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HOUSE BILL 44

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Richard J. Berry

FOR THE ECONOMIC AND RURAL DEVELOPMENT COMMITTEE
AND THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO EDUCATION; ENACTING THE RUNNING START FOR CAREERS
ACT; CREATING A PILOT PROJECT TO PROVIDE PRE-APPRENTICESHIP
OPPORTUNITIES TO HIGH SCHOOL STUDENTS; CREATING A FUND; MAKING
AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 22, Article 14 NMSA
1978 is enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
"Running Start for Careers Act"."

Section 2. A new section of Chapter 22, Article 14 NMSA
1978 is enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the Running Start
for Careers Act:

A. "apprenticeable trade" means a skilled trade

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1 that possesses the following characteristics:

2 (1) it is customarily learned in a practical
3 way through a structured, systematic program of on-the-job
4 supervised training;

5 (2) it is clearly identified and commonly
6 recognized throughout an industry;

7 (3) it involves manual, mechanical or
8 technical skills and knowledge that require a minimum of two
9 thousand hours of on-the-job work experience; and

10 (4) it requires related instruction to
11 supplement on-the-job training;

12 B. "apprenticeship" means a formal educational
13 method for training a person in a skilled trade that combines
14 supervised employment with related instruction;

15 C. "course of instruction" means an organized and
16 systematic program of study designed to provide the pre-
17 apprentice with knowledge of the theoretical subjects related
18 to a specific apprenticeable trade and that meets
19 apprenticeship related instruction requirements; provided that
20 "course of instruction" may include hands-on training but does
21 not include on-the-job training;

22 D. "industry instructor" means a person who is:

23 (1) working or has worked in an apprenticeable
24 trade for the number of years required by established industry
25 practices of the particular trade to be an industry-recognized

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1 expert in the trade; or

2 (2) a career-technical faculty member at a
3 public post-secondary educational institution;

4 E. "pilot project" means the running start for
5 careers pilot project;

6 F. "pre-apprentice" means a public school student
7 who is enrolled in a pre-apprenticeship program;

8 G. "pre-apprenticeship program" means a commission-
9 approved course of instruction offered through the pilot
10 project that results, upon satisfactory completion of the
11 program, in a certificate of completion that is acceptable to
12 an apprenticeship training program registered with the
13 apprenticeship council or is otherwise acceptable to the
14 apprenticeable trade; and

15 H. "provider" means a registered apprenticeship
16 program, an employer of an apprenticeable trade, a union, a
17 trade association, a post-secondary educational institution or
18 other person approved by the commission to provide a pre-
19 apprenticeship program."

20 Section 3. A new section of Chapter 22, Article 14 NMSA
21 1978 is enacted to read:

22 "[NEW MATERIAL] RUNNING START FOR CAREERS PILOT PROJECT--
23 CREATED--PURPOSES--PARTICIPATION.--

24 A. The "running start for careers pilot project" is
25 created as a six-year public-private partnership study that

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1 allows qualified public school students to use elective credits
2 to participate in approved industry-taught or -guided pre-
3 apprenticeship programs and measures the effect of pre-
4 apprenticeship on student retention and student performance in
5 high school, at graduation and after graduation.

6 B. The purpose of the pilot project is to
7 demonstrate that:

8 (1) public-private partnerships in career
9 technical education are viable alternatives to standard
10 curricula offerings in public high schools;

11 (2) the provision of industry-taught or
12 -guided pre-apprenticeship programs will expand educational and
13 career opportunities for New Mexico high school students;

14 (3) a positive causal relationship between
15 participation in industry-taught or -guided pre-apprenticeship
16 programs and declining dropout rates in participating school
17 districts can be documented; and

18 (4) participants who graduate with specific
19 career technical knowledge are more employable in their chosen
20 field and are more inclined to continue their education through
21 registered apprenticeships or post-secondary education.

22 C. The further purpose of the pilot project is to
23 establish pre-apprenticeship programs for high school students
24 that expand rather than supplant school districts' career-
25 technical educational offerings. The pilot project shall be

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1 designed to maximize the opportunities for high school students
2 to take courses of instruction that lead to career
3 opportunities or foster college education.

4 D. The pilot project is open to any school district
5 in the state, but no school district is required to participate
6 in the pilot project. The local school board shall approve by
7 resolution each pre-apprenticeship program to be offered in
8 that school district."

