

Technical Assistance Paper

12698

**Non-Paid Community-Based
Vocational Educational (CBVE) Programs****Introduction**

Transition services requirements were included in the Individuals with Disabilities Education Improvement Act (IDEA 2004) and in its proposed regulations. This legislation and its proposed regulations promote activities such as vocational training, integrated employment, community experiences, the development of employment, and functional vocational evaluation as some of the coordinated activities that are designed within an outcome-oriented process to promote the movement from school to post-school activities. With the inception of community-based vocational educational (CBVE) programs, both paid and non-paid, many questions have been posed related to implementing programs in compliance with federal and state regulations, as well as the Fair Labor Standards Act.

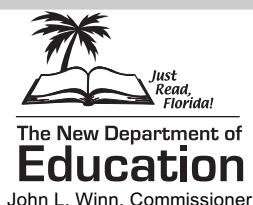
The Fair Labor Standards Act (FLSA) is the federal legislation that governs requirements pertaining to minimum wage, overtime pay, record keeping, child labor, and other requirements. It entitles employees to a regular wage of at least the current specified minimum wage per hour and overtime pay of at least one and one-half times the rate of pay for all hours over forty in a work week. In the early 1990s, the U.S. Departments of Education and Labor (U.S. DOE/DOL) developed criteria and guidelines for students, school districts, and businesses which participate in non-paid CBVE programs. The purpose of these criteria and guidelines was to establish some parameters for non-paid CBVE programs that prepare students for paid employment and to help these programs and employers avoid violations of the FLSA. (See Memorandum of Understanding, 19IDELR 90.)

The purpose of this technical assistance paper (TAP) is to identify helpful guidelines for non-paid CBVE programs and offer recommendations that, although not required, would appear to constitute best practice. The TAP is organized into six major sections as follows:

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TECHNICAL ASSISTANCE PAPERS (TAPs) are produced periodically by the Bureau of Exceptional Education and Student Services to present discussion of current topics. The TAPs may be used for inservice sessions, technical assistance visits, parent organization meetings, or interdisciplinary discussion groups. Topics are identified by state steering committees, district personnel, and individuals, or from program compliance monitoring.

BUREAU OF EXCEPTIONAL EDUCATION AND STUDENT SERVICES

Section I: Understanding Some Guidelines for Non-Paid CBVE

There are three components of non-paid CBVE programs. These components are vocational exploration, vocational assessment, and vocational training. Although an employment relationship is usually not determined solely on the basis of the number of hours a student has worked, as a general rule, each component should not exceed the following during any one school year:

- vocational exploration—5 hours per job experienced
- vocational assessment—90 hours per job experienced
- vocational training—120 hours per job experienced

Vocational exploration involves investigating a student's interests, values, beliefs, strengths, and needs in relation to the demands and other characteristics of work environments. Students are exposed briefly to a variety of work settings to help them make decisions about future career directions or occupations. Exploration enables students to make choices regarding career and occupational areas they wish to pursue.

Vocational exploration might also include "job shadowing." In this phase, students are merely observing the job and talking with employees. Any actual work trial in this phase should be very brief and limited and under the direct supervision of school personnel.

Vocational assessment helps determine individual training objectives for a student with a disability. In this component, the student performs work assignments in various businesses under the direct supervision of school personnel and employees of the business. Assessment data are systematically collected on the student's interests, aptitudes, needs, learning styles, work habits, behaviors, personal and social skills, values and attitudes, and stamina. The student rotates through various work settings corresponding to the student's employment preferences as situational assessments are completed by school personnel and on-site employees. As a result, students are assisted with their selection of work settings in which they can more closely pursue career or occupational areas that match their interests and aptitudes.

Vocational assessment for the purposes of CBVE is typically a form of situational assessment. Although on-site employees may perform supervision and data collection in this phase, it is strongly recommended that school personnel or its contracted providers remain on-site at all times during the assessment phase. It is also important to remember that there are many other forms of vocational assessment that might be conducted outside of the parameters of CBVE which would not impact the hours restrictions. Time spent on classroom assessments and interest inventories, such as *Choices* or *Self-Directed Search*, when used in the classroom, would not count towards the hours restrictions for vocational assessment. Only hours spent in a particular job description for the purposes of vocational assessment would be counted towards the hours restrictions.

Vocational training places the student in various employment settings for work experience. The students, parents, and school personnel should develop a detailed, written training plan which includes the competencies to be acquired, the method(s) of instruction to be used and the

procedures for the evaluation of the training experience. Training should be closely supervised by a representative of the school but may also be done by a designated employee or a supervisor. The purpose of this component is to enable students to develop the competencies and behaviors needed to secure and maintain paid employment.

Vocational training helps students to acquire the necessary skills to obtain and maintain paid employment eventually. During this phase, districts may allow the designated employees or supervisors within the workplace to assume some of the supervision duties.

A complex series of factors are considered for the legal determination as to whether or not the activities of the students at the CBVE placement site would result in an immediate advantage to the business that could trigger a violation of the FLSA.

The Department of Labor will look at several factors.

- There has been no displacement of employees; vacant positions have not been filled; employees have not been relieved of assigned duties; and the students are not performing services that, although not ordinarily performed by employees, clearly are of benefit to the business.
- The students are under continuous and direct supervision by either representatives of the school or by employees of the business.
- Such placements are made according to the requirements of the student's individual educational plan (IEP) and not to meet the labor needs of the business.
- The periods of time spent by the students at any one site or in any clearly distinguishable job classification are specifically limited by the IEP. (United States Department of Education, 1992)

Six criteria are used by DOL to determine whether or not the trainees or students are employees within the meaning of FLSA.

If all six of the following criteria apply, the trainees or students are not employees within the meaning of the FLSA:

- The training, even though it includes actual operation of the facilities of the employer, is similar to that which would be given in a vocational school.
- The training is for the benefit of the trainees or students.
- The trainees or students do not displace regular employees but work under their close observation.
- The employer that provides the training derives no immediate advantages from the activities of the trainees or students, and on occasion operations may actually be impeded.
- The trainees or students are not necessarily entitled to a job at the conclusion of the training period.
- The employer and the trainees or students understand that the trainees or students are not entitled to wages for the time spent in training. (United States Department of Labor, 1993)□

In-Classroom Non-Paid Work Experience

There is another type of work experience that may be utilized by some schools that, even though it may not usually be a part of CBVE, could still be subject to the FLSA. This work experience activity involves having students perform work projects within the classroom. Activities might include assembling products, packaging materials, and preparing mail-outs. If these classroom work experience activities are performed for the benefit of non-profit entities such as the United Way, Red Cross, a non-profit hospital, etc., the FLSA may not be applicable. However, a “volunteer” relationship can only exist if the student has freely volunteered to complete these tasks.

