

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Education

8-401.1.

(A) (1) A HANDICAPPED STUDENT WHO HAS BEEN PLACED WITH AN EMPLOYER IN AN UNPAID WORK ASSIGNMENT AS PART OF AN INDIVIDUALIZED EDUCATION PLAN IS AN EMPLOYEE OF THE EMPLOYER FOR THE PURPOSES OF WORKERS' COMPENSATION WITHIN THE MEANING OF ARTICLE 101, SECTION § 21 OF THE CODE.

(2) A RESIDENT IN A FACILITY AS DEFINED UNDER § 10-101(E) OF THE HEALTH - GENERAL ARTICLE IS NOT AN EMPLOYEE OF THE EMPLOYER FOR THE PURPOSES OF WORKERS' COMPENSATION WITHIN THE MEANING OF ARTICLE 101, § 21 OF THE CODE.

~~(B) -- ANY WORKERS' COMPENSATION BENEFIT PAID TO A HANDICAPPED STUDENT -- UNDER -- THIS SECTION -- SHALL BE THE MINIMUM AMOUNT FOR THAT INJURY AUTHORIZED BY ARTICLE 101 OF THE CODE.~~

(B) COMPENSATION FOR INJURY OR DEATH TO A HANDICAPPED STUDENT UNDER THIS SECTION SHALL BE BASED ON THE FEDERAL MINIMUM WAGE IN EFFECT AT THE TIME OF THE STUDENT'S INJURY.

(C) A COUNTY BOARD OF EDUCATION THAT PLACES A HANDICAPPED STUDENT WITH AN EMPLOYER IN AN UNPAID WORK ASSIGNMENT PURSUANT TO THE STUDENT'S INDIVIDUALIZED EDUCATION PLAN MAY SECURE WORKERS' COMPENSATION COVERAGE FOR THAT STUDENT.

Article 101 - Workmen's Compensation

16.

The employer shall secure compensation to his employees in one of the following ways:

(5) BY HAVING A COUNTY BOARD OF EDUCATION SECURE COMPENSATION FOR THE EMPLOYEE UNDER § 8-401.1(C) OF THE EDUCATION ARTICLE.

21.

(b) The following shall constitute employees subject to the provisions of this article, except as exempted under subsection (c) of this section:

(12) A HANDICAPPED STUDENT WITH AN EMPLOYER IN AN UNPAID WORK ASSIGNMENT PURSUANT TO SECTION § 8-401.1 OF THE EDUCATION ARTICLE IS AN EMPLOYEE OF THE EMPLOYER FOR THE PURPOSES OF WORKERS' COMPENSATION.