Work-Based Learning Rule Technical Assistance

Introduction to Rules 6A-23.0042, F.A.C.

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Rule Context

• Work-based Learning (WBL) is growing in prominence within national and state legislation and initiatives

• The Florida Legislature passed multiple bills in 2021 aimed at expanding and improving WBL
  • Work-Based Learning Opportunities (§446.0915, F.S.)
  • Reimbursement for Workers’ Compensation Insurance Premiums (§446.54, F.S.)
  • Internship Tax Credit (§220.198, F.S.)

• The FDOE is significantly investing in WBL
  • Collaboratively procuring a statewide WBL coordination system
  • Issuing a toolkit of templates and guidance
  • Improving WBL data analysis and collection
Why WBL Matters – Student Reasons

Student Benefits:
- Build real-world skills
- Improve student education perceptions
- Increase competitiveness of student resumes/applications
- Offer first-hand career exploration
- Develop industry social capital

Student Outcomes:
- Higher high school graduation rates
- Higher high school grade point averages
- Higher employment rates after graduation
- Higher average starting salaries
- Higher rates of postsecondary matriculation

*Citations available on the last slide!*
Why WBL Matters – Employer Reasons

Employer Benefits:

- More talented and diverse workforce pipeline
- Improved brand awareness and community image
- Low-cost, customizable employee training
- Stronger work culture of community service
- Tax credits for postsecondary internships through §220.198, F.S.

Employer Outcomes:

- Lower position vacancy rates/higher retention
- Higher job commitment and engagement rates
- Faster time to employee full productivity
- Lower training and recruitment costs

*Citations available on the last slide!
WBL Standards Rule
Rule 6A-23.0042, F.A.C.
Activities Governed/Not Governed by This Rule

§446.0915(1), F.S. defines work-based learning and outlines which types of activities are subject to the requirements of the Work-Based Learning Standards Rule. Below are examples of activities that are/are not governed by Rule 6A-23.0042, F.A.C.

**Included Activities**
- Internships
- Cooperative education on-the-job training (OJT)
- Clinicals
- Practicums
- School-based enterprises
- Service learning
- Capstone or industry projects
- Virtual or simulated work-based learning

**Excluded or Ineligible Activities**
- Registered apprenticeships*
- Preapprenticeships*
- Job shadowing
- Mentoring
- Informational interviews
- Company tours

*Apprenticeships and preapprenticeships are governed by other Rules under Chapter 6A-23.
WBL Standards Rule Subsections and Structure

Rule Structure
• Rules are organized first by numbers in parentheses ("(6)"
and then lowercase letters in parentheses ("(a)"
and then by numbers follows by a period ("2.").
• Citation example: Rule 6A-23.0042(6)(b)(7), F.A.C.

Rule Subsections
1. Purpose
2. Definitions
3. Student Eligibility
4. Educational Institution Requirements
5. Obligations of Employers
6. Training Agreement
Highlights from the Definition Subsection

- "Educational Institutions" is inclusive of:
  - Secondary schools and charter schools
  - District and charter technical colleges
  - Florida College System (FCS) institutions
  - Does not include universities and non-district/college WBL

- "WBL Opportunity" excludes apprenticeships and preapprenticeships for the purposes of this Rule.
  - This was done to avoid regulatory conflicts, both current and potential in the future
  - Apprenticeships and preapprenticeships are eligible for workers' compensation reimbursement (more on that later)
Highlights from the Student Eligibility Subsection

Intentionally, this subsection is sparse to keep the door wide open for student participation.

Student Eligibility Requirements:

Communication

• The student/parent/legal guardian signs a Training Agreement, if required (more on that later)

Training

• The student completes training on foundational work-based learning concepts
  • Including, but not limited to, work-based learning opportunity rules, procedures, policies, and professionalism expectations.
  • This could be as much as a whole course on employability skills and WBL readiness or as little as a conversation going over the Training Agreement and expectations.
  • The goal is to make sure the employer is receiving work-ready employees
The Rule delegates authority to educational institutions to establish "policies and procedures" on:

**Safety**
- For minors, background checks for supervisors
- Injury/illness insurance for students, such as workers' compensation insurance

**Communication**
- Orienting students and employers to WBL
- Document maintenance and distribution for Training Agreements
- For minors, parent/legal guardian notification of injury, illness, or allegation of harassment/discrimination

**Staffing**
- Student interviews and applications, if any

**Student Assessment**
- Student evaluation instruments
The educational institution is required to:

**Communication**
- Sign a Training Agreement, if required (more on that later)

**Student Development**
- Have students create written WBL reflections

**Management**
- Conduct a biannual need assessment
- Report data on WBL (more on that in the future)
Background Checks for Supervisors of Minors

- Only applies to supervisors of minors
- The Rule does not define a process (e.g., Level 2 or Level 1 background check), instead it defines a standard – no supervisor of a minor can be convicted of any of the predatory or abusive offenses in §435.04, F.S.
- This allows districts and colleges discretion on how to implement these checks, including:
  - Level 2 (requires fingerprinting)
  - Level 1
  - Database searches
  - Recognition of existing background checks (like for nursing/education programs)
  - Other
- Discretion is also given on timing related to starting new WBL opportunities and for students switching supervisors
Insurance for Students

(4)(a)(8): "Ensuring, prior to a student engaging in a work-based learning opportunity, that the student is covered by the employer’s workers’ compensation insurance coverage or has medical insurance coverage for injury or illness related to the work-based learning opportunity."

