

6A-23.0042 Work-Based Learning Standards

(1) Purpose. The purpose of this rule is to provide uniform minimum standards and guidelines for determining student eligibility, obligations of employers, and requirements of institutions that offer work-based learning opportunities.

(2) Definitions. For the purpose of this rule, the following definitions shall apply:

(a) “Educational institution” means a district school board operated school under Section 1003.01, F.S., a charter school operated under Section 1002.33, F.S., a school district operated career center under Section 1001.44, F.S., a school district operated charter technical career center under Section 1002.34, F.S., or a Florida College System Institution under Section 1000.21, F.S.

(b) “Employability skill” means a non-technical, transferable skill or behavior necessary for success in the workforce.

(c) “Employer” means a sole proprietorship or a business or organization that hires at least one individual, pays the individual a salary or wage, and has the power to control the individual’s work duties. For the purpose of this rule, an employer may be a governmental entity or a private, public, or quasi-public legal entity eligible to conduct business in the State of Florida.

(d) “Employer supervisor” means an employee of an employer providing a work-based learning opportunity, who supervises a student or students participating in a work-based learning opportunity.

(e) “Instructor” means the employee of the educational institution who is responsible for administration of the student’s work-based learning opportunity and, if applicable, the student’s training agreement.

(f) “Student” means a person enrolled in an educational institution participating in a work-based learning opportunity.

(g) “Technical skill” means the applied knowledge and abilities capable of performing tasks required of a specific occupation or career field.

(h) “Training Agreement” means the document which establishes the roles, responsibilities, and intended outcomes of a work-based learning opportunity.

(i) “Work-based learning opportunity” shall have the same meaning as defined in Section 446.0915, F.S. Work-based learning opportunities may be on or off campus, paid or unpaid, and credit bearing or non-credit bearing. For

the purpose of this rule, an apprenticeship or preapprenticeship, as defined in Rule 6A-23.002, F.A.C., is not a work-based learning opportunity.

(j) “Work-based learning reflection” means a student’s reporting of his or her experience during a work-based learning opportunity.

(3) Student eligibility. In order to participate in a work-based learning opportunity, a student shall:

(a) Execute a training agreement, unless:

1. The student is younger than eighteen (18) years of age, in which case a parent or legal guardian shall execute the training agreement, or

2. A training agreement is not required pursuant to paragraph (6)(a) of this rule.

(b) Complete training on foundational work-based learning concepts, including, but not limited to, work-based learning opportunity rules, procedures, policies, and professionalism expectations.

(4) Educational institution requirements.

(a) The educational institution shall establish policies and procedures related to:

1. In the case of a student younger than eighteen (18) years of age, ensuring that an employer supervisor has not been arrested for and is awaiting final disposition of, have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or have been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the provisions of Section 435.04(2) and (3), F.S., or similar law of another jurisdiction.

2. In the case of a student younger than eighteen (18) years of age, notifying the student’s parent or legal guardian if there is an injury or illness, or allegation of harassment or discrimination involving the student related to the work-based learning opportunity.

3. Orienting an employer to the rules, policies, procedures, and employer obligations relating to work-based learning opportunities coordinated by the educational institution.

4. Orienting a student to foundational work-based learning concepts, including, but not limited to, work-based learning opportunity rules, procedures, policies, and professionalism expectations.

5. Facilitating the meeting of any student application and interview requirements of an employer.

6. Maintaining and distributing signed training agreements.

7. Providing an evaluation instrument to the employer supervisor to assess a student's acquisition of the employability and technical skills referenced in the training agreement.

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.

(b) Executing a training agreement, unless not required to do so pursuant to paragraph (6)(a) of this rule.

(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.

(d) The educational institution shall conduct a work-based learning needs assessment at least every two years in consultation with instructors, students, employer representatives, and other relevant stakeholders. 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, and the collaborative management of the work-based learning opportunities.

(e) The educational institution shall report data related to a work-based learning opportunity to the Florida Department of Education in accordance with the specifications of the Division of Career and Adult Education.

(5) Employer obligations.

(a) The employer shall execute a training agreement unless not required to do so pursuant to paragraph (6)(a) of this rule.

(b) The employer shall designate an employer supervisor for each student.

(c) The employer shall participate in an orientation required under subparagraph (4)(a)3. of this rule.

(d) The employer supervisor shall ensure that an emergency contact form is on file for each student in a manner that is readily accessible.

(e) The employer supervisor shall ensure that each student is fully trained on, at a minimum, safety rules, regulations, and practices relevant to the job they will be performing and the employer's procedures for reporting injury, harassment, or discrimination.

(f) The employer supervisor shall complete an evaluation of the student's performance during the work-based learning opportunity under subparagraph (4)(a)7. of this rule.

(g) If the student is younger than eighteen (18) years of age, in the event of a workplace injury or illness, or allegation of harassment or discrimination, a representative of the employer must contact the student's parent or legal guardian as soon as possible, and the student's instructor within twenty-four (24) hours, to report the incident.

(h) To the maximum extent practicable, the employer shall provide the student with opportunities to network and develop relationships with industry and community professionals potentially valuable to the student's future employment and advancement.

(6) Training agreement.

(a) A training agreement is required when the work-based learning opportunity is multi-day and the employer supervisor is not the instructor. A training agreement is not required when the work-based learning opportunity takes place in a simulated work environment at an educational institution, during off-campus work-based learning entirely overseen by the instructor, or when the work-based learning opportunity takes place during a single-day.

(b) At a minimum, a training agreement must include:

1. The student's legal name, educational institution, telephone number, and email address;
2. The student's emergency contact information and, if the student is younger than eighteen (18) years of age, contact information for his or her parent or legal guardian. Contact information must include, at a minimum, the contact's name, telephone number, email address, and relationship to the student;
3. The instructor's legal name, telephone number, and e-mail address;
4. The employer's legal name, address, telephone number, and federal tax identification number;
5. The employer supervisor's legal name, title, telephone number, and e-mail address;
6. The start and end dates of the work-based learning opportunity;
7. The number of hours to be worked per week by the student and the student's work schedule, if available;
8. Whether the work-based learning opportunity is paid or unpaid;

9. A description of the work-based learning opportunity, including, but not limited to, the student's specific job responsibilities;

10. The employability and technical skills to be learned by the student during the work-based learning opportunity;

11. A description of how the student's performance will be assessed by the employer supervisor and instructor;
and

12. The dated signatures (handwritten or electronic) of the employer supervisor; instructor; and student; or , a parent or legal guardian if the student is younger than eighteen (18) years of age.

Rulemaking Authority 1001.02(1), (2)(n), 446.041(13), 446.0915(3) FS. Law Implemented 446.0915 FS. History—

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