



March 18, 2024

Brent Parton
Principal Deputy Assistant Secretary
U.S. Department of Labor
Employment and Training Administration
200 Constitution Ave NW
Washington, DC 20210

Docket No. ETA–2023–0004
Regulatory Identification Number (RIN) 1205–AC13

RE: Public Comments on the U.S. Department of Labor’s Proposed System Enhancements to the National Apprenticeship System

Dear Principal Deputy Assistant Secretary Parton,

Thank you for the opportunity to comment on the U.S. Department of Labor’s (DOL or the Department) notice of proposed rulemaking (NPRM), *National System Enhancements*, which was published in the Federal Register on January 17, 2024.

New America’s Center on Education & Labor is dedicated to restoring the link between education and economic mobility by advancing policies that strengthen the key social institutions necessary to connect them. We believe that apprenticeship is a high potential strategy for promoting more inclusive economic growth in America. Over the last decade, our team has conducted a number of research and implementation projects to better understand how state and federal actors can support a rigorous, more equitable, and more dynamic apprenticeships system that operates at greater scale. Through this work and our leadership of the Partnership to Advance Youth Apprenticeship (PAYA), a national field-building initiative focused on expanding access to youth apprenticeship,¹ we have developed deep expertise in the different program models, institutional factors, and policy and system contexts that matter for the growth of high-quality apprenticeship.

We commend the Department of Labor for this ambitious, inclusive, and comprehensive rulemaking effort. In particular, we are pleased to see that the Department’s proposed rule strives to increase quality, transparency, and worker protections; to support greater alignment between the nation’s education and apprenticeship systems; and to improve data collection requirements to generate better information about system outcomes. However, the proposed rule also contains changes that we believe could undermine the Department’s efforts to expand apprenticeship by

¹ New America. “A Shared Vision for Advancing High-Quality Youth Apprenticeship”. 2018. <https://www.newamerica.org/center-education-labor/partnership-advance-youth-apprenticeship/about/our-principles/> Accessed March 1, 2024.

introducing new requirements that could deter employers and other key system stakeholders from participation.

In the comments that follow, we provide our endorsement of particular aspects of the proposed rule, recommend modifications to specific provisions, and raise questions about some requirements that, in our estimation, may not ultimately add value to the system. These comments have been informed by extensive engagement with state, local, and institutional leaders through various communities of practice and research, including PAYA's 70-member national network and the PAYA National Partner organizations.

Section 29.2 - Definitions

“CTE apprenticeship-related instruction”- Proposed Section 29.2 would add a definition of CTE Apprenticeship Related Instruction (CTEA RI) and require that it “involve the curriculum that is approved as part of a State-approved CTE program” and may also include additional coursework selected by the sponsor.

This flexibility is important because many state-approved CTE programs of study combine CTE courses with core academic courses that are not considered to be part of a school or district's CTE program. Likewise, some postsecondary CTE credential and degree programs require General Education coursework.² Such courses may be included or required as part of a state-approved CTE program of study, but may not be themselves a CTE course. Additionally--and perhaps more importantly--locally and regionally-available CTE programs may not meet employers' training requirements. It is critical that CTE Apprenticeship Related Instruction permit a degree of flexibility to ensure program leaders and sponsors are able to supplement CTE offerings.

The proposed regulatory language acknowledges these issues by permitting sponsors to prescribe additional coursework beyond the state-approved CTE program. However, several state and local program leaders and practitioners have raised concerns about phrasing in the Department's description of CTE Related Instruction that notes it must be delivered “through” a state approved CTE program, which implies a less flexible vision than the regulations themselves seem to allow. This lack of precision in language has raised concerns amongst stakeholders, and may lead to overly conservative interpretations of the Department's vision for the model which could, in turn, negatively affect uptake and implementation.

Recommendation: We request that the Department be explicit and consistent in describing its vision for CTE apprenticeship related instruction, including by removing the sentence in the description of CTE Related Instruction that notes it must be delivered “through” a state-approved CTE program.

“Intermediary” - The Department is wise to adopt a broad and inclusive definition of the term intermediary. Intermediary organizations play an important role at every level of the

² U.S. Congressional Research Service. Career and Technical Education: A Primer (RL74166; June 21, 2022), by Adam K. Edgarton. Accessed: January 30, 2024. <https://sgp.fas.org/crs/misc/R47166.pdf>

apprenticeship system and are poised to continue to do so under the proposed enhancements. Further, the introduction of the new CTE Apprenticeship model seems likely to change the landscape of existing apprenticeship intermediaries. A broad definition of the term will ensure maximal flexibility for state and local leaders operating under the new proposed rule. The Department’s proposed definition of intermediary, referenced later in the definition of “sponsor” will also help clarify that intermediaries can, but do not always, serve as apprenticeship sponsors. This can be a source of confusion for many new system entrants, particularly in regions and non-traditional industries where intermediaries play a more significant role in program development and implementation.

Recommendation: Preserve the proposed definition of “intermediary” as is.

