



Technical Assistance for the Work-Based Learning Standards Rule 6A-23.0042, F.A.C.

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Types of Activities 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. Any time the criteria outlined in §446.0915, F.S. are met at a Florida school district or Florida College System institution (with the below exclusions), the Work-Based Learning Standards Rule governs.

Work-Based Learning Must:

- Involve interactions with industry or community professionals
- Involve firsthand experience with tasks required in a given career field
- Be aligned with curriculum and instruction
- Be provided in partnership with an educational institution

Work-Based Learning May:

- Take place on- or off-campus
- Be virtual/simulated or real-world, service-providing
- Be paid or unpaid
- Be credit bearing or non-credit bearing (that is, may be a part of a course specific to work-based learning or be integrated within/parallel to other coursework)
- Be as short as two days or last years

Examples of Work-Based Learning:

- 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

Activities That Are Not Work-Based Learning:

- Job shadowing



- Mentoring
- Informational interviews
- Company tours

Excluded Types of Work-Based Learning:

- Registered apprenticeships
- Preapprenticeships

While apprenticeships and preapprenticeships certainly involve work-based learning, the Rule in (2)(i) specifically excludes apprenticeships and preapprenticeships from the purview of 6A-23.0042, F.A.C. These activities are governed by other Rules, such as Rule 6A-23.002, F.A.C., and are not subject to the requirements of Rule 6A-23.0042, F.A.C.

Rule Guidance and Commentary

Below is the complete text of Rule 6A-23.0042, F.A.C., with guidance and commentary notes from the Florida Department of Education provided to aid interpretation and implementation of the Rule.

Rule 6A-23.0042, F.A.C.	Guidance & Commentary
<p>(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.</p>	
<p>(2) Definitions. For the purpose of this rule, the following definitions shall apply:</p>	
<p>(a) <u>“Educational institution”</u> 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.</p>	<p>Exclusion of Non-District/College Work-Based Learning This definition is inclusive of secondary district schools, district technical colleges, and Florida College System (FCS) institutions, but excludes from its purview the State University System of Florida and any other non-district/FCS work-based learning (WBL).</p>
<p>(b) <u>“Employability skill”</u> means a non-technical, transferable skill or behavior necessary for success in the workforce.</p>	<p>Instructor/Employer Supervisor Roles Not Mutually Exclusive</p>
<p>(c) <u>“Employer”</u> 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.</p>	<p>It is permissible for the instructor to serve as the “employer supervisor” during certain scenarios, such as on-campus employment.</p>
<p>(d) <u>“Employer supervisor”</u> 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.</p>	
<p>(e) <u>“Instructor”</u> means the employee of the educational institution who is responsible for administration of the</p>	



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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 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.

Apprenticeships and Preapprenticeships Excluded from Rule Purview
Apprenticeships and preapprenticeships were excluded from the purview of this Rule for the purpose of avoiding regulatory conflicts, both present and in the future as regulations are updated. This exclusion is not to express that apprenticeships and preapprenticeships do not involve work-based learning, which they certainly do; it is to define the limits of this Rule.

Intentionally Limited Eligibility Requirements
The amount of restrictions on student participation in work-based learning is intentionally a short list to ensure wide access to work-based learning.

Training Agreement Exceptions
Training agreements are not required under (6)(a) in circumstances where, “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.”

Pre-WBL Training
There is a wide variance of permissible forms of training. “Training” could be as much as a course on WBL readiness (e.g., [Florida Ready to Work](#), [OSHA 10/30](#)) or as little as an in-depth conversation going over the Training Agreement and expectations. The goal is to make sure the employer is receiving as work-ready employees as is reasonably possible.

Background Checks for Employer Supervisors
This portion of Rule only applies to minors.



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

1. In the case of a student younger than 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 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.

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 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 background check (requires fingerprinting); Level 1 background check; recognition of existing background checks (like for nursing/education programs); or other background check methodology.