If these activities are performed by students for the benefit of for-profit businesses, the FLSA may be applicable. For example, if a for-profit business benefits from a product produced or service that has been performed by the classroom students, an employment relationship may have been created. Examples of these tasks might include assembling boxes for a restaurant, preparing mail-outs for a printing company, assembling parts for an automotive company, or packaging materials for a retail store. (Adapted from Florida Department of Education, 1993, *A Guide to Establishing and Implementing Vocational Instruction in the Community*.)□

Volunteerism

Students may volunteer for public service, religious, or humanitarian purposes. Volunteers are not considered to be employees of the non-profit organizations that have received their services because such services are not typically compensated.

Volunteering provides students with the opportunity to gain experience, while giving back to their community. Examples of volunteer opportunities that are available solely for a student to gain experience and not for the purpose of compensation include the following:

- serving as a “candy strip” in a hospital
- collecting, giving-out, or serving food in a food bank or homeless shelter
- organizing recreation opportunities or assisting with chores in a senior center
- re-shelving books or assisting with research in a public library.

Section II: Frequently Asked Questions and Answers

(Taken from *Meeting the Needs of Youth with Disabilities: Handbook for Implementing Community-Based Vocational Education Programs According to the Fair Labor Standards Act, Second Edition*, November 1999)

The U.S. Departments of Education and Labor issue policy guidelines that apply to students with disabilities in nonemployment relationships. A nonemployment relationship occurs as part of the vocational exploration, assessment, and training components of CBVE programs. This section presents many of the questions frequently asked about these guidelines. Each question includes an answer developed by the U.S. Department of Education in collaboration with officials from the U.S. Department of Labor's Wage and Hour Division. Language has been modified to include Florida-specific terms, when applicable, for clarity. Additionally, information specific to Florida not taken from *Meeting the Needs of Youth with Disabilities: Handbook for Implementing Community-Based Vocational Education Programs According to the Fair Labor Standards Act, Second Edition* (November 1999) has been included in response to recurring questions and for clarification purposes.

Requirements for Participation

1. Which students may participate in CBVE under the policy guidelines for nonemployment relationships?

Students who meet state guidelines for special education may participate in CBVE if it is determined appropriate for them.

While there are no specific age limitations on participation in non-paid CBVE programs, there are both federal and state regulations as to the types of job descriptions and activities which may be performed by minors. (See *Section V: The Most Common Hazardous Occupations* on pages 19 and 20 for more detailed information.)

It is important that the types of activities students with disabilities engage in to prepare for employment are parallel to those of their non-disabled peers. For example, it would be uncommon to find middle school peers engaged in the task of bagging groceries at a grocery store; therefore, it would be inappropriate for students with disabilities to perform such learning activities. School districts may wish to develop scope and sequence charts which identify how students with disabilities will participate in the components of non-paid CBVE programs based on the student's age or grade level.

2. How is it determined which students might need CBVE?

The determination should be based on the individual student's needs, taking into account the student's preferences and interests. CBVE would be considered a major change in placement for students and would require a change in the Transition IEP. The local education agency (LEA) must invite the student to any meetings considering transition services or participation in CBVE.

3. Does the term “physical and mental disabilities” mean that students with learning disabilities are excluded?

No. Students with learning disabilities may be included. Participation in CBVE should not be determined by disability but rather by an individual student’s needs and preferences.

4. The policy guidelines indicate that CBVE is for individuals for whom employment is “not immediately obtainable.” What does this mean?

The *not immediately obtainable* language was placed in the guidelines to ensure that students would not be placed in exploration, assessment, or training components of CBVE if they were capable of obtaining employment at or above the minimum wage level. CBVE programs are organized educational activities intended to prepare students while they are in school for paid employment.

5. The guidelines also indicate that CBVE is intended for students who will need “intensive ongoing support” to perform in a work setting. Does this mean that it is intended for students with more severe disabilities?

CBVE is intended for but not limited to students with severe disabilities. The level of severity must be based on skills and behaviors necessary to function in a work setting. Examples of ongoing support services include job redesign, job coaching to retain employment, environmental adaptations, personal assistance services, transportation, and social skills training (Rehabilitation Act Amendments of 1992, Senate Report 102-357, p.24).

6. What vocational options should be available to students whose needs would not be considered severe?

CBVE is not intended to replace vocational education, work study, or other vocational training and employment programs. It is intended to be an option made available to students to expand the capacity of the LEA to assist each student with achieving employment objectives.

Documentation

7. What type of documentation is needed?

Three types of documentation must be employed to meet the requirements of these guidelines.

- 1) a Transition IEP reflecting vocational instruction and training goals and benchmarks or objectives relevant to the CBVE
- 2) a letter of agreement outlining the DOE/DOL requirements listed below and signed by all participants
- 3) ongoing case notes (i.e., attendance records, progress reports, time cards, evaluations, report cards).

It is important in CBVE programs to document that the student, the parent or guardian, the employer, and instructional staff understand that

- if at any point the CBVE activity is no longer a learning experience, it cannot be considered a nonemployment relationship
- the CBVE program must meet all the requirements outlined in the guidelines for nonemployment relationships
- students are not automatically entitled to employment at the worksite where they are receiving instruction and training.

8. Does the Transition IEP eliminate the need to adhere to other laws governing child labor?

Technically, child labor laws do not apply where there is not an employment relationship. However, it is highly recommended that educators adhere to child labor laws with regard to hazardous working conditions. Instruction and training in occupations which involve the use of machinery such as deli slicing machines, trash compactors, scrap paper balers, paper box compactors, and bread dough kneading machines have been known to cause serious injury. Child labor laws provide information that can assist education personnel in determining whether a job is hazardous.

All non-paid CBVE programs must adhere strictly to child labor laws regarding hazardous working conditions in exploration, assessment, and training components of programs. See Section V for major occupations identified as hazardous.

9. Do the policy guidelines supersede individual State Departments of Labor regulations?

No. It is important that CBVE programs comply with both U.S. DOL and state DOL regulations. Where the two do not agree, the regulations with the most stringent requirements for protecting individuals in work settings must apply.

