

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Kentucky Board of Education

Department of Education

(Amendment)

705 KAR 4:041. Work-based learning program standards.

RELATES TO: KRS ~~[156.029(7),]~~156.802, 158.810(4)

STATUTORY AUTHORITY: KRS ~~[156.029(7),]~~156.070(1), 156.802(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070(1) provides that the Kentucky Board of Education shall have the management and control of the common schools~~[and 156.029(7) require the Kentucky Board of Education to promulgate administrative regulations managing schools and programs and governing the Department of Education]~~. KRS 156.802(5) requires the board to establish program standards for secondary area career and technical education and technology centers. This administrative regulation establishes program standards for work-based learning in state-operated area technology centers and local school districts.

Section 1. Definitions.

(1) "Apprentice" means a worker at least sixteen (16) years of age, except where a higher minimum age standard is otherwise fixed by law, who is employed to learn an apprenticeable occupation.

(2) "Career and technical education" is defined by KRS 158.810(4).

(3) "Career pathway completer" is defined as student who has completed a minimum of four (4) credits within a Kentucky Department of Education approved career pathway.

(4) ~~[(2)]~~ "Cooperative education" is a form of work-based learning~~[means an educational program]~~ consisting of in-school instruction combined with program related on-the-job paid work experience in a business or industrial establishment.

(5) "Entrepreneurship" education allows individual students to develop a deeper understanding of economic principles and to apply classroom learning by organizing and operating a business enterprise.

(6) "Internship" is a type of work-based learning that provides work experience in a particular occupation, often leading to course credit and compensation.

(7) "Journey person certificate" is the culmination of an apprenticeship that leads to a nationally recognized and portable credential.

(8) "Mentoring" is a form of work-based learning that involves business and community volunteers developing one-to-one relationships with students to build an understanding of careers and work ethics that goes beyond the formal obligations of a teaching and supervisory role.

(9) "Registered apprenticeship program" is a program validated by the United States Department of Labor and combines paid on-the-job training and classroom instruction under the supervision of an experienced industry professional.

(10) "Registered youth apprenticeship" is a program that combines academic and technical classroom instruction with work experience through a United States Department of Labor registered apprenticeship program.

(11) "Registered youth pre-apprenticeship" is a program or set of strategies designed to prepare students for entry into United States Department of Labor registered apprenticeship programs.

(12) "Related technical instruction" is the classroom component of a registered apprenticeship, which requires 144 hours for every 2,000 hours of the apprenticeship.

(13) "School-based enterprise" is a simulated or actual business conducted within the school setting.

(14) "Service learning" is a teaching and learning strategy that integrates meaningful community service with instruction and reflection to enrich the learning experience, teach civic responsibility and strengthen communities.

(15) "Shadowing" is a form of work-based learning that allows students to learn through observation by spending time with an individual from a chosen occupation.

(16) "State apprenticeship agency" is the state agency and staff responsible for registered apprenticeship activity, which acts on behalf of the United States Department of Labor.

(17) ~~[(3)]~~ "Work-based learning" means an effective teaching approach used to engage students in real-life occupational experiences, that incorporates structured, work-based learning activities into the curriculum and allows a student to apply knowledge and skills learned in class and connect these learning experiences in the workplace.

Section 2. Cooperative education shall meet the minimum requirements established in this section.

(1) To participate in cooperative education, a student shall be at least sixteen (16) years of age.

(a) A student who is under eighteen (18) shall secure a verification of age issued by the local superintendent of schools.

(b) A student who is between age eighteen (18) to twenty-one (21) shall have a certificate of age on file with the employer.

(2) A student shall have:

(a) Successfully completed the basic career and technical skill prerequisites required by the preparatory program the student is pursuing; and

(b) Gained sufficient knowledge and skills necessary for success in a cooperative education program.

(3) A student shall be:

(a) Enrolled in a course included within the student's chosen career pathway within the same academic year; or

(b) A career pathway complete~~[completed]~~ by the conclusion of the student's junior year; or

(c) Enrolled in an approved registered youth or pre-apprenticeship program.

~~[(4)] [The cooperative education program shall be an integral part of the school's program of studies and be described in the school catalog.]~~

(4) ~~[(5)]~~ A student may receive academic credit on an hour-for-hour-basis equivalent to a Carnegie Unit only for work experience directly related to the student's individual learning plan (ILP) and approvable under the minimum requirements for high school graduation, 704 KAR 3:305.

(5) ~~[(6)]~~ A student shall receive a salary for the work experience phase of instruction in accordance with local, state, and federal minimum wage requirements.

(6) ~~[(7)]~~ The school shall arrange and coordinate with the employer for on-the-job training. A training agreement by the school, student, parent (if the student is a minor), and employer shall be placed on file with the school. This agreement shall be monitored and evaluated by the certified program area teacher.

~~[(8)] [A student shall be excused from school attendance only for the purpose of participating in an approved cooperative education program activity.]~~

(7) ~~[(9)]~~ The program shall include an evaluation component to assess the effectiveness of the program in assisting students in the achievement of their educational and career goals.

(8) ~~[(10)]~~ The student shall spend a minimum of ten (10) clock hours per week in a salaried position which provides work experience directly related to the student's career goals as identified in their ~~[his]~~ individual learning plan (ILP).