Discretion is also given on timing related to starting new WBL opportunities and for students switching supervisors mid-work-based learning opportunity.

Incident Reporting to the Parents/Guardians of Minors

See (5)(g) for a related reporting requirement for employers.

Pre-WBL Orientation

The level of formality associated with these orientations is at the discretion of the educational institution. It can be as simple as an in-depth conversation or as formal as a course.

Accommodation of Employer Requests for Student Interview/Application

Neither application nor interviews are required for work-based learning. This clause simply states that if an employer requires an application or interview prior to starting the work-based learning opportunity, the educational institution is to facilitate the process.

Student Assessment

The nature of the evaluation instrument is at the discretion of the instructor. These assessments typically involve open-ended feedback as well as Likert-style ratings of the students’ performance.

Student Insurance

The intention of this clause is to ensure that students are covered for unforeseen medical expenses due to the work-based learning opportunity. This type of injury/illness medical coverage can be achieved through workers’ compensation, accident, health, medical payment, educational institution self-



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

insurance, or other form of insurance. As coverages packages vary, consultation with legal counsel and insurance carriers is advised.

Training Agreement Exceptions

Training agreements are not required under (6)(a) in circumstances where, “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.”

(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:

Student WBL Reflections

Reflections are required for work-based learning by State Law under §446.0915(2)(f), F.S. This reflection process can allow a student to identify what they accomplished, what they learned, how they think about careers differently, and how to improve future work-based learning. The most effective reflections involve feedback, discussion, and guidance by the instructor, the employer supervisor, and/or a counselor.

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.

Any necessary student accommodations are permissible to conduct a reflection.

(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.

WBL Needs Assessment

These work-based learning needs assessments may be conducted as a part of the Perkins Comprehensive Local Needs Assessment (CLNA).

(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.

WBL Data Collection and Reporting

Data collection and reporting requirements may vary over time and will be issued under separate cover.

(5) Employer obligations.

Training Agreement Exceptions

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

Training agreements are not required under (6)(a) in circumstances where, “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

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(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 (4)(a)(7).

(g) If the student is younger than 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 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.

instructor, or when the work-based learning opportunity takes place during a single-day."

WBL Orientations

Orientations may be informal (such as a conversation about the training agreement) or more formal.

Student Emergency Contact Info

This obligation can be achieved through the training agreement, as emergency contact information is a required part of the training agreement.

Pre-WBL Safety Training

The nature of these trainings will depend on the industry and occupation, and the training methodology is at the discretion of the employer

Student Assessment

(4)(a)(7) states that the educational institution is to provide the evaluation instrument.

Incident Reporting to Parents/Guardians of Minors

For minors participating in work-based learning, (4)(a)(2) requires that educational institutions report injuries, illness, or allegations of harassment or discrimination to the students' parents or legal guardians.

Training Agreement Exceptions

The purpose of the training agreement is to ensure that all parties are aware of the expectations and intended outcomes of the work-based learning experience. Very short-term opportunities or opportunities not involving a third party (a non-instructor employee supervisor) need not necessitate this level of communication.

Instances where an instructor may also be the employer supervisor (and, therefore, no training agreement is required) include on-campus paid student work (e.g., instances where the student is working for a school providing A/V, cafeteria, maintenance, and other forms of services.) or off-campus opportunities fully supervised by the instructor (e.g., service learning or work-based



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- (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 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 18 years of age.

learning conducted at a business where the instructor is an employee).

Training Agreement Maintenance and Distribution

(4)(a)(6) requires that educational institutions establish policies and procedures related to the maintenance and distribution of signed training agreements.

Example Rule Implementation by Role



The below table captures the responsibilities required by the Work-Based Learning Standards Rule. Staffing roles vary across districts and colleges and the below should be interpreted as an example and not a rigid proscription of roles.

Role	Responsibilities According to Rule 6A-23.0042, F.A.C.
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• 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• As required, report WBL data to FDOE
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