10. Is special or extra liability coverage for students required?

CBVE is considered part of the student's Transition IEP. In nonemployment relationships, the worksite is perceived as an extension of the school. In other words, the student is pursuing instructional objectives in a work setting. Since these students are not employees, they are not eligible for the usual worker's compensation or insurance coverage provided to employees. If the student is a paid employee of the business, then the employer is responsible for offering him or her the same liability coverage offered to other employees. If the student's participation in workplace activities can be considered instructional and part of a nonemployment relationship, then the school may be responsible for liability coverage. Generally, the same insurance and liability policies that apply to other off-site school experiences (i.e., athletic events, field trips) should apply. Each school district must work out its own policies regarding liability.

Many school districts require students to provide proof of health insurance for off-site school experiences. The Florida Department of Education, Bureau of Exceptional Education and Student Services' position is that school districts may not deny students with disabilities access to CBVE if their Transition IEP indicates a need for such services. Students with disabilities must be provided with a free appropriate public education (FAPE). Some school districts have opted to purchase school-issued insurance policies for students participating in non-paid CBVE. All school districts implementing community-based activities are encouraged to work with their risk management team or designee to address liability issues and are encouraged to develop written policies and procedures accordingly.

11. Do reports have to be made to the U.S. DOE and/or the U.S. DOL?

No. It is not necessary to make reports to the U.S. DOE or the U.S. DOL. However, adequate records documenting the program's compliance with guidelines for nonemployment relationships must be maintained. In the event of a DOL investigation of the program, this information must be made available to the DOL.

12. Can information from the CBVE program be shared with vocational rehabilitation agencies?

Yes. Information from the CBVE program can be shared with other agencies as long as confidentiality procedures are followed. In fact, rehabilitation services counselors may be actively involved in the process of CBVE through consultation or funding.

13. How should issues regarding confidentiality be addressed?

CBVE programs should follow state and local procedures with regard to confidential information. These procedures are outlined in section 300.611 – 300.627 and 300.229 of the IDEA 2001 proposed regulations and are incorporated into both state and local policies and procedures.

Program Supervision

14. What is meant by the term “under the general supervision” of public school personnel?

This means that the public school or education agency has primary responsibility for the CBVE program. Under IDEA, failure to deliver FAPE constitutes a violation of the rights of students with disabilities. This phrase places responsibility of ensuring that CBVE programs meet this mandate squarely on the shoulders of public school personnel. While different agencies or groups may deliver these educational services, public school personnel must act as the central agency overseeing the program.

15. How might educators document meeting the general supervision criteria?

Educators can document the general supervision criteria by developing the student's Transition IEP. If a third party, such as a community-based rehabilitation program, is being utilized to carry out the provisions of the Transition IEP, it should be so noted. The education agency must ensure that these guidelines are fully understood and will be followed by the provider.

Other means of documenting general supervision might include Special Diploma Option 2 Graduation and Training Plans, schedules, anecdotal notes, observational data, etc.

16. What are the implications of the “continued and direct supervision” requirement for educators and employers?

Student participation in CBVE programs is considered a valid part of a student's Transition IEP. As such, he or she is expected to be closely supervised by school staff or employees of the business. Direct supervision can include one-to-one instruction, small group instruction, supervision in close proximity, and supervision at frequent, regular intervals. Supervision at frequent, regular intervals is permitted when the goal is to assess the ability to work independently or to demonstrate mastery of the vocational skill.

When employees of the business will be providing the “continued and direct supervision,” a statement to this effect must be included in the agreement and/or vocational training plan.

17. Is it necessary for someone to monitor the student at all times?

Students in CBVE programs are to be monitored at all times. However, exactly how closely a student needs to be monitored in a CBVE work setting must be determined on an individual basis. The various components of CBVE could require a variety of monitoring strategies depending on the goals and benchmarks or objectives outlined in the Transition IEP. For example, vocational exploration and vocational assessment may require closer monitoring than the training component when the student is working toward more independence in job performance.

It is suggested that school personnel maintain supervision 100% of the time during vocational exploration and vocational assessment phases of CBVE. However, school personnel may rely more on supervision by the business during the training phase. It is suggested that in the training component school personnel maintain work site supervision on a weekly to bi-weekly basis.

When continued and direct supervision is to be provided by the business, it is important that the employer understands his/her obligations, the parent understands that school personnel may not be on-site with the student on a continual basis, all parties understand that school personnel are responsible for overall general supervision including regular on-site monitoring, and all parties sign a written agreement and/or training plan acknowledging their acceptance of this supervision arrangement.

18. What educational qualifications and/or certification must education staff have in order to provide supervision in CBVE programs as the LEA's representative?

It is the responsibility of state and local education agencies to determine the educational qualifications necessary for school staff providing supervision in CBVE programs.* If non-certificated personnel provide work site supervision as the designated school personnel, they must meet regularly with the teacher responsible for the course and/or Transition IEP goals and benchmarks or objectives. The teacher of record should visit each training site at least once during assessment and exploration and once during the period designated as the training component.

* The teacher's certification must be consistent with certification requirements as described in the *Course Code Directory*.

Instructional Programming

19. Would vocational assessment be required to determine a student's interests and preferences?

A formal vocational assessment may not be required to ascertain a student's preferences and interests if other alternatives are appropriate. However, as part of the overall decision-making process, needs for support services or assistive technology should also be identified. These needs may be determined through ongoing assessment procedures inherent in the various components of CBVE.

20. Is it necessary that the program follow sequential order (i.e., exploration, assessment, training)?

No. It is not necessary that the CBVE program follow a prescribed order. Given the nature of the student's needs, any of the three components may be deleted. It is only necessary that the CBVE program follow logical, generally agreed on instructional best practices. For example, assessment and exploration usually would not follow training in one job classification.

21. Is it necessary that the Transition IEP specify exact site placements?

No. It is possible for the Transition IEP to identify general goals and benchmarks or objectives to be pursued (i.e., job clusters in which to explore or conduct assessments, assessments of general work behavior skills, training in a specific occupation). The Transition IEP should, however, expressly limit the amount of time students will spend at any one site or in any one distinguishable job classification. Additional written agreements with parents, students, and employers should reflect the exact location and document the specific nature of the education and training involved.

22. Does the Transition IEP team have to reconvene for multiple vocational explorations, assessments, and training?

No. It is not generally necessary to reconvene the Transition IEP team for multiple vocational explorations, assessments, and training. The Transition IEP goals and benchmarks or objectives can be written broadly enough to incorporate these experiences.

