these examples, school officials, in consultation with their legal counsel, may determine that the statutory standard does not apply and that they do not need to obtain CORI about these types of volunteers.

In contrast, a volunteer who chaperones an overnight field trip or drives students in his or her car on a field trip, or one who tutors students privately in a resource room, will be in an unsupervised setting with children. It would be appropriate, therefore, for the school or district to conduct CORI checks on the volunteers for whom student contact is unsupervised and more than incidental.

The Department recommends that these decisions be made on a case-by-case basis as necessary and in consultation with your legal counsel. Factors to be considered in making the decisions may be included in the school's or district's CORI policy.

5. Am I required to obtain CORI on student volunteers working in elementary schools?

As discussed in Question 4 above, the law requires schools to obtain CORI on all volunteers "who may have direct and unmonitored contact with children." In most if not all cases, older students will not have direct and unmonitored contact with children because such volunteer programs occur in group settings that are supervised by adults. In the situations where student volunteers have direct and unmonitored contact with children, schools and districts are obligated by law to obtain CORI on those volunteers. Please be mindful that CORI does not include juvenile records, however, so unless a student has been charged with a crime as an adult, that student volunteer will not have a criminal record on file with the CHSB.

6. Completing Request Forms and Challenging CORI Reports

a. What is the purpose of a CORI Request Form?

M.G.L. c. 6, § 172, requires the individual about whom CORI is sought to complete and to sign a Request Form. (The only exception to this requirement is for employees of taxicab companies that have contracted to provide transportation to pupils. Please note that this exception does *not* apply to CORI checks on other individuals who regularly provide school-related transportation to children, as noted in M.G.L. c. 71, § 38R.) The Request Form represents acknowledged notice to the subject that CORI will be requested and obtained.

A new Request Form must be signed every time the school or district requests an individual's CORI. The individual must complete all data fields and sign the Request Form. In addition, the school or district is required to verify the individual's identity by reviewing one form of government issued photographic identification and documenting that verification process on the Request Form.

b. May I collect Request Forms electronically?

No. At present, Request Forms may not be collected electronically. The school or district should create a system for distributing to and collecting these forms from current and prospective employees, volunteers, and others to whom the new CORI law applies. Completed forms must be kept in secure files and must be made available to the CHSB upon request or submitted to the CHSB with a CORI request, as appropriate.

c. What if an individual refuses to sign a Request Form or to complete all data fields on the form?

Your employment applications should be revised, if necessary, to make clear that hiring and employment are conditioned on a satisfactory CORI check. If a current employee or volunteer refuses to sign or to complete the required Request Form, the school or district is unable to carry out its duty to obtain CORI. We recommend that school officials consult with their legal counsel about the steps to take if this situation occurs.

d. What if an individual does not have a form of photographic identification?

The CORI regulations that took effect on June 30, 2005, require all agencies requesting CORI to verify the identity of the individual about whom CORI is requested by reviewing a government issued form of photographic identification (e.g., a driver's license, passport, or state issued identification). This process is intended to ensure that the CORI report you receive from the CHSB can be attributed to the applicant or individual. If an individual does not have photographic identification, the CHSB has advised that you may verify the person's identity through non-photographic government issued identification, such as a birth certificate or Social Security card. You must document on the Request Form that the applicant has no available photo identification.

- e. **Am I required to provide an applicant with the opportunity for a hearing if I am going to decide not to hire the applicant on the basis of the CORI report?**

The CORI regulations, 803 CMR 6.11, require that an individual be given the chance to challenge the accuracy of a CORI report or the relevance of it before the hiring authority makes a final decision not to hire or appoint the individual because of the CORI report. This may include a chance to meet with the hiring authority, and must include an opportunity for the individual to (1) review the agency's CORI policy and the CORI report, and (2) provide the hiring authority with additional information that may be used in making a final decision. Individuals are not entitled to a hearing on the matter, unless collective bargaining or agency rules require otherwise.

7. CORI Requirements and Non-district Employees or Contractors and Third Parties Coming on School Grounds

- a. **Am I required to obtain CORI on school bus or van drivers?**

The Department previously interpreted M.G.L. c. 71, § 38R, to require schools and districts to obtain CORI on employees of transportation companies (e.g., school bus and van drivers) who were providing transportation services to students. The authority, however, granted by the CHSB to districts to obtain CORI on non-taxicab transportation providers who are not employees or volunteers of the district is discretionary. This means that schools and districts *may* - but are not expressly required to - obtain CORI on such drivers, consistent with the discretionary authority to obtain CORI on all subcontractors or laborers working on school grounds.

The Department strongly advises schools and districts to conduct their own CORI checks on all school bus and van drivers who are transporting students. The Massachusetts Department of Transportation and Energy (DTE), in cooperation with the Registry of Motor Vehicles, requires applicants for school bus driver certificates to "pass" a CORI check and a SORI (Sex Offender Registry Information) check annually as a condition of certification. The statutory authority requiring these checks, however, indicates that certification will not be issued or will be revoked only if the applicant has been convicted of certain offenses listed in the statute.⁵ DTE and the Registry are not required to take into consideration pending charges, dismissed charges, or other information included in the criminal record report that the district might determine would disqualify an individual from having direct and unmonitored contact with students. Because the law allows you to require drivers to meet the school's or district's CORI standards as a condition of transporting students, we recommend that you do so to ensure that all individuals having direct and unmonitored contact with your students meet the same standards and qualifications.

- b. **Am I required to obtain CORI on employees in out-of-district placements for special education students, or employees of agencies offering vocational and school-to-work programs for students?**

As discussed above, the Department has interpreted M.G.L. c. 71, § 38R, to apply to all K-12 public and private schools, public school districts, educational collaboratives, charter schools, approved day and residential special education schools, and private providers of educational services for children with which a local education agency has contracted within the Commonwealth. We recommend that school districts review their contracts with special education schools and other providers and revise the contracts, if necessary, to say that the provider - whether located in Massachusetts or in another state - has met all legal requirements of the state where it is located relative to criminal background checks for employees and others having direct and unmonitored contact with children. For entities in Massachusetts, the agreement should reflect compliance with the Massachusetts CORI law.

In the Department's opinion, the applicability of the CORI law to private employees in school-to-work settings or sites for vocational work placement depends on the placement. For example, in many settings the employees of a private company will never have "direct and unmonitored

contact" with students. In those circumstances, the CORI law would not require the school to conduct criminal record checks on the private company's employees. In contrast, if the school is sponsoring the placement of a student in a one-on-one setting with an adult, such as in an apprenticeship program, it may be appropriate for the school to conduct a CORI check on the employee/supervisor or other employees who may have direct and unmonitored contact with the student.

In making these determinations and in making appropriate changes to contracts and agreements your school or district deems necessary to meet the requirements of the CORI law, please consult with your legal counsel.

- c. Am I required to obtain CORI on employees of a private program who come into my school to do a presentation for the students? Am I required or authorized to obtain CORI on individuals coming onto school grounds for community functions or meetings, or members of the public who use the school's facilities (e.g., the pool or athletic facilities) or attend school events?**

Schools and districts are authorized by law to obtain CORI on employees, volunteers, subcontractors, and laborers commissioned by the school committee, and taxicab drivers only, consistent with M.G.L. c. 71, § 38R, and M.G.L. c. 6, § 172I. Unless private employees are considered school volunteers, the school or district does not have the authority to obtain CORI on those individuals. Similarly, schools or districts are not authorized to obtain CORI on third parties coming onto school grounds for functions or meetings or who use the school's facilities. In consultation with your legal counsel, your school or district may adopt policies and procedures to ensure that school personnel supervise third parties when on they are on school property, or that their access to certain areas of the school is monitored or restricted.

- 8. Contractors or other entities may conduct CORI checks on their own employees or volunteers who are working in the school or working with students. For example, many colleges and universities may do a CORI check on student teachers before they are assigned to work in a school. May I rely on those checks as meeting the requirements of the CORI law?**

No. The CORI law is clear that a school or district is required to obtain CORI on all employees and volunteers prior to hire, or every three years during someone's term of service, and on taxicab drivers contracted by the district. Also, background checks conducted by other entities are not necessarily the same as the checks that are required to be done by schools and districts. The authority to obtain CORI and the scope of the criminal record information that may be obtained are different in each circumstance. Therefore, a school or district may *not* rely on a CORI check performed by another entity to fulfill its obligations under the law.

- 9. Does a private residential school also licensed by the Massachusetts Department of Early Education and Care (EEC), and receiving CORI data through EEC, need to conduct independent CORI checks on staff and others?**

No. A private residential special education school approved under M.G.L. c. 71B may also be licensed by EEC, and EEC requires such schools to retrieve CORI through its criminal background check process. Because the CORI obtained from EEC contains the same scope of data and the checks apply to the same individuals for whom CORI data must be obtained pursuant to M.G.L. c. 71, § 38R, the Department has determined that criminal records checks conducted by EEC for private residential special education schools satisfy the requirements of the CORI law and obviate the need for the private school to make a duplicative, independent inquiry. Therefore, a private residential school licensed by EEC does not need to conduct independent CORI checks where those checks have been done through EEC.

- 10. Am I required to obtain criminal record information from other jurisdictions?**

No. M.G.L. c. 71, § 38R, does not require schools and districts to obtain criminal record information from other states. The record that you receive from the CHSB contains criminal record information from Massachusetts only. If you wish to obtain criminal record information from other states, you must contact other jurisdictions directly for this information. Refer to the list of out-of-state contacts available on the CHSB website at

[http://www.mass.gov/?pageID=eopsterminal&L=5&L0=Home&L1=Crime+Prevention+%26+Personal+Safety&L2=Background+Check&L3=Criminal+Offender+Record+Information+\(CORI\)&L4=Requesting+Criminal+Records&sid=Eeops&b=terminalcontent&f=chsb_cori_request_states&csid=Eeops](http://www.mass.gov/?pageID=eopsterminal&L=5&L0=Home&L1=Crime+Prevention+%26+Personal+Safety&L2=Background+Check&L3=Criminal+Offender+Record+Information+(CORI)&L4=Requesting+Criminal+Records&sid=Eeops&b=terminalcontent&f=chsb_cori_request_states&csid=Eeops). Your request will be subject to the criminal record access laws in that state.

For additional information about CORI and requirements under the law, please see the document prepared by the Criminal History Systems Board entitled Frequently Asked Questions About CORI, which is available at [http://www.mass.gov/?pageID=eopsterminal&L=4&L0=Home&L1=Crime+Prevention+%26+Personal+Safety&L2=Background+Check&L3=Criminal+Offender+Record+Information+\(CORI\)&sid=Eeops&b=terminalcontent&f=chsb_cori_faqs&csid=Eeops](http://www.mass.gov/?pageID=eopsterminal&L=4&L0=Home&L1=Crime+Prevention+%26+Personal+Safety&L2=Background+Check&L3=Criminal+Offender+Record+Information+(CORI)&sid=Eeops&b=terminalcontent&f=chsb_cori_faqs&csid=Eeops).