

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: HB 44a

49th Legislature, 1st Session, 2009

Short Title: Running Start for Careers Act

Sponsor(s): Representative Richard J. Berry and Others

Analyst: Dorinda Fox

Date: February 11, 2009

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AS AMENDED

The House Education Committee amendments:

- **strike the appropriation;**
- **add language to require a pre-apprenticeship course of instruction to be aligned with New Mexico Content Standards and Benchmarks;**
- **change permissive language to require the Public Education Commission to promulgate rules to carry out the provisions of the *Running Start for Careers Act*;**
and
- **add language to include approval of a student's parent for withdrawal from a pre-apprenticeship program.**

Original Bill Summary:

HB 44 makes an appropriation and creates the Running Start for Careers Pilot Project. It establishes a six-year public-private partnership study that allows qualified public high school students to use elective credits to participate in industry-taught or -guided pre-apprenticeship¹ programs; and measures the effect of pre-apprenticeship on student retention and student performance. Among its provisions, the bill:

- defines terms applicable to pre-apprenticeship programs;
- provides the purpose of the pilot to demonstrate the effects of pre-apprenticeship;
- creates the Running Start for Careers Fund in the State Treasury and limits to 15 percent the portion of the fund that may be used for administration;
- prescribes powers and duties of the Public Education Commission (PEC) including directing the program and approving providers and industry instructors that meet apprenticeship² requirements of the New Mexico State Apprenticeship Council or a nationally recognized trade organization;

¹ As used in the HM 46/SM 36 2008 Study Group, pre-apprenticeship is a formalized articulated program of study leading an individual into a registered apprenticeship training program. Pre-apprenticeship includes pre-requisite coursework and laboratory experience; it does not include on-the-job training.

² According to the New Mexico Workforce Connection, apprenticeship is a relationship between an employer and an employee during which the worker, or apprentice, learns a trade. An apprenticeship program covers all aspects of the trade and includes both on-the-job training and related instruction. Apprenticeship usually lasts about (4) four years depending on the trade, but range from one to five years. Apprentices are employees. An apprentice's pay starts out at about 45 percent to 50 percent of a journey workers' wages and increases periodically throughout the apprenticeship.

- prescribes application requirements for becoming a pre-apprenticeship program provider;
- requires the written approval of a pre-apprenticeship program by the local school district;
- allows pre-apprenticeship programs to be available to but does not require the participation of any school district;
- prescribes duties of the Public Education Department (PED) including administration of the pilot project, reimbursement of providers if funds are available based on each program's contact hours, and collection of project data;
- requires pre-apprenticeship programs to be designed so that pre-apprentices may earn elective credits toward high school graduation and meet requirements for apprenticeship-related instruction or postsecondary education course credits;
- exempts industry instructors from teacher licensure requirements but require criminal background checks;
- prescribes student qualifications including that applicants be at least 16 years of age and enrolled in grades 11 or 12;
- requires a pre-apprenticeship program provider to notify PEC, the local school board, and the high school of the provider's wish to cease a pre-apprenticeship program, and include a plan for the continuation of the pre-apprenticeship program of pre-apprentices currently enrolled;
- for insurance purposes, considers pre-apprenticeship programs as school-sponsored activities and industry instructors as school volunteers;
- requires that public and private grants and donations be sought for the project; and
- requires interim and final reports to the Legislature and the Governor on the progress and efficacy of the pilot projects.

Original Fiscal Impact:

\$500,000 is appropriated from the General Fund to the Running Start for Careers Fund for expenditure in FY 09 and subsequent fiscal years.

Unexpended or unencumbered funds do not revert to the General Fund.

Fiscal Issues:

PED indicates that a state appropriation for staff to administer the project would be needed because the current career-technical education (CTE) staff of the Career Technical and Workforce Education Bureau is supported from federal funding and, in accordance with federal requirements, is limited to perform federal *Carl D. Perkins Act* grant activities.

Issues:

The PED analysis suggests that because PEC is an elected body without staff that it is ill-equipped to direct the Running Start for Careers Pilot Project. However, according to the *Public School Code*, PEC is the governing authority required to establish policies for the conduct of all programs of the state and state plans established relating to vocational education unless otherwise provided by law. Further, PEC is the sole agency of the state for the administration or for the supervision of the administration of any state plan relating to vocational education; and the PEC may delegate to PED its administrative functions relating to vocational education. According to a regional educational cooperative (REC #8) analysis, a state level approval process will provide state standards and safeguards for pre-apprentices.

According to the Higher Education Department (HED) analysis, if this bill is not enacted:

- development, oversight and study of high school pre-apprenticeship programs will not be as extensive as promised by the bill;
- not as many New Mexico students will have the opportunity to participate in pre-apprenticeship programs; and
- future needs for skilled workers in the trades might not be met.

Background:

The *Running Start for Careers Act* is related to the recommendations of the 2008 House Memorial 46/Senate Memorial 36 study group that convened during the interim to consider the feasibility of implementing pre-apprenticeship programs in New Mexico public secondary schools. The study group comprised representatives from PED, HED, Department of Workforce Solutions, the US Department of Labor Apprenticeship Training Office, registered apprenticeship programs in New Mexico, union and non-union industry advocates, public schools, and postsecondary institutions. Findings and recommendations of the HM 46/SM 36 study were delivered to the Legislative Education Study Committee, and other legislative committees, including the Economic and Rural Development Committee, the Welfare Reform Oversight Committee, and the Revenue Stabilization and Tax Policy Committee. The study recommendations included:

- Supporting legislation for the creation and funding of a New Mexico pre-apprenticeship curriculum pilot project that will provide student access to apprenticeable careers, training from industry experts, industry-recognized certification in pre-apprenticeship courses, and elective or dual credit toward high school graduation. The purpose of such legislation is to prepare high school students for apprenticeable³ occupations.
- Requesting the PEC and the PED to coordinate with the State Apprenticeship Council and/or the US Department of Labor Office of Apprenticeship for the creation and oversight of pre-apprenticeship program standards.

Related Bill:

SB 46a *High School Pre-Apprenticeship Programs*

³ According to the US Department of Labor, there are more than 800 apprenticeable careers in the United States. Registered apprenticeship programs meet federal and state standards and are selected from among apprenticeable careers that make formal application to the New Mexico State Apprenticeship Council.