9 Section 4. A new section of Chapter 22, Article 14 NMSA
10 1978 is enacted to read:

11 "[NEW MATERIAL] PUBLIC EDUCATION COMMISSION--POWERS AND
12 DUTIES.--

13 A. The commission shall direct the pilot project
14 and shall:

15 (1) establish the design of the pilot project,
16 including:

17 (a) data collection, including four-year
18 post-secondary outcome data;

19 (b) accountability measures, including
20 student and pre-apprenticeship program assessments; and

21 (c) ongoing evaluation of the pilot
22 project and school district participation;

23 (2) approve providers and pre-apprenticeship
24 programs, including courses of instruction and industry
25 instructors, that meet apprenticeship requirements of the

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1 apprenticeship council or the apprenticeship requirements of
2 the appropriate nationally recognized trade organization;

3 (3) market and promote the pilot project to
4 school districts, parents and students, apprenticeable trades
5 and communities; and

6 (4) seek public and private grants and
7 donations for the pilot project.

8 B. When approving pre-apprenticeship programs, the
9 commission shall determine that existing public school career-
10 technical programs will not be adversely affected.

11 C. The commission may:

12 (1) adopt and promulgate rules to carry out
13 the provisions of the Running Start for Careers Act; and

14 (2) solicit recommendations regarding
15 providers, pre-apprenticeship programs, courses of instruction
16 and industry instructors from the department, the
17 apprenticeship council, the workforce solutions department, the
18 higher education department, the economic development
19 department, registered apprenticeship programs, industries in
20 the state, school districts, post-secondary educational
21 institutions and other knowledgeable persons."

22 Section 5. A new section of Chapter 22, Article 14 NMSA
23 1978 is enacted to read:

24 "[NEW MATERIAL] APPLICATIONS--ADMINISTRATION--
25 REIMBURSEMENTS.--

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1 A. A person may apply to the commission to become a
2 provider by submitting an application in the form prescribed by
3 the commission. The application shall include:

4 (1) the pre-apprenticeship program to be
5 offered by the provider, including the course of instruction
6 and the provision of tools, supplies and textbooks that will be
7 provided by the pre-apprenticeship program;

8 (2) a description of the way in which a pre-
9 apprentice's coursework and program participation will be
10 evaluated and reported as grades to the high school;

11 (3) a description of the qualifications for
12 pre-apprentices, the way in which students will be recruited
13 and accepted into the pre-apprenticeship program and the
14 circumstances under which a pre-apprentice may be dismissed
15 from the pre-apprenticeship program;

16 (4) the names and qualifications of the pre-
17 apprenticeship program's industry instructors;

18 (5) a description of the location where the
19 pre-apprenticeship program will be conducted;

20 (6) a declaration of the applicant's intention
21 to offer a full two-year pre-apprenticeship to every student it
22 accepts into its pre-apprenticeship program, unless the student
23 is dropped or withdraws from the program;

24 (7) a copy of the applicable school board
25 resolution approving the pre-apprenticeship program; and

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1 (8) other information the commission deems
2 necessary to determine the fitness of the applicant to deliver
3 a pre-apprenticeship program that meets the purposes of the
4 pilot project.

5 B. In approving an application, the commission
6 shall include its approvals of the provider, the pre-
7 apprenticeship program and the industry instructors. If a
8 single applicant proposes to offer more than one program, each
9 pre-apprenticeship program and all industry instructors shall
10 be approved by the commission."

11 Section 6. A new section of Chapter 22, Article 14 NMSA
12 1978 is enacted to read:

13 "[NEW MATERIAL] DEPARTMENT DUTIES.--The department shall:

14 A. administer the pilot project under the direction
15 of the commission;

16 B. reimburse providers within the amount available
17 each year in the running start for careers fund based on each
18 pre-apprenticeship program's contact hours with pre-
19 apprentices, not to exceed four dollars (\$4.00) per contact
20 hour;

21 C. collect annual and other periodic data from the
22 pilot project sufficient to determine the efficacy of the pilot
23 project and whether the purposes of the pilot project are being
24 realized; and

25 D. seek input from the apprenticeship council, the

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1 workforce solutions department, the higher education
2 department, school districts, post-secondary educational
3 institutions and others regarding the data to be collected from
4 the pilot project."

5 Section 7. A new section of Chapter 22, Article 14 NMSA
6 1978 is enacted to read:

7 "[NEW MATERIAL] PRE-APPRENTICESHIP PROGRAMS--STUDENT
8 QUALIFICATIONS.--

9 A. Pre-apprenticeship programs shall be designed so
10 that pre-apprentices may earn elective credits toward high
11 school graduation and meet requirements for apprenticeship
12 related instruction or post-secondary education course credits.
13 Pre-apprenticeship programs shall be offered during the school
14 day whenever possible. Programs may be conducted at industry
15 locations, including union halls or other industry training
16 facilities; at existing school facilities, if available; or at
17 any other location approved by the commission or the local
18 school board.