23. What is meant by the phrases “clearly distinguishable occupation” and “clearly distinguishable job classification”?

The word occupation refers to a specific profession or vocation generally engaged in as a source of livelihood. Occupation and job classification are meant to be synonymous. Examples of occupations are shipping and receiving clerk, custodian, and painter. Often occupations are confused with specific work activities or work stations which may be integral components of specific occupations. For example, work as a building custodian involves sweeping, emptying trash, and mopping. Each of these work activities must be considered as part of the clearly distinguishable occupation of custodian. If a student has received all allowable hours of non-paid CBVE in the job as school custodian, she or he should not be moved to a new site for a separate experience as a non-paid office building custodian.

24. Given the policy guidelines, could an employer move students around to different workstations or occupation areas not specified in their written agreement?

No. As stated earlier, goals and benchmarks or objectives for the student have been outlined in the Transition IEP, and written agreements between the student, parent, employer, and school personnel detail specific activities for the CBVE experience. Thus, the CBVE experience can be considered a valid educational experience under the supervision of school personnel. Employers must feel free to remove students from any work activity if they determine that removal is necessary for safety or other reasons. However, under no circumstances should the student be placed in a work station or occupational area not specifically outlined in the written agreement.

25. How will students receive course credits for CBVE?

How students receive course credit for work done in CBVE programs is left to the discretion of the state and LEA. Many LEAs allow course credit for these community experiences since they are the means by which students achieve goals and benchmarks or objectives identified in their Transition IEPs. Frequently, the policy for course credit in CBVE programs will be consistent with the one used for vocational education programs available to the general population.

Districts are encouraged to consider Exploratory Education, Course Number 7980010; Job Preparatory Education, Course Number 7980030; Career Preparation, Course Number 7980110; Career Experiences, Course Number 7980120; Career Education, Course Number

7921330; and Life Management and Transition, Course Number 7960010. Many other courses may be selected for non-paid CBVE programs. These courses were chosen as representatives since their objectives are closely aligned with the intent of non-paid CBVE. The ultimate course decision should be determined by the school district and the Transition IEP team.

26. Do the policy guidelines refer to programs under special education and/or vocational education?

It does not matter whether the CBVE program is offered through special education or vocational education. However, students participating in CBVE programs under these criteria for non-employment relationships must be youth with disabilities as defined by the IDEA.

27. Do the guidelines apply to work during the summer?

Yes. These guidelines may apply to summer CBVE programs as long as they are under the general supervision of school personnel. Many students have Transition IEPs that call for an extended-school-year (ESY) educational program. Other students may simply elect to enroll in summer school where offered.

The Educational Relationship Versus the Employment Relationship

28. What is the difference between an educational relationship and an employment relationship?

In an employment relationship, the student is actually providing services that are of immediate benefit to the employer. The student may be completing assignments normally completed by regular employees. As a result of these activities, vacant paid positions in the business may remain unfilled and regular employees may be displaced or relieved of their normally assigned duties. In an educational relationship, the student engages in work activities as part of an organized educational activity designed to benefit the student. The guidelines on implementing CBVE programs consistent with the FLSA outline the distinction between an employment relationship and a valid educational experience. If it is determined that a student's involvement in CBVE constitutes an employment relationship rather than part of an organized educational activity, then the participating business or school can be held responsible for full compliance with the FLSA regulations. This would include compliance with the FLSA's minimum wage and overtime provisions.

29. What is the distinction between benefit to student versus benefit to employer?

A number of distinctions have been made between benefit to the employer and benefit to the student with regard to CBVE programs (Pumpian, Lewis, & Engel, 1986). Benefit to the employer occurs when the employer recognizes an immediate advantage by having the CBVE student working on the premises. An immediate advantage can be described in terms of increased profitability or production for the business. Benefit to the student occurs when

the CBVE program can be considered a valid educational experience for the student. The courts and experts in the field suggest that for CBVE to represent an educationally valid experience, the following instructional practices should be implemented:

- Students receive adequate orientation and instruction before beginning new tasks.
- Students' goals and benchmarks or objectives to be met in the CBVE program are clearly defined.
- Activities in the CBVE setting relate directly to students' goals and benchmarks or objectives.
- Students' activities in the CBVE program are closely monitored.
- Records of students' progress are maintained.
- The necessary support and time for students to develop proficiency at new tasks are provided.

30. What is the educator's role in assuring that regular employees will not be displaced by the student trainee in the workplace?

The community experience must be primarily for the benefit of the student. Also, regular employees must not be displaced or relieved of assigned duties, and vacant positions should not go unfilled. Two strategies are available to educators for ensuring that this criterion is met. First, the educator can confirm that the employer, the student, and the parents understand that students in the CBVE program must not displace regular employees. An agreement documenting this understanding should be signed by all involved. Second, those who provide direct supervision to the student at the worksite may observe when employee displacement and other violations are occurring and take steps to correct the situation or remove the student from the site.

31. If the activity is ordinarily not performed by employees yet is beneficial to the business, can the student perform the activity?

The student should either not perform the activity or be paid appropriate wages. Although regular employees have not been displaced or relieved of assigned duties, the student is still providing services which are of benefit to the business. Therefore, an employment relationship exists between the student and the employer. This would not be the case if the activity were of no benefit to the employer and consisted of work designed to develop or improve a student's skills. For example, reorganizing materials awaiting shipment into sets of five would not constitute an employment relationship if the business did not ship the materials in this manner.

32. Can students accept an offer of paid employment at a worksite where they were placed for CBVE?

Yes. Students may accept an offer of paid employment at a worksite where they received instruction and training. The student would then become an employee of the business, and an employment relationship would ensue. This means that the employer is responsible for full compliance with the FLSA, including minimum wage, overtime pay provisions, and child labor considerations.

33. Could the student be paid less than the minimum wage?

Yes. Employment below the minimum wage rate is permitted in instances when a worker's disability impairs his or her ability to perform the job. This special minimum wage rate is based on the productivity of the worker with disabilities as compared to the productivity of a worker without disabilities. Employers must apply to the U.S. DOL for authority to employ workers with disabilities at these special minimum wage rates.

Florida school districts are discouraged from using or facilitating special minimum wage rates for students with disabilities. In fact, some Florida courses clearly stipulate that students with disabilities must be paid minimum wage or greater (e.g., Supported Competitive Employment, Course Number 7980150).