Subpart A - Standards of Registered Apprenticeship

29.7 Occupations suitable for registered apprenticeship

The proposed rule spells out four minimum criteria for determining the suitability of an occupation for registered apprenticeship. We appreciate the attention to ensuring that apprenticeable occupations are not overly narrow and provide transferrable skills and knowledge that support worker mobility. We also appreciate the importance of ensuring registered apprenticeships lead to sustainable careers, particularly as they expand into non-traditional industries. These criteria are a helpful baseline for ensuring registered apprenticeship continues to offer affordable pathways into good jobs and careers as it expands into new industries and sectors.

29.8 - Standards of apprenticeship

We commend the Department’s effort to distinguish apprenticeship from short-term training models and to assert that apprenticeship is only suitable for occupations that require rigorous, sustained training for employment. However, we also believe this aspect of the proposed rule has significant consequences for the field and warrants further consideration and clarification from the Department.

The proposed requirement of a minimum of 2,000 hours for every apprenticeship has caused significant confusion amongst state and local apprenticeship leaders. For systems and sponsors that have leaned heavily on the competency-based approach over the past several years (including many programs in non-traditional occupations and those that serve youth), the elimination of this option is likely to be disruptive—if not practically, then certainly conceptually. While many existing competency programs will not require significant modification to come into compliance with the Department’s proposed approach to require 2,000 hours but allow accelerated progress, there is significant confusion about how much flexibility and autonomy program sponsors will have in making determinations about apprentices’ completion. For example: If a program is registered to have 2,000 hours of OJT, but 80% of apprentices earn and demonstrate all of the required competencies in under 2,000 hours, will a program be penalized or subject to scrutiny? Practitioners across our networks shared concerns that rigid interpretation of the proposed rule will become the norm, resulting in a heavy reliance

on the time-based standard as a proxy for quality and policing of advanced standing determinations.

This outcome would be antithetical to apprenticeship’s foundational emphasis on skill and competency-development, and would put the system at odds with broader education and labor market trends that seek to promote direct assessment of learning and skills as a means of promoting quality and equity. Based on the rationale provided, we do not believe this is the Department’s goal. However, in our experience, there is considerable variation in how the system’s regulations are interpreted and enforced in different geographies. Already, stakeholders in different states have heard different explanations of this specific aspect of the NPRM from state and federal apprenticeship authorities. Given this confusion, we strongly encourage the Department to provide further clarification and, eventually, ample guidance and training to ensure consistent implementation of the new approach. The Department should also ensure programs understand the extent of the flexibility and discretion afforded to them through the new rules. Additionally, we encourage the Department to consider prioritizing technical assistance to help existing competency-based programs transition to the new hybrid model to minimize administrative headaches and the risk of losing existing sponsors that are concerned about the work involved in making the shift.

With or without further clarification and transition assistance, however, we are concerned that the proposed unitary approach could create barriers to entry for sponsors in some so-called “non-traditional” industries. In some instances, the 2,000 hour requirement may be at odds with an industry’s well-established norms for on-the-job training. In education, for example, pre-service teachers regularly complete just one semester of full-time student teaching—roughly 600 hours—before sitting for licensure exams. The same is true for nursing, where registered nursing programs typically require approximately 600 hours of supervised clinical training to be eligible for licensure, with some states requiring as few as 160 clinical hours. While we would not argue that training practices in education or nursing are without room for improvement, we worry that a uniform 2,000 hour OJT standard could limit the growth of apprenticeship in these and other so-called “non-traditional” industries. Even if a hybrid model provides room for some flexibility, the perception that a rigid 2,000 hour standard for OJT exists may be enough to dampen interest.

It is possible that the Department views CTE Apprenticeship as a promising option for these and other occupations that traditionally rely more heavily on formal, classroom based instruction. While CTE Apprenticeship does not preserve the competency-based OJT option, it does require fewer OJT hours than apprenticeships registered under Subpart A (900 vs. 2,000 hours, respectively) and the ratio of on-the-job training to related instruction in that model may be more conducive. We see some logic to this approach, but worry that CTE Apprenticeships emphasis on programs that are *not occupationally specific* could prevent creative adoption of the model in these non-traditional industries.

Recommendations: Provide clear guidance, training and resources for OA and SAA personnel staff to ensure consistent interpretation and application of the proposed hybrid approach, and to assist them in communicating changes to sponsors and other system stakeholders. Provide technical assistance and other resources to existing

competency-based programs to support a smooth and timely transition to this new model.

29.9 - Apprenticeship Agreements

The NPRM proposes several adjustments and additions to apprenticeship agreements. In general, we agree with the goals laid out by the department and agree the re-envisioned agreements will arm apprentices with information that will help them understand the benefits, commitment, and potential costs associated with the apprenticeship, as well as their rights as an apprentice. We support the Department’s proposal to ensure apprentices receive copies of the Program Standards. Finally, we also affirm the Department’s proposal to require employers to sign Apprentice Agreements as a means of promoting aligned expectations. However, we see opportunities to strengthen and streamline some of the new requirements to ensure they add value to apprentices without creating unnecessary duplication of information that should exist elsewhere. For example:

29.9(c)(5) - Roles, Duties and Responsibilities

Proposed § 29.9(c)(5) would require that the apprenticeship agreement contain a description of the “respective roles, duties, and responsibilities” of the parties to the apprenticeship agreement. While we see value in ensuring participating partners have clearly delineated roles and responsibilities of partners, we find the language in this provision to be so broad that it risks adding little value to apprentices in practice, especially given that some basic information about partners’ roles should be available in the Program Standards documents, to be provided to apprentices alongside their Apprenticeship Agreement. Therefore, we recommend the Department require only the information apprentices would need to take action to protect their rights or access supportive services (as required in 29.9 (c)(10) discussed below).