(2) ~~[(11)]~~ The school shall provide work site supervision of the student by a certified or classified staff member~~[teacher-coordinator]~~ on a regular basis throughout the period of time a student is participating in the cooperative education program.

Section 3. Other types of work-based learning opportunities for secondary students may include service learning, mentoring, shadowing, entrepreneurship, school-based enterprises, internships, and registered youth or pre-apprenticeships.~~[Definitions of each type of work-based learning shall be located in the Kentucky Work-Based Learning Manual. Local districts and state-operated area technology centers shall have the responsibility of coordinating work-based learning programs and shall comply with the Kentucky Work-Based Learning Manual.]~~

Section 4. Local districts and state-operated area technology centers shall have the responsibility of coordinating work-based learning programs and shall comply with the Kentucky Work-Based Learning Manual.

(1) Work-based learning programs shall be an integral part of the school's program of studies and be described in the school's scheduling resources.

(2) A student participating in an approved work-based learning activity shall be counted in attendance as provided in 702 KAR 7:125, Section 1(4)(a).

Section 5. Incorporation by Reference.

(1) "Kentucky Work-Based Learning Manual", August 2022~~[March 2015]~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Education, Office of Career and Technical Education, 5th~~[20th]~~ Floor,~~[Capital Plaza Tower,]~~ 300 Sower Boulevard~~[500 Mero Street]~~, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be viewed at:<http://education.ky.gov/CTE/cter/Pages/WBL.aspx>.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

JASON E. GLASS, Ed.D., Commissioner

LU S. YOUNG, Ed.D., Chairperson

APPROVED BY AGENCY: August 9, 2022

FILED WITH LRC: August 10, 2022 at 11:00 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on October 25, 2022 at 10:00 a.m. in the State Board Room, 5th Floor, Kentucky Department of Education, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until October 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes work-based learning program standards for state-operated Area Technology Centers (ATCs) and local school districts.

(b) The necessity of this administrative regulation:

KRS 156.802(3) provides that the Kentucky Department of Education shall have the responsibility for all administrative functions of the state in relation to the management, control, and operation of state-operated secondary area vocational and education centers. KRS 156.070(1) provides that the Kentucky Board of Education shall have the management and control of the common schools and all programs operated in these schools.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

This administrative regulation establishes standards for Career and Technical Education (CTE) work-based learning programs. Work-based learning is an integral and required component of the career pathway experience for students, pursuant to 705 KAR 4:231, Section 5.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation establishes standards for CTE work-based learning programs.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

Proposed amendments to 705 KAR 4:041 update statutory citations, provide greater flexibility in which staff can assume the role of worksite supervisor and make necessary updates to the Kentucky Work-Based Learning Manual incorporated by reference.

(b) The necessity of the amendment to this administrative regulation:

These amendments ensure compliance with applicable state/federal laws and establish the standards for work-based learning programs in state-operated ATCs and local school districts.

(c) How the amendment conforms to the content of the authorizing statutes:

KRS 156.802(3) provides that the Kentucky Department of Education shall have the responsibility for all administrative functions of the state in relation to the management, control, and operation of state-operated secondary area vocational and education centers. KRS 156.070(1) provides that the Kentucky Board of Education shall have the management and control of the common schools and all programs operated in these schools.

(d) How the amendment will assist in the effective administration of the statutes:

These amendments provide updated information and provide clarity for better efficiency with implementation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

Those affected by this regulation include CTE students and staff within state-operated ATCs and local school districts.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

ATC and district staff must utilize this administrative regulation and the Kentucky Work-Based Learning Manual incorporated by reference when planning for and implementing work-based learning programs.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

ATCs and districts must comply with background check requirements pursuant to KRS 160.380 and KRS 161.148. If all three (3) checks are required (federal, state and CA/N), it is estimated to cost approximately \$100 per individual.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

These amendments ensure proper alignment to other state/federal laws.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

N/A

(b) On a continuing basis:

Minimal staff time at the Kentucky Department of Education (for training and technical assistance) will be required to implement these amendments on an annual basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

Local and state funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increase in funding will be necessary to implement these amendments at this time.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied?

Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all ATCs and local school districts.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

School districts and the Kentucky Department of Education (KDE).

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 156.802(3) and KRS 156.070(1).

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

The amendments to this regulation create no new fiscal impact for the entities involved. There are existing statutory requirements for background checks, which does create a potential fiscal impact on ATCs and local districts.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

N/A

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

N/A

(c) How much will it cost to administer this program for the first year?

Background checks are estimated at approximately \$100 per individual.

(d) How much will it cost to administer this program for subsequent years?

Undetermined (based on individuals needing background checks and how often).

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):N/A

Expenditures (+/-):Undetermined

Other Explanation:

The number of participating employers/individuals and the frequency of the background checks if required make this amount undeterminable for each ATC or district.

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

None anticipated.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

None anticipated.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

None anticipated.

(c) How much will it cost the regulated entities for the first year?

The number of participating employers/individuals and the frequency of the background checks if required make this amount undeterminable for each ATC or district.

(d) How much will it cost the regulated entities for subsequent years?

As stated above, the number of participating employers/individuals and the frequency of the background checks if required make this amount undeterminable for each ATC or district.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):None anticipated.

Expenditures (+/-):Undetermined

Other Explanation:

As stated above, the number of participating employers/individuals and the frequency of the background checks if required make this amount undeterminable for each ATC or district.

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] A major economic impact is not anticipated.