19 B. To qualify for a pre-apprenticeship program, a
20 student must:

- 21 (1) be at least sixteen years of age;
22 (2) be in the eleventh or twelfth grade;
23 (3) have at least the number of electives
24 required for the pre-apprenticeship program applied for and
25 commit those electives to the program;

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1 (4) agree to furnish outcome information for
2 the pilot project's data collection for four years beyond the
3 student's time in the program; and

4 (5) meet other requirements of the pre-
5 apprenticeship program approved by the commission.

6 C. Each provider shall recruit students and accept
7 and retain or dismiss them as provided in the provider's
8 approved application.

9 D. Once accepted into a pre-apprenticeship program,
10 a student may withdraw only with the approval of the high
11 school principal.

12 E. If a provider wishes to withdraw from the pilot
13 project, it shall notify the commission, the school district
14 and the pre-apprentices' high schools. The notification shall
15 include a plan for the continuation of the pre-apprenticeships
16 of the pre-apprentices currently enrolled in the provider's
17 program.

18 F. Students shall be tracked for four years beyond
19 their pre-apprenticeship program participation to determine
20 pilot project outcomes."

21 Section 8. A new section of Chapter 22, Article 14 NMSA
22 1978 is enacted to read:

23 "[NEW MATERIAL] LICENSURE NOT REQUIRED--BACKGROUND
24 CHECKS--SCHOOL-SPONSORED ACTIVITY AND VOLUNTEERS.--

25 A. The provisions of the School Personnel Act,

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1 including licensure requirements, shall not apply to industry
2 instructors, except that they shall be required to undergo a
3 background check as provided for licensed school employees in
4 Section 22-10A-5 NMSA 1978. The commission or school district
5 may act on the information received from the background check
6 and refuse to approve a person as an industry instructor. An
7 industry instructor shall provide for the safety of students
8 under the industry instructor's care in the same manner as
9 required of licensed school employees and shall not allow
10 persons who have not been vetted through the background check
11 process to have unsupervised contact with students.

12 B. For purposes of the public school insurance
13 authority, each pre-apprenticeship program shall be considered
14 a school-sponsored activity and each industry instructor shall
15 be considered a school volunteer."

16 Section 9. A new section of Chapter 22, Article 14 NMSA
17 1978 is enacted to read:

18 "[NEW MATERIAL] RUNNING START FOR CAREERS FUND CREATED--
19 EXPENDITURES.--The "running start for careers fund" is created
20 as a nonreverting fund in the state treasury. The fund
21 consists of appropriations, grants and donations. The
22 department shall administer the fund, and money in the fund is
23 appropriated to the department to carry out the purposes of the
24 pilot project. Money from grants and donations shall be
25 expended in accordance with the terms of the grants and

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1 donations. Money in the fund shall not revert to the general
2 fund until the end of the pilot project. Unless otherwise
3 specified by the terms of a grant or donation, money in the
4 fund at the end of the pilot project shall revert to the
5 general fund. Expenditures from the fund shall be by warrants
6 of the secretary of finance and administration drawn pursuant
7 to vouchers signed by the secretary of public education or the
8 secretary's authorized representative. The department shall
9 not expend more than fifteen percent of the fund in any fiscal
10 year for administration, including commission costs related to
11 its powers and duties under the pilot project."

12 Section 10. A new section of Chapter 22, Article 14 NMSA
13 1978 is enacted to read:

14 "[NEW MATERIAL] REPORTS.--The commission shall provide
15 interim and final reports to the legislature and the governor
16 on the progress and efficacy of the pilot project. The reports
17 shall include:

18 A. the number of students participating in the
19 pilot project by school and school district and pre-
20 apprenticeship programs;

21 B. the number and types of pre-apprenticeship
22 programs by school and school district;

23 C. outcome data, including:

24 (1) the number of pre-apprentices who enter a
25 state-registered apprenticeship program by type;

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1 (2) the number of pre-apprentices who enroll
2 in post-secondary educational institutions;

3 (3) the effect of the pilot project on each
4 participating school district's drop-out rate and its student
5 assessments; and

6 (4) other measures that indicate whether the
7 pilot project is fulfilling its purposes;

8 D. a satisfaction survey that indicates whether
9 students and potential employers support the pilot project;

10 E. a financial report of the running start for
11 careers fund, including gifts, grants and donations to the
12 fund; and

13 F. suggestions for changes to the pilot project
14 that will improve the pilot project and lead to additional pre-
15 apprenticeships being offered."

16 Section 11. APPROPRIATION.--Five hundred thousand dollars
17 (\$500,000) is appropriated from the general fund to the running
18 start for careers fund for expenditure in fiscal year 2009 and
19 subsequent fiscal years to carry out the purposes of the
20 Running Start for Careers Act. Any unexpended or unencumbered
21 balance remaining at the end of a fiscal year shall not revert
22 to the general fund until the end of the running start for
23 careers pilot project.