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TO: District CTE Directors
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Registered Apprenticeship Sponsors

FROM: Kevin O'Farrell, Ph.D.

DATE: May 9, 2022

SUBJECT: Rules Impacting Apprenticeship and Work-based Learning Adopted at the State Board of Education Meeting, March 2022

On March 30, 2022, the State Board of Education (SBOE) approved new rules and revisions to existing rules which affect apprenticeship programs and work-based learning programs. Information on all rules is available at <http://flrules.org>.

Amendment to Rule 6A-23.011, Program Performance Standards

House Bill 1507 (2021) amended section 446.032, Florida Statutes(F.S.), (general duties of the Florida Department of Education for apprenticeship training) and requires new performance evaluation standards for registered apprenticeship and preapprenticeship programs in order to determine program performance. These performance standards must include:

- Retention rates.
 - Retention rate will be calculated as the percentage of apprentices or preapprentices retained or completing a program by the end of the fourth quarter after the initial quarter of enrollment in a registered apprenticeship or preapprenticeship program.
- Completion rates of participants disaggregated by training provider, program, and occupation
 - Completion rate will be calculated as the percentage of apprentices or preapprentices completing the registered apprenticeship or preapprenticeship program within one (1) year after the expected program length identified in the program standards.
- Wage progression of participants as demonstrated by starting, exit, and post-apprenticeship wages at 1 and 5 years after participants exit the program.
 - Wage progression of participants will be calculated by registered program sponsor and occupation for the following periods: starting wage as identified in the current program standards, exit wage as identified by the wage scale for the last year in the current program standards, and post-apprenticeship completion wages calculated at 1 and 5 years after program exit based upon annual cohorts of program completers who are tracked using administrative records of employment and wages that are available to the Department of Education (dept.).

Kevin O'Farrell, Ph.D.
Chancellor of Career and Adult Education

Action Required

Review rule [6A-23.011 Program Performance Standards](#), updates with additional guidance will be provided soon. The department is developing the technical business rules for baseline calculations, gaps in access to data for which data collection may be required, and future incorporation into the annual apprenticeship report.

For questions about this rule, please contact Kathryn Wheeler at Kathryn.Wheeler@fldoe.org

New Rule 6A-20.046, Pathways to Career Opportunities Grant Program

HB 1507 (2021) modified the Pathways to Career Opportunities Grant (PCOG) in s. 1011.802, F.S., and requires that SBOE adopt a rule to administer this section.

The Division of Career and Adult Education has been administering the PCOG program as authorized in s. 1011.802 since its establishment in 2019. PCOG is a \$15 million recurring appropriation as authorized in the General Appropriations Act. The associated administrative functions have consisted of application development and deployment, extensive technical assistance webinars during period of procurement, application evaluation, and project award notification. The Office of Apprenticeship works collaboratively with the Bureau of Grants Administration and Compliance to oversee the development of the competitive application, the competitive grant submission, the review, and ongoing technical assistance for PCOG grantees.

The new rule includes formal adoption of the procedures for implementation and administration of the PCOG grant program as authorized in s. 1011.802, F.S. This rule sets forth the purpose, notice of grant program and reporting requirements under the grant program.

As per the rule, notice of the grant program will include:

- Notification of the grant period;
- Notification of the date to submit a notice of intention to apply for a grant;
- Notification of the application submission start date;
- Application instructions;
- Notification of application submission deadline date; and
- The dollar amount of available grant funds.

Reporting of the PCOG will take place annually by December 31st and will be published at <https://www.fldoe.org/pathwaysgrant>

Action Required

Continue to check <https://www.fldoe.org/pathwaysgrant> for updates regarding the PCOG Program. All future updates for the PCOG Program will be posted on the department website listed above.

For questions about this rule, please contact Charles Feehrer at Charles.Feehrer@fldoe.org

New Rule 6A-23.0042, Work-Based Learning Standards

HB 1507 (2021) created s. 446.0915, F.S., establishing rule making authority to create a uniform definition of work-based learning and to ensure the establishment of policies and procedures beneficial for the improvement and expansion of the practice.

Work-based learning is currently regulated at the program level through course-specific standards and benchmarks in curriculum frameworks as well as through licensure-specific regulatory bodies.

This rule establishes standards for the operation of work-based learning opportunities offered through Florida's school districts and Florida College System (FCS) institutions.

The rule requires a student (or parent if the student is a minor) to execute a training agreement, and sets forth the minimum requirements for the agreement. The rule also requires an employer to designate a superior and to evaluate the student. The requirements for educational institutions include ensuring the training agreement is executed and ensuring the student has coverage in case of injury.

Action Required

Review the [Work-Based Learning Standards Rule 6A-23.0042, F.A.C.](#) A new work-based learning website on fldoe.org will soon be announced to give access to technical assistance documents, customizable templates, and related resources on work-based learning. Districts and colleges offering work-based learning are to develop a local stakeholder communication and division of labor strategy to implement the requirements of the Rule.

For questions about this rule, please contact Lee Chipps-Walton at Lee.Chipps-Walton@fldoe.org or 850-245-0911.

New Rule 6A-6.05732, Reimbursement for Workers' Compensation Insurance Premiums

This rule establishes the procedures for implementation of s. 446.54, F.S. The statute and rule prescribe that Workers' Compensation (WC) insurance coverage will be made available for students 18 years of age or younger who are participating in service-providing work-based learning opportunities. Students being paid for their services are to be covered by the business or entity employing them. Unpaid students are to be covered by the WC insurance of the school district or FCS institution in which they are enrolled.

Work-based learning opportunities that are not service-providing (e.g., virtual, simulated, or project-based learning) or fall short of the work-based learning opportunity definition in s. 446.0915, F.S. (e.g., job shadowing, mentoring, or business tours) do not require insurance nor are eligible for reimbursement. The rule specifies that the Department of Education must notify school districts and colleges of the deadline for submitting requests for reimbursement. The deadline for the 2021-22 fiscal year is June 10, 2022. Requests for reimbursement received after that date will not be eligible for reimbursement. The rule also specifies that the requests for reimbursement from employers of paid work-based learning students must be submitted by the school district or college in which the student(s) are enrolled. Thus, it is incumbent on the school district or college to notify the businesses which provide paid employment experiences to their students of the opportunity for reimbursement, the requirements, and the deadline for submission. This notification of those businesses should occur as soon as possible after the district or college receives this memorandum.

Action Required

Review the [Reimbursement for Workers' Compensation Insurance Premiums Rule 6A-6.05732, F.A.C.](#)

An announcement of application and further guidance will be issued under separate cover.

Businesses offering work-based learning can be made aware of the reimbursement fund and to begin to gather documentation of insurance premium expenses related to eligible students who were 18 years of age or younger at the time of the work-based learning, provided employee-like services, and were participating in the work-based learning through a Florida school district or FCS institution.

Districts and colleges offering unpaid, service-providing (not simulated, virtual, or project-based) work-based learning are to carry students that are 18 years old or younger on their WC insurance and are eligible for reimbursement.

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In these instances and in accordance with s. 446.54, F.S., the district or college is considered the employee 'for workers' compensation insurance purposes, even when the student is providing services elsewhere, such as a local business.

For questions about this rule, please contact Martha Asbury at Martha.Asbury@fldoe.org or 850-245-9398.

KO/cr

Cc: Suzanne Pridgeon, CFO
Jacob Oliva, Interim Commissioner
Kathy Hebda, Chancellor