34. Are training agreements with off-campus sites for non-paid community-based vocational education (shadowing, assessment, training) considered contracts that would require employees of community businesses to participate in Level 2 background screening in accordance with the Jessica Lunsford Act?

No. Section 1012.465, Florida Statutes, now states (amendments underlined):

(1) Noninstitutional school district employees or contractual personnel who are permitted access on school grounds when students are present, who have direct contact with students or who have access to or control of school funds must meet Level 2 screening requirements as described in s. 1012.32, F.S. Contractual personnel shall include any vendor, individual, or entity under contract with the school board.

The statute, as amended, applies to three categories of either noninstructional or contractual personnel, all of whom must meet Level 2 background screening requirements, including those

1. who are permitted access on school grounds when students are present,
2. who have direct contact with students, or
3. who have access to or control of school funds.

35. When school districts contract with outside providers (e.g., Arc, Goodwill, etc.) to provide non-paid community-based vocational training or job coaching/supported employment services to students with disabilities, are employees of the outside provider (e.g., job coaches, employment specialists, etc.) who have direct contact with students with disabilities required to participate in Level 2 background screening in accordance with the Jessica Lunsford Act?

Yes. These individuals are contractual personnel who have direct contact with students; therefore, they would be required to participate in Level 2 background screening as specified in section 1012.465, Florida Statutes.

36. If a school district provides funding to a business established as a non-paid training site for the purposes of paying the students who are participating in non-paid community-based vocational training, would the employees of the business who have direct contact with students with disabilities be required to participate in Level 2 background screening in accordance with the Jessica Lunsford Act?

Yes. If the district sets up a contract with the business for these purposes, Level 2 background screening would be required.

Section III: Reflecting Community-Based Vocational Education in the Transition IEP

Exploration

Sample Present Level of Educational Performance

Priority Educational Need for Exploration

ex. John's priority educational need is to identify a preference for post-school employment that matches his interests and abilities.

Sample Goals and Benchmarks for Exploration

ex. John will describe at least one career preference with an explanation of how the career or job matches his interests and abilities at his annual Transition IEP meeting.

- John will describe his own interests and abilities related to career preferences after completing a self-assessment with supports by October 15, 2006.
- Given observations, interviews, and experiences in at least four different job descriptions/positions (up to five hours each position), John will express his preferences and concerns about each job within a week after each exploration activity (or by January).

Assessment

John's Transition IEP team determined that he could benefit from functional vocational assessment since there is a need to determine his strengths and limitations in relation to work environments.

Sample Present Level of Educational Performance

Priority Educational Need for Assessment

ex. John's priority educational need is to identify his strengths and limits in various work environments.

Sample Goals and Benchmarks for Assessment

ex. John will describe at least one personal strength and limitation after performing work-tasks in more than one food service environment.

- John will describe his strengths and limits after participating in assessment activities for up to 90 hours per job description/occupation by December 15, 2006.
- Given opportunities to participate in work-related tasks in a variety of food service environments through assessment activities, John will prepare a summary of his strengths and limits in relation to his experiences to be shared at his annual Transition IEP meeting by March 15, 2006.

Training

Sample Present Level of Educational Performance

Priority Educational Need for Training

ex. John's priority educational need is to improve on-task behaviors in work environments.

Sample Goals and Benchmarks for Training

ex. John will remain on task in work-related activities for one hour intervals with no breaks for five consecutive activities.

- Given pictorial checklists and a watch with a pre-set timer to indicate when he may take breaks, John will increase his on-task behavior in at least two job descriptions/occupations by 30 minutes by December 15, 2006.
- John will set goals for staying on task and will monitor his progress daily, weekly, and monthly and will adjust accordingly if he is not making progress by December 15, 2006.

Note: This is not intended to be an exhaustive list of the ways in which a district might document exploration, assessment, or training in the student's IEP.

Section IV: Suggestions for Documentation

Exploration

- parent notification indicating exploration site(s) and hours
- parent permission form
 - describes the purpose of exploration
 - indicates that the provision of services will not directly benefit the employer
 - asserts that the student will not remain in any one work situation for more than five hours
 - indicates that the student will not be paid
 - stipulates that the school will provide transportation to worksites
- site agreement signed by representative of each exploration site
 - describes the purpose of exploration
 - indicates that the provision of services will not directly benefit the employer
 - indicates that the student will not be paid
 - indicates that school personnel will provide supervision
 - stipulates that the school will provide transportation.

Assessment

- vocational assessment plan
 - describes the purpose of the vocational assessment component
 - defines the assessment site
 - indicates that the student will not work in any one setting for more than 90 hours
 - indicates that the placement is not intended to benefit the business
 - indicates that the student will not be paid
 - stipulates that school personnel will provide supervision, and the school will provide transportation
 - reflects signatures of school personnel, employer, parent, and student.

Training

- vocational training agreement
 - states location
 - indicates hours per day, days per week, and expresses that the training will not exceed 120 total hours
 - indicates that training is for the student's benefit according to his or her Transition IEP
 - indicates that the school is responsible for the general supervision of the training program
 - stipulates that the student will not replace any employees but may work under an employee's close supervision

- expresses that the business will receive no immediate advantage from the tasks that the student performs
- indicates that when the student masters a task at an acceptable rate, a new training task will be introduced
- stipulates that the student is not entitled to wages or other work related benefits while in the training program
- expresses that the student is not automatically entitled to employment with the business when the training period ends
- reflects signatures of school personnel, employer, parent, and student
- training plan
 - describes desired outcome(s) of training
 - describes general activities to be performed
 - describes supervision by both school personnel and job site employer.

Adapted from *Meeting the Needs of Youth with Disabilities: Handbook for Implementing Community-Based Vocational Education Programs According to the Fair Labor Standards Act*, □ 1999. □

Note: See sample forms in the appendices.

Section V: The Most Common Hazardous Occupations

Occupations Prohibited for All Minors

- working in occupations involving explosives or radioactive materials
- manufacturing brick, tile, and like products
- logging or sawmilling
- slaughtering, meat packing, processing, or rendering of meat
- mining occupations
- working on any scaffolding, roofs, or ladders above six feet
- operating power-driven bakery, metal-forming, woodworking, paper product, or hoisting machines
- wrecking, demolition, or excavation
- operating power-driven meat and vegetable slicing machines
- operating motor vehicles as drivers and serving as outside helpers; delivery drivers
- operating circular saws, band saws, and guillotine shears
- **working with electrical apparatus and wiring
- **working with compressed gases: minors are not allowed to dispense, transport, service, modify, or alter tanks, cylinders, or other equipment used for storing any inert or compound gas, including air, which has been compressed to a pressure that exceeds 40 pounds per square inch (p.s.i.), except that minors who are sixteen (16) years of age or older may fill balloons and bicycle or car tires (but not truck or heavy equipment), if given proper instruction and the tank or cylinder containing the compressed gas is fixed and secure
- **working in occupations involving toxic substances or corrosives, including pesticides or herbicides, unless proper field entry time allowances have been followed
- **firefighting
- **operating or assisting to operate tractors over 20 PTO horsepower; forklifts; earthmoving equipment; and harvesting, planting, or plowing machinery or any moving machinery.

