Work-Based Learning Rule Technical Assistance

Introduction to Rules 6A-23.0042 and 6A-6.05732, F.A.C.

Lee Chipps-Walton & Martha Asbury
Welcome & Webinar Format

• Thank you for joining us!
• Your questions and feedback are welcomed during this webinar.
• Upon entry, you will be muted. Please use the chat feature found here on the upper right to communicate with the speakers.
• At the end of the webinar, participants will be unmuted. Feel free to let us know you'd like to speak using the red-boxed button below and unmute yourself using the green-boxed button also below.
Webinar Goals

• Summarize two new Rules on work-based learning
  • "Work-Based Learning Standards" (Rule 6A-23.0042, F.A.C.)
  • "Reimbursement for Workers' Compensation Insurance Premiums" (Rule 6A-6.05732, F.A.C.)

• Provide Actionable Next Steps on Rule Implementation
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

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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.
§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.

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<thead>
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<th>Included Activities</th>
<th>Excluded or Ineligible Activities</th>
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*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."
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

<table>
<thead>
<tr>
<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
Reimbursement for Workers' Compensation Insurance Premiums

Rule 6A-6.05732, F.A.C.
What Is Workers' Compensation Insurance?

• Workers' compensation (WC) insurance is coverage purchased by an employer for job-related employee injury/illness expenses.

• WC insurance can cover medical expenses, lost wages, and other related expenses.

• WC insurance is regulated by the State (Chapter 440, F.S.)
When Is Workers' Compensation Insurance Required?

Workers' compensation insurance is required under Chapter 440, F.S., for:

- All paid employees, including
  - Part- and full-time employees
  - Remote and in-person workers
- All construction businesses with employees

Exceptions:

- When a non-construction business has 3 or fewer employees
- Farmers with 5 or fewer regular employees and/or 11 or fewer seasonal employees who work for more than 30 days

NOTE: For the purposes of WC insurance for unpaid students, the students will be considered volunteers.
Overview of the Reimbursement Fund in §446.54, F.S.

Highlights:

• Appropriated $2 million for 2021-22
• Funds are for reimbursing workers' compensation insurance premium costs for WBL students (costs between July 1 and June 30 of the identified fiscal year)
• For students that are...
  • Participating in WBL through a Florida school district or Florida College System institution
  • 18 years old or younger
  • Providing services (not simulations, virtual, project-based WBL)
  • Paid or unpaid
Reimbursement of Premium Costs

• Paid WBL
  • For students who are paid for the WBL, employers (public or private) may apply to be reimbursed for the costs of the WC premium.

• Unpaid WBL
  • For unpaid students, districts and colleges are considered employers for the purposes of WC and are eligible to submit requests for reimbursement of the premium costs.
Districts/Colleges Are the "Employers" of Unpaid WBL Students Providing Services

"For purposes of chapter 440, a school district or Florida College System institution is considered the employer of a student 18 years of age or younger who is providing unpaid services under a work-based learning opportunity provided by the school district or Florida College System institution." (§446.54, F.S.)

Student criteria in that clause:

- WBL student enrolled at a district/college
- 18 years old or younger
- Unpaid
- Providing services
What WBL Is/Is Not Eligible

Eligible examples:
- Internships – paid and unpaid
- Apprenticeships/preapprenticeships
- Clinicals
- Practicums
- Service learning
- Other service-providing WBL opportunities

Ineligible examples:
- Simulated WBL
- Virtual WBL
- Project-based WBL

When the unpaid student is acting like an employee and providing services, he/she is to be treated like an employee and covered by the workers' compensation insurance of the district or college.
Process Overview

**Communication Chain:**
- FDOE will announce the application due date +45 days out
- Districts/colleges should communicate to businesses to gather reimbursement applications
- District/college applies for reimbursement to FDOE on behalf of itself or the business employer

**Funds Transfer Chain:**
- FDOE awards district/college funds, which may be prorated if applied for funds exceed available funds
- District/college disburses those applicable funds to itself and businesses that provided reimbursement applications
What Must Be Included in the Reimbursement Request?

The district/college will need to submit the following information for each employers requesting reimbursement (including itself):

• **Employer Info**
  - Name
  - Telephone number
  - Email address
  - Identifying number, e.g. FEIN/Tax ID

• **WBL Student Counts**
  - Total at employer
  - Number paid
  - Number unpaid

• **Confirmation of Student Ages**

• **Premium Calculations**
  - Description of how the WBL student premium expenses were calculated

• **Funds Requested**

• **Attestation of Employer Document Maintenance**
  - A statement by the employer agreeing to maintain reimbursement request documentation for a minimum of five years.
Is There a Form To Be Used to Make Requests?

• There is no form that is required to be used; however,
• DOE will provide an example of a satisfactory reimbursement request.
Calculation of Premiums for WBL

• Because of the wide range of WC policies and policy provisions, there is no one way to calculate the amount of the premium that is eligible for reimbursement.

• When making the calculation, variables to consider include, but are not limited to:
  • The number of WBL students compared with the total number of employees covered by WC
  • The amount of time (semester, month, week) each student is covered
  • Any distinctions made in coverage for the type of employee e.g., professional, support, volunteers, etc.) Note: unpaid WBL students would be considered under the volunteer category.
Responsibilities of Districts/Colleges

• Districts/colleges must provide employers of paid WBL students with notice of the availability of funds for reimbursement, the requirements, and the timelines for requesting reimbursement.

• Provide a separate request for each employer including themselves.

• Ensure that the request is on behalf of eligible students enrolled by the district or college and provide confirmation of that enrollment to DOE along with the requests for reimbursement. We are not asking districts/colleges to assess the methodology of calculating the amount requested.

• Meet the timelines established for requesting reimbursement.

• Distribute to employers including themselves, the awarded funds as appropriate.
Reimbursement Next Steps (1 of 2)

Upcoming Announcements and Dates

• The Department of Education will send a memo to districts and colleges establishing the due date for submission of the requests for reimbursement.

• The memo will be accompanied by guidelines for completing the requests for reimbursement (basically the same information as we are providing today) as well as sample templates for the requests – one for districts/colleges and one for businesses

• The due date is likely to be early June but no less than 45 days from the date of the memo and no later than June 30.

• All funds will be disbursed no later than September 30, 2022.
Reimbursement Next Steps (2 of 2)

Colleges and School Districts Tasks

- Notify businesses of the availability of reimbursement immediately upon release of the due date
- Strongly recommend that businesses be notified now of the information we are providing in this webinar so that they can be preparing for the development of a request for reimbursement
- Begin organizing information for inclusion in the district's or college's request for reimbursement

Sample templates will be sent under separate cover. Please be reminded that these formats are not required. Requests can be submitted in any format preferred by the institution or business so long as all the required information is included.
Questions & Contacts
Questions?
Contacts

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  • 850-591-7541
References on the Benefits of WBL

- Wonacott, Michael E. "The Impact of Work-Based Learning on Students. ERIC Digest." (2002).
- O'Higgins, Niall, and Luis Pinedo. Interns and outcomes just how effective are internships as a bridge to stable employment?. No. 994999791602676. International Labour Organization, 2018.
- [https://www.dol.gov/agencies/eta/apprenticeship/about/statistics/2020](https://www.dol.gov/agencies/eta/apprenticeship/about/statistics/2020)