• **Two options are given:**
  • Workers' compensation insurance OR
  • Medical coverage for injury or illness

• Medical injury/illness coverage can be achieved through multiple means – accident, health, medical payment, or self-insurance

• Check with your insurance carrier and legal counsel to ensure students are adequately covered
(4)(c) "The educational institution shall implement a process by which a student conducts a written work-based learning reflection that addresses topics including, but not necessarily limited to:

1. What the student **accomplished** during the work-based learning opportunity that is potentially valued by future employers;
2. What the student **learned** about himself or herself and the industry in which he or she worked;
3. How the student’s future academic and career **plans** have been affected by their experience; and
4. How the work-based learning opportunity could be **improved** for future students."
WBL Needs Assessment

The needs assessment should be:

• **Biannual** (in conjunction with the Perkins Comprehensive Local Needs Assessment)

• **Collaborative** with "instructors, students, employer representatives, and other relevant stakeholders."

• **System-focused** - "These assessments must identify areas of potential improvement related to the locally offered work-based learning opportunities’:
  • Safety
  • Accessibility
  • Student skill development
  • Student social capital development
  • Student career preparation
  • The collaborative management of the work-based learning opportunities"
Highlights from the Employer Obligations Subsection

Employers are obligated to:

**Communication**
- Sign a training agreement
- Participate in any orientation offered by the educational institution

**Staffing**
- Designate an employer supervisor for the WBL

**Safety**
- Keep student emergency contact info readily accessible
- Ensure students are trained on safety and injury, harassment, and discrimination reporting
- For minors, report injury, illness, or allegations of harassment or discrimination to parents/guardians (ASAP) and instructor (within 24 hours)

**Student Development**
- Evaluate the student's performance
- Help students network and build industry relationships
Highlights from the Training Agreement Subsection (1 of 2)

When a Training Agreement is Required:
• When the WBL is multi-day AND when there is a third-party supervisor (meaning, the instructor is not the employer supervisor)

When a Training Agreement is NOT Required:
• Single-day WBL
• When only the instructor is overseeing (while either on- or off-campus)
Highlights from the Training Agreement Subsection (2 of 2)

Training Agreements Must Contain:

Contact Info
• Student, emergency contact, instructor, employer, and employer supervisor

WBL Info
• Start/end dates
• # of hours per week
• Paid/unpaid
• Job description and responsibilities

Employability and technical skill goals

Student assessment description

Signatures (written/digital) of the employer supervisor, instructor, student, and, if a minor, parent/guardian
WBL Standards
Rule
Implementation by Role
## Implementation by Role

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<th>Role</th>
<th>Responsibilities</th>
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| **Instructors** | • Train students on WBL foundations  
• Design, maintain, and distribute Training Agreements  
• Design and provide student evaluation instrument to the employer supervisor  
• For minors, notify parents of injury/illness or allegations of harassment/discrimination  
• Oversee student completion of WBL reflection |
| **WBL Admin**   | • Train employers on WBL before starting  
• Conduct WBL needs assessment biannually  
• Report WBL data to FDOE (as required – no new requirement at this time) |
| **HR**          | • Define and enact employer supervisor background check standards for working with minors  
• Ensure students are properly insured to cover injury/illness |
| **Leadership/Board** | • Set or approve any policy and procedure standards deemed beneficial |
| **Counselors**  | • Advise students on WBL options  
• Explain to students the career value in WBL participation  
• Assist teachers in integrating career exploration, planning, and preparation |
| **Employers**   | • Review and sign a training agreement  
• Designate a primary supervisor  
• Participate in a WBL orientation by the educational institution  
• Offer safety training  
• Evaluate the student's performance using the educational institution's instrument  
• Maintain emergency contact info and contact the instructor and parent/guardian in the event of injury, illness, or allegation of harassment/discrimination  
• Facilitate the student's social capital development, as practicable |
| **Students**    | • Review and sign the training agreement  
• Participate in WBL and safety training |
Resources

In the near future, FDOE will issue voluntary templates for:

• WBL Training Agreements
• WBL Student Reflection
• WBL Needs Assessment
• Student Employability Skill Assessment
• WBL Manual
Questions?
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References on the Benefits of WBL

- Wonacott, Michael E. "The Impact of Work-Based Learning on Students. ERIC Digest." (2002).
- [https://www.dol.gov/agencies/eta/apprenticeship/about/statistics/2020](https://www.dol.gov/agencies/eta/apprenticeship/about/statistics/2020)