Recommendation: Revise 29.9(c)(5) to require more specific information that is of clear value to apprentices, such as contact information that apprentices would need to protect or exercise their rights in the program or to access supportive services.

29.9(c)(10) - Supportive Services

We support the Department’s proposal to add a requirement that apprenticeship agreements include a description of supportive services that may be available to apprentices. However, it can be difficult and frustrating for apprentices to navigate and access services, especially when they are offered by multiple providers or partners involved in an apprenticeship. In the spirit of more clearly articulating roles and responsibilities (see 29.9(c)(5)), we would encourage the Department to add to § 29.9(c)(10) a requirement that the agreement also designate a point of contact or contacts responsible for connecting apprentices to the supportive services.

Recommendation: Add to 29.9(c)(10) a requirement that the agreement include contact information apprentices can use to request access to available supportive services and, where relevant, information about the roles and responsibilities parties to the agreement play in providing or connecting apprentices to said services.

29.12 - Qualifications of apprentice trainers and providers of related instruction

29.12 (a)(1)-29.12(a)(6) - Trainer Quality

We understand the desire to ensure instructor quality in registered apprenticeships and agree that this is a worthy goal. However, the proposed regulations do not lay out a clear path to compliance. The proposed regulations require sponsors and employers to ensure that Journeyworkers providing on the job training meet the requirements in 29.12(a)(1) through (a)(5). These require a journeyworker to possess and maintain mastery of their job and be able to effectively and fairly teach and evaluate apprentices. While these are not unreasonable expectations of a trainer, the regulations do not provide adequate guidance on how a sponsor would demonstrate that trainers meet these standards. Some industries may have existing standards pertaining to trainers' qualifications, and some other industries do not. Requiring employers to develop new processes will add an unnecessary and unproven hurdle to participation in the registered system. It is in employers' self-interest to identify effective apprenticeship trainers so that their apprentices gain the skills they need to become productive employees. Rather than adding a requirement that sponsors document trainer quality, we encourage the Department to consider incentivizing trainers and sponsors to prioritize training leading to quality.

Recommendations: Do not add additional trainer requirements. Rather, the DOL should encourage sponsors to invest in improving trainer quality by incentivizing participation in trainer professional development opportunities and formally recognizing excellent apprenticeship trainers and employers that invest in trainers' expertise.

29.12 (c)(1) - Instructor Quality

Proposed 29.12(c)(1) would require that instructors delivering related instruction be faculty members or instructors at accredited postsecondary institutions or be a subject-matter expert or meet the State's certification requirements for vocational-technical instructors in the state where the apprenticeship program is registered. We understand the logic of this requirement, given the Department's stated goal of aligning apprenticeship more closely with education systems.

However, in our stakeholder engagement efforts, leaders from multiple state education agencies (SEAs) expressed a desire for reassurance that the Department intends to apply the broadest possible interpretation of the term "State's certification requirements" for CTE educators. Due to persistent CTE educator shortages, many states waive elements of traditional certification processes for CTE instructors, or rely on temporary, emergency, or provisional certification options.³ While not ideal, this is the state of the field currently. A requirement that all instructors of CTE Related Instruction hold full certification would be a significant impediment to the adoption and scale of this model. We seek confirmation that the Department intends for this

³ "CTE Teacher Licensure Requirements: 50 States and District of Columbia - Advance CTE." 2016. Advance CTE. June 2016. <https://careertech.org/resource/cte-teacher-licensure-requirements-50-states-and-district-of-columbia/>. Advance CTE. n.d. "CTE Teacher and Faculty Shortages." Accessed March 18, 2024. https://careertech.org/wp-content/uploads/sites/default/files/CTE_Teacher_Faculty_Shortages_2018.pdf.

requirement to be maximally flexible to accommodate a wide range of alternative and temporary certification options that states have adopted to address acute CTE educator shortages.

As noted above, there has been some confusion as to whether the Department intends to allow core academic courses (i.e. courses that are not delivered “through” the CTE system, but may be part of state-approved CTE programs of study) to count toward the 540 hours of required CTE Apprenticeship Related Instruction. If the Department intends to allow these types of instruction to make up a portion of CTE Apprenticeship Related Instruction, proposed 29.12(c)(1) will require more substantial revision so as not to exclude secondary instructors of those course types (e.g. secondary educators certified to teach math, language arts, and other disciplines outside of “vocational-technical” subjects.)

Recommendations: Revise 29.12 (c)(1) to include all state-certified secondary instructors including those holding temporary, provisional, and emergency certification.

29.13 - 29.15 - Development of National Occupational, Program and Guidