

Annex 2

as of: January 2012

Senate Administration for Education, Youth and Research

II A 1, II C 1.4

Information Sheet on Student Internships (Learning by Doing)

The legal basis for performing a company internship, another form of practical training or learning by doing program (hereinafter referred to as “internship”) at the lower Secondary Level I (*Sekundarstufe I*) are the implementing provisions on Dual Learning and Practical Trainings at Secondary Level I Schools entitled in German “**AV Duales Lernen**” as of 11 January 2012 which are set out in excerpts below. The document lists all objectives and details of performing internships and explains the mutual rights and duties of the schools, the students and the participating companies/organizations. When concluding an internship agreement the company undertakes to implement the internship according to these implementing provisions. Thus the provisions in excerpts below become an integral part of the internship agreement.

Excerpts from “AV Duales Lernen”

4 – Practical Training Programs

(1) Practical training programs are school activities and part of the instruction and education of students. Students participating in these programs are to gain practical experience, typically by working in a company, a university or a private- or public-law organization. The knowledge and experience gained in practice are to be followed up in class taking into account technical and educational aspects. Practical training programs may also be performed in school-internal workshops and student companies.

(2) ...

(3) Internships are mandatory for students of secondary level I schools provided that internships are included in the framework curriculum; internships are optional programs at other schools. The following regulations apply for their implementation:

- a) Internships may be offered as block modules or subdivided into several structured units. It is permissible to form groups of students. The School Conference decides on the principles of the school’s organization of the company internships pursuant to § 76 (1), no. 2 and no. 4 of the Berlin School Law.
- b) Internships according to the framework curriculum for the subjects Economics, Work, Technology consist of a minimum of 15 days of instruction. In all other cases the internships consist of at least ten days. Internships with a shorter period may be performed if they constitute an additional project. In specific and well justified individual cases and upon request of the parents or legal guardians, the school principal may allow students to perform their entire internship or parts of it during school holidays unless school-internal organizational reasons speak against this and provided that these provisions are observed during the internship. Student interns may spend and work maximally six hours per day in the company to do their internships (excl. break time).
- c) Additional goal: Tours through the companies and talks with the staff provide an overview of the overall operation, on internal procedures and social structures in the business world. Furthermore,

students shall learn about training and continued education courses of the companies and the company's requirements and expectations towards trainees.

(4) When implementing practical training programs with external partners the provisions stated in section IV must be observed.

IV. Performing of Practical Training and the Learning-by-Doing Programs

12 – Selecting Extracurricular Learning Sites

(1) To decide whether or not the extracurricular learning site is a suitable place for the students interns, it must be clarified if the company or organization

- a) is willing and able to offer an internship according to these provisions,
- b) has a reliable staff member available who can support and instruct the intern at the site and
- c) only confers those tasks to student interns which are adequate in regard to their age, their physical and mental skills and development stage – compliance with all statutory youth protection regulations is of major importance in this case.

The school principal decides whether or not the extracurricular site is suitable. When making a decision it is important to assess if the company or organization is able to give the student intern a comprehensive insight into the corporate structures and processes during the internship. When dealing with students with recognized special needs, their individual skills and special needs must be taken into account when choosing internship positions.

(2) Generally, practical training programs must be performed in the federal state of Berlin. In specific and justified individual cases and upon request or approval of the parents or legal guardians, the school principal may allow the student to complete an internship in the neighboring districts or cities of the federal state of Brandenburg unless there are organizational matters to the contrary. By derogation from sentence 1, internships may be completed in the context of class trips in other federal German states. If work is carried out during class trips abroad which fulfil the requirements in no. 4 (3) as to the form and scope of these activities, the work can be recognized as an internship. The decision if it is recognized is made by the school principal taking into account the principles agreed upon by the School Conference pursuant to no. 1 (2).

13 – Tasks of the Schools

(1) The school principal appoints a teacher who will act as coordinator for dual learning at integrated secondary schools or for practical training programs at grammar schools (*Gymnasien*). The coordinating tasks relate to

- a) the school's organization of dual learning or practical training programs,
- b) the health examinations required by law
- c) the necessary instructions to be given to the students
- d) the reporting of any damages to the relevant bodies/authorities.

The tasks also include all measures to be coordinated between the school and extracurricular learning sites needed to ensure a timely conclusion of the agreement between the school and the responsible institution of the extracurricular site.

(2) The school principal appoints the teachers responsible for the supervision of the students during their internships in accordance with the organizational principles determined by the School Conference. During

the internships the responsible teachers keep contact with the students and the relevant supervisors in the companies/organizations. They must make sure that the tasks are done adequately. If an internship is performed for a longer “en bloc” period of time, the teacher must usually visit the student once within five days at the company and get feedback from the student(s) and the company’s supervisor on what was taught and learnt. If need be, measures to improve the performance are discussed and determined in these talks. The visits at the company sites are considered official business trips of the teachers. Travel costs incurred will be reimbursed. It is forbidden for the teachers and the school to accept any financial compensation or cash-value benefits from the companies implementing the student internships.

(3) Before the start of the internship the coordinator informs the student and his / her parents or legal guardians about the objectives, contents and form of the practical training / learning by doing program, any necessary health examinations, the duty of secrecy and the relevant insurance cover. The coordinator may delegate this task to the teacher in charge of the school’s supervision of the intern. In the context of providing this information it must be pointed out that the students are not allowed to accept any financial compensation or cash-value benefits from the companies offering and implementing the internships. The students are, however, allowed to have their transportation costs reimbursed incurred for travelling to and from the extracurricular site back home and may take cost-free meals in the breaks if offered by the companies.

(4) To prepare the practical training, usually the teacher in charge of supervising the intern/s clarifies with the internship company all necessary details of the on-site placement or exploratory assignment of the students and informs the company on the content and type of the exploratory assignments given by the school.

14 – Tasks of the Company’s Supervisors

(1) During the stay of the students at the learning site, the person in charge of guiding and instructing the interns assumes supervisory tasks. The supervision englobes all precautions, instructions and measures suited to protect students from damage and to prevent situations in which third parties or property is damaged by them. Where the supervisor cannot - for compelling reasons - temporarily fulfill this duty entrusted to him / her, the latter must take all adequate measures to ensure during his/her absence that no danger arises which could lead to any damage as mentioned above. In this case other staff members of the company working at this learning site are entitled to give instructions preventively or depending on the situation.

(2) The institution or person responsible for the learning site must take precautions to ensure that statutory protection provisions, in particular accident prevention provisions and the special protection regulations for adolescents, are observed and that the privacy rights of the students are protected. The student interns may not work or stay at dangerous work places and other risky sites and may not operate machines without being supervised. When starting to work as interns, the students must be made aware of possible accident and health risks and of statutory and company-internal safety rules. It must be proven that they were in fact informed.

(2) The company / organization offering the internship is asked to look at the student’s report which he / she must write for his/her internship and help the student with regard to technical details.

(3) In cases in which a student

- a) violates seriously or repeatedly the instructions of the internship supervisor or
- b) seriously disturbs the order at the company venue in another form or
- c) is the reason for serious complaints made against him or her

the internship supervisor in charge at the learning site must immediately inform the teacher of this situation. If the teacher cannot be reached or contacted, the supervisor must inform the school and demand the student to return to his/her school.

(4) Where there are indications that a student is not able to complete the internship for reasons that are not only temporary due to health issues, the internship supervisor must inform the responsible teacher immediately.

15 – Duties of the Participating Students

(1) The students must write reports describing their internship and activities. The same applies if the writing of a report is mandatory according to the general framework concept or the school's internal concept regarding the completion of a practical training or learning-by-doing program.

(2) The students must – even after the end of their internship – keep secret all company-internal matters. This does not include facts which are obvious or do not need to be kept secret due to their minor relevance.

16 – Agreement with External Company/Organization

Implementation of a practical training or learning-by-doing program together with an external partner (internship provider) requires a written agreement or cooperation contract concluded with this external company according to the draft version shown in Annex 1. Where the agreement is concluded with a legal entity of private or public law, the federal state of Berlin represents this entity when concluding the agreement. If the internship is to be completed in an authority subordinate to the federal state of Berlin, the school concludes the agreement in its own name. Before conclusion with the external partner, the Information Sheet (Annex 2) must be submitted to the latter. At the time of conclusion of the agreement or cooperation contract the rights and duties of the external partners specified in this Information Sheet become binding.

17 – Insurance Cover and Liability

(1) Pursuant to § 2 (1) no. 8 (b) of the Seventh German Social Code (*Sozialgesetzbuch*) in its latest version students performing internships and practical training programs are generally covered by a statutory accident insurance.

(2) The federal state of Berlin is liable for property damage suffered by a student during the internship in case

- a) a teacher responsible for supervising the student has breached his/her official duties or
- b) the person in charge of guiding the student/s at the external learning site has breached his/her duty of supervision.

(3) The company is liable for any property damage suffered by a student or the teacher in charge of supervising the student/s at the external site resulting from insufficient safety at the learning site if the prerequisites of statutory liability are fulfilled.

(4) Pursuant to § 34 of the German Basic Law (*Grundgesetz*) the federal state of Berlin is liable for physical injuries, property damage and financial loss suffered by the company, organization or a person belonging to the latter due to a breach of the official duties of the teacher responsible for the internship and supervision.

(5) In case of property damage caused by students during their practical training or learning-by-doing programs to the company owners or their customers, ex gratia payments may be paid pursuant to no. 8 (3) of the Civil Liability and First Party Loss Principles (*Haftpflicht- und Eigenschädengrundsätze*) as of 30 November 2004 (German Legal Gazette, page 4699) if the aggrieved party cannot seek compensation for this otherwise.