

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



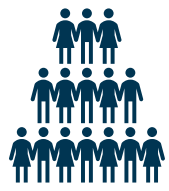
Higher average starting salaries



Higher rates of postsecondary matriculation

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

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	Excluded or Ineligible Activities
<ul style="list-style-type: none"><input type="checkbox"/> Internships<input type="checkbox"/> Cooperative education on-the-job training (OJT)<input type="checkbox"/> Clinicals<input type="checkbox"/> Practicums<input type="checkbox"/> School-based enterprises<input type="checkbox"/> Service learning<input type="checkbox"/> Capstone or industry projects<input type="checkbox"/> Virtual or simulated work-based learning	<ul style="list-style-type: none"><input type="checkbox"/> Registered apprenticeships*<input type="checkbox"/> Preapprenticeships*<input type="checkbox"/> Job shadowing<input type="checkbox"/> Mentoring<input type="checkbox"/> Informational interviews<input type="checkbox"/> 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

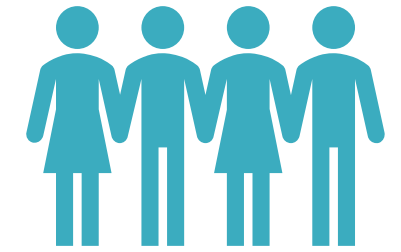
1. Purpose
2. Definitions
3. Student Eligibility
4. Educational Institution Requirements
5. Obligations of Employers
6. Training Agreement

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

Highlights from the Educational Institution Requirements Subsection (1 of 2)



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

Highlights from the Educational Institution Requirements Subsection (2 of 2)



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

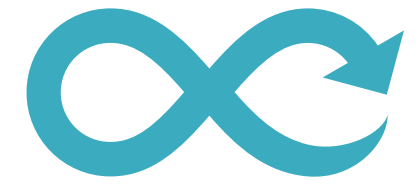
WBL Reflections



(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."

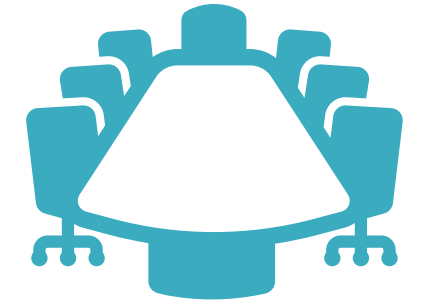
WBL Needs Assessment



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

Role	Responsibilities
Instructors	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Define and enact employer supervisor background check standards for working with minors • Ensure students are properly insured to cover injury/illness
Leadership/ Board	<ul style="list-style-type: none"> • Set or approve any policy and procedure standards deemed beneficial
Counselors	<ul style="list-style-type: none"> • Advise students on WBL options • Explain to students the career value in WBL participation • Assist teachers in integrating career exploration, planning, and preparation
Employers	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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?

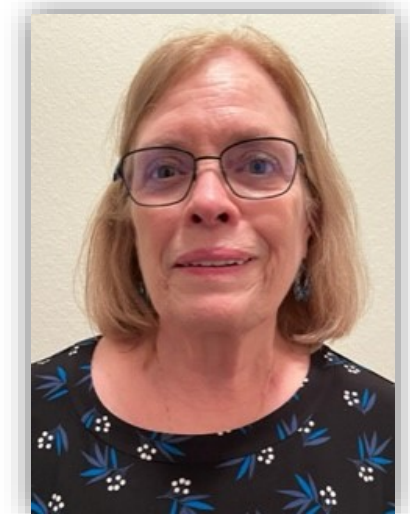


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