(** Florida law only)

Additional Occupations Prohibited for Minors Ages 14 and 15

- operating or assisting to operate power-driven machinery, including all power mowers and cutters
- maintaining or repairing an establishment, machinery, or equipment
- working in freezers or meat coolers
- operating power driven meat or vegetable slicing machines
- operating motor vehicles, except for scooters, and in some cases, farm tractors
- manufacturing, mining, or processing occupations, including occupations requiring duties to be performed in workrooms or workplaces where goods are manufactured, mined, or processed
- cooking (except at soda fountains, lunch counters, snack bars, or cafeteria serving counters) and baking, to include baking machinery

- working in all occupations in transportation, warehousing and storage, communications, and construction (except clerical); boiler or engine room
- loading and unloading trucks, railroad cars, or conveyors
- working in public messenger services
- occupations which involve operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicing machines, grinders, food choppers, cutters, and bakery-type mixers
- **handling certain dangerous animals
- **spray painting
- **conducting door-to-door sales, except for some non-profit organizations such as the Boy Scouts or Girl Scouts and under close supervision by an adult.

(** Florida law only)

Student Learner Exemptions

Both federal and state law allow the employment of minors ages 16 and 17 in the hazardous occupations listed below when they are enrolled in approved state or local training programs as outlined in section 450.161, Florida Statutes.

- the operation of power-driven woodworking machines (H.O. 5; 29 CFR, Part 570.55)
- the operation of power-driven forming, punching, or shearing machines (H.O. 8; 29 CFR, Part 570.59)
- slaughtering, meat packing, processing, or rendering, except as provided in (H.O. 10; 29 CFR, part 570.61c)
- the operation of power-driven paper products and printing machines (H.O. 12; 29 CFR, Part 570.63)
- working on any scaffolding, roofs, or ladders above six feet (H.O. 16; 29 CFR, Part 570.67)
- excavation operations (H.O. 17; 2^a CFR, Part 570.68)
- **working on electrical apparatus or wiring.

(** Florida law only)

Such exemptions shall apply when the following conditions are met:

- (1) The student is enrolled in a state recognized training program.
- (2) The student learner is employed under written agreement which provides
 - a. that the work of the student in the occupation declared particularly hazardous shall be incidental to the training
 - b. that the work shall be intermittent and for short periods of time and under the direct supervision of a qualified and experienced person
 - c. that safety instruction shall be given by the school and correlated by the employer with the on-the-job training
 - d. that a schedule of organized and progressive work processes to be performed on the job shall have been prepared.

For additional information related to hazardous occupations and Florida Child Labor Laws, visit the Florida Department of Business and Professional Regulation, Division of Professions, Farm and Child Labor Program web site at <http://www.myflorida.com/dbpr/pro/childlabor/index.shtml>.

Section VI: Appendices

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Non-Paid Community-Based Vocational Educational Program Parent Notification: Vocational Exploration

Dear parent/guardian:

The non-paid community-based vocational educational (CBVE) program is designed to provide students with disabilities with real life vocational experiences at local cooperating businesses. There are three types of non-paid vocational experiences involved in this program. Your child has been recommended to participate in the vocational exploration component at this time.

Vocational exploration (also called job shadowing) exposes students briefly to a variety of work settings to help them make decisions about future career directions or occupations. The exploration process involves investigating interests, strengths and weaknesses in relation to the demands and other characteristics of work environments. Through vocational exploration, students gain information by watching work being performed, talking with employees, and sometimes trying out work under direct supervision of school personnel. Exploration enables students to make choices regarding career or occupational areas they wish to pursue.

There are two documents enclosed which require your signature in order for your child to be able to participate in this program. The *Parent Permission Form* contains a liability statement, grants permission for your child to be transported to community sites, and requests insurance and emergency medical information.

The *Non-Paid CBVE Exploration Site Agreement* lists the school and/or community business and occupation(s) your child will explore and sets out conditions for the vocational exploration experience.

Please sign and return the enclosed documents by _____.
Date _____

If you have any questions, please call me at _____.

Sincerely,

**Non-Paid Community-Based Vocational Educational Program
Parent Permission Form**

I agree to the placement of _____ in non-paid training
Student's Name
activities in the school and/or community.

I have insurance as follows:

School Accident Insurance _____ Yes _____ No

If yes, please enter Student ID Number _____

Family Medical Insurance _____ Yes _____ No

If yes, name of insurance company: _____

Policy Number: _____

I authorize the school representative to obtain emergency medical treatment in the event of injury or illness, and I agree to assume all responsibility for medical expenses in excess of any coverage provided by the above insurance for injuries or sickness resulting from participation in this program. All reasonable attempts will be made to contact the parent/guardian prior to medical treatment.

Emergency Contact:

Name: _____ Daytime Phone #: _____

Name: _____ Daytime Phone #: _____

Student's Doctor: _____ Phone #: _____

Medical condition(s) school staff should be aware of (if any):

Medication(s) taken by student: _____

Allergies: _____

I agree that the above-named student may be transported by public transportation, school district vehicles, or other vehicles operated by the program teacher or other appropriate school district staff in order to participate in the non-paid community-based vocational educational program. Public transportation refers to the county transit system. Other vehicles are private cars owned and operated by school district staff.

I shall not hold the _____, teacher, or trainer responsible in the event of an
School District
accident as I understand that proper attention will be given to all safety precautions.

I have read and understand the above and, by my signature below, accept the designated responsibilities, agree to the conditions stated, and give the named student permission to participate in the designated non-paid school and/or community activities.

Signed: _____
Parent/Guardian

Date: _____

Non-Paid Community-Based Vocational Educational Program Exploration Site Agreement

Student_____

Date of Birth_____

School_____

Grade_____

Business Name_____

Address_____

Vocational exploration (also called job shadowing) exposes students briefly to a work setting to help them make decisions about future career directions or occupations. The exploration process involves investigating interests, strengths, and weaknesses in relation to the demands and other characteristics of work environments. Through vocational exploration, students gain information by watching work being performed, talking with employees, and sometimes trying out work under direct supervision of school personnel.

According to this agreement, _____ agrees to permit
(Employer)

the above named student to enter its work site for the purpose of participating in non-paid community-based vocational exploration for the following job classification(s):

The exploration experience(s) will be for a maximum of five (5) hours per job classification.

Vocational exploration is for the educational benefit of the student according to his/her Transition IEP. The school is responsible for the general supervision of the program. The business will receive no immediate advantage from the tasks that the student performs. The student is not entitled to wages or other work related benefits while in the exploration program.

Employer's Responsibilities: The business will provide exploration opportunities for the student during the exploration activity in the job classification(s) listed above and will ensure the activity takes place under safe and hazard-free conditions. The student will receive the same consideration given employees with regard to safety, health, general working conditions, and other work related procedures.

Teacher/Trainer's Responsibilities: The teacher/trainer will arrange for transportation to and from the business site, provide the general and direct supervision of the exploration activity, and coordinate all related activities.

Parent/Guardian's Responsibilities: The parent or guardian of the student consents to the participation of the student in non-paid community-based vocational exploration at the above listed business according to all conditions listed and will not hold the work site or its employees, the school, the teacher/trainer, or other support personnel liable for any accident or injury occurring as a result of this activity.

Student's Responsibilities: The student agrees to follow the rules set by the employer, school, teacher/trainer, or other appropriate parties.

The same insurance and liability policies that apply to other off-campus school experiences (i.e., fields trips) apply to non-paid community-based vocational exploration at the community business site.

All signatories agree to the conditions and responsibilities specified in this exploration agreement.

Student	Date	Training Site Representative	Date
Parent/Guardian	Date	Teacher	Date
Principal	Date	Trainer*	Date

*Paraprofessional is to provide direct student supervision or training.

Non-Paid Community-Based Vocational Educational Program Parent Notification: Vocational Assessment

Dear parent/guardian:

The non-paid community-based vocational educational (CBVE) program is designed to provide students with disabilities with real life vocational experiences at local cooperating businesses. There are three types of vocational experiences involved in this program. Your child has been recommended to participate in the vocational assessment component at this time.

Vocational assessment helps determine individual training objectives for a student with a disability. In this component, the student performs work assignments in community businesses under the direct supervision of school personnel and employees. Assessment data are systematically collected concerning the student's interests, aptitudes, needs, learning styles, work habits, behavior, personal and social skills, values and attitudes, and stamina. The student rotates among various work settings as situational assessments are completed by school personnel and assessment site employees. As a result, students select work settings in which they can best pursue career or occupational areas matching their interests and aptitudes.

There are two documents enclosed which require your signature in order for your child to be able to participate in this program. The *Parent Permission Form* contains a liability statement, grants permission for your child to be transported to community sites, and requests insurance and emergency medical information.

The *Non-Paid CBVE Vocational Assessment Plan* lists the school and/or community business and occupation(s) your child will be assessed in and sets out conditions for the vocational assessment experience.

Please sign and return the enclosed documents by _____.
Date _____

If you have any questions, please call me at _____.

Sincerely,

Non-Paid Community-Based Vocational Educational Program Vocational Assessment Plan

Student _____ Date of Birth _____

School _____ Grade _____

Business Name _____

Address _____

Vocational assessment helps determine individual training objectives for a student with a disability. In this component, the student performs work assignments in the business under the direct supervision of school personnel and employees. Assessment data are systematically collected concerning the student's interests, aptitudes, needs, learning styles, work habits, behavior, personal and social skills, attitudes, and stamina. The student rotates among various work settings as situational assessments are completed by school personnel and assessment site employees. As a result, students select work settings in which they can best pursue career or occupational areas matching their interests and aptitudes.

According to this agreement, _____ agrees to permit
(Employer)

the above named student to enter its work site for the purpose of participating in non-paid community-based vocational assessment for the following job classification(s):
_____.

Assessment will be _____ hours per day, _____ days per week, and will not exceed 90 total hours per job classification.

Vocational assessment is for the educational benefit of the student according to his/her Transition IEP. The school is responsible for the general supervision of the program. The business will receive no immediate advantage from the tasks that the student performs. The student is not entitled to wages or other work related benefits while in the assessment program. If at any point the community-based vocational activity is no longer a learning experience, it cannot be considered a nonemployment relationship.

Employer's Responsibilities: The business will permit and assist with assessment of the student in the job classification(s) listed above and will ensure the assessment activity takes place under safe and hazard-free conditions. The student will receive the same consideration given employees with regard to safety, health, general working conditions, and other work related procedures.

Teacher/Trainer's Responsibilities: The teacher/trainer will arrange for transportation to and from the business site, provide the general and direct supervision of the assessment activity, and coordinate all related activities.

Parent/Guardian's Responsibilities: The parent or guardian of the student consents to the participation of the student in non-paid community-based vocational assessment at the above listed business according to all conditions listed and will not hold the work site or its employees, the school, the teacher/trainer, or other support personnel liable for any accident or injury occurring during this activity.

Student's Responsibilities: The student agrees to follow the rules set by the employer, school, teacher/trainer, or other appropriate parties.

The same insurance and liability policies that apply to other off-campus school experiences (i.e., fields trips) apply to non-paid community-based vocational assessment at the community business site.

All signatories agree to the conditions and responsibilities specified in this assessment agreement.

Student	Date	Training Site Representative	Date
Parent/Guardian	Date	Teacher	Date
Principal	Date	Trainer*	Date

*Paraprofessional is to provide direct student supervision or training.

Non-Paid Community-Based Vocational Educational Program

Parent Notification: Vocational Training

Dear parent/guardian:

The non-paid community-based vocational educational (CBVE) program is designed to provide students with disabilities with real life vocational experiences on school campuses and in local cooperating businesses. There are three types of vocational experiences involved in this program. Your child has been recommended to participate in the vocational training component at this time.

Vocational training places the student in various employment settings for work experience. Training is closely supervised by a representative of the school or a designated employee/supervisor. The purpose of this component is to enable students to develop the competencies and behavior needed to secure and maintain paid employment.

There are two documents enclosed which require your signature in order for your child to be able to participate in this program. The *Parent Permission Form* contains a liability statement, grants permission for your child to be transported to community sites, and requests insurance and emergency medical information.

The *Non-Paid CBVE Vocational Training Agreement* lists the school and/or community business and job classification(s) in which your child will receive training and sets out conditions for the vocational training experience. It also includes the competencies to be acquired, method(s) of supervision, and procedures for evaluating the training experience.

Please sign and return the enclosed documents by _____.
Date _____

If you have any questions, please call me at _____.

Sincerely,

Non-Paid Community-Based Vocational Educational Program Vocational Training Agreement and Training Plan

Student _____ Date of Birth _____

School _____ Grade _____

Business Name _____

Address _____

Vocational training places the student in various employment settings for work experience. The student, parents, and school personnel develop a detailed, written training plan, which includes the competencies to be acquired, method(s) of instruction, and procedures for evaluating the training experience. Training is closely supervised by a representative of the school or a designated employee/supervisor. The purpose of this component is to enable students to develop the competencies and behavior needed to secure and maintain paid employment.

According to this agreement, _____ agrees to permit
(Employer)

the above named student to enter its work site for the purpose of participating in non-paid community-based vocational training. Vocational training is for the educational benefit of the student according to his/her Transition IEP. The school is responsible for the general supervision of the training program. The student will not replace any employees but may work under their close supervision. The business will receive no immediate advantage from the tasks that the student performs. The student is not entitled to wages or other work related benefits while in the training program. The student is not automatically entitled to employment with the business when the training period ends. If at any point the non-paid community-based vocational activity is no longer a learning experience, it cannot be considered a nonemployment relationship.

Training will be ____ hours per day, ____ days per week, and will not exceed 120 total hours per job classification.

Job classification for training: _____

Desired vocational training outcome(s) for student:

The desired outcome(s) of this training experience are
[Check appropriate outcome(s)]

- ___ development of expected work behaviors designated on the *Work Maturity and Job Specific Skills Training Record* (or other progress recording form) and/or on the student's Transition IEP
- ___ mastery (with/without support) of job specific skills designated on the *Work Maturity and Job Specific Skills Training Record* (or other progress recording form) and/or on the student's Transition IEP
- ___ other: _____

Measurement of progress:

The student's progress will be measured by the *Work Maturity and Job Specific Skills Training Record* (or other progress recording form) and/or on the student's Transition IEP.

Supervision of vocational training:

School staff will be responsible for general supervision of the non-paid community-based vocational training program. General supervision means the school is responsible for ensuring that the U.S Departments of Labor and Education and _____ policy guidelines for community-based vocational education programs are understood

School District
and followed.

- ___ Continued and direct day-to-day on-site supervision will be provided by school staff (either teacher or trained paraprofessional).
- ___ Continued and direct day-to-day on-site supervision will be provided by the employer. School personnel will provide work site monitoring _____. (List frequency. Must be at least bi-weekly.)

Employer's Responsibilities: The business will permit and assist with training of the student in the job classification(s) listed above and will ensure the training takes place under safe and hazard-free conditions. The student will receive the same consideration given employees with regard to safety, health, general working conditions, and other work related procedures.

Teacher/Trainer's Responsibilities: The teacher/trainer will arrange for transportation to and from the business site, provide the general supervision of the training, and coordinate all related activities.

Parent/Guardian's Responsibilities: The parent or guardian of the student consents to the participation of the student in non-paid community-based vocational training at the above listed business according to all conditions listed and will not hold the work site or its employees, the school, the teacher/trainer, or other support personnel liable for any accident or injury occurring during this activity.

Student's Responsibilities: The student agrees to follow the rules set by the employer, school, teacher/trainer, or other appropriate parties.

The same insurance and liability policies that apply to other off-campus school experiences (i.e., fields trips) apply to non-paid community-based vocational training at the community business site.

All signatories agree to the conditions and responsibilities specified in this training agreement.

Student	Date	Training Site Representative	Date
Parent/Guardian	Date	Teacher	Date
Principal	Date	Trainer*	Date

*Paraprofessional is to provide direct student supervision or training.

**Non-Paid Community-Based Vocational Educational Program
Time Sheet**

Student Name: _____

School: _____

Business: _____

Job Classification: _____

Vocational Exploration: _____ **Vocational Assessment:** _____ **Vocational Training:** _____

	Monday	Tuesday	Wednesday	Thursday	Friday
Dates:					
Time In:					
Time Out:					

Total Number of Hours: _____ **Days Absent** _____ **Days Tardy** _____

Signature of Training Site Representative: _____

Signature of Student: _____

Work Maturity and Job Specific Skills Training Record

Student: _____ Site: _____

Trainer: _____

Work Maturity Skills

Evaluation Codes:

- 5 = Performs above expectations
 - 4 = Performs at expectations
 - 3 = Performs slightly below expectations
 - 2 = Performs significantly below expectations
 - 1 = Unobserved

Comments:

Job Classification: _____

Job Specific Skills

Glossary

Community-Based Instruction (CBI) is an instructional method that teaches functional skills, those skills that a student needs to increase independence and to enhance quality of life, in the student's natural environments.

Community-Based Vocational Education (CBVE) is the term used to define vocational education and training provided to students with disabilities in community work settings for the purposes of non-paid vocational exploration, assessment, and training experiences to identify career interests, assess employment skills and training needs, and develop the skills and attitudes necessary for paid employment.

Fair Labor Standards Act (FLSA) is the federal legislation that governs minimum wage, overtime pay, record keeping requirements, and child labor. It entitles employees to a regular wage of at least \$6.15 (current minimum wage) per hour and overtime pay of at least one and one-half times the regular wage for all hours over forty in a work week.

Free Appropriate Public Education (FAPE) means special education and related services that are provided at public expense, under public supervision and direction, and without charge that meet the standards of the state educational agency including pre-school, elementary school, or secondary school education in the state and are provided in conformity with an IEP.

Individuals with Disabilities Education Improvement Act (IDEA 2004) is the name given to the federal law that addresses the provision of education for students with disabilities and guarantees a free appropriate public education.

Local Education Agency (LEA) means a public board of education or other public authority legally constituted within a state for either administrative control or direction of or to perform a service function for public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a state or for a combination of school districts or counties as are recognized in a state as an administrative agency for its public elementary or secondary schools.

Transition Individual Educational Plan (Transition IEP) is a Florida term used to denote a changing emphasis of IEPs for students with disabilities beginning on or before the student's 14th birthday. Transition IEPs must address all IEP components as well as certain transition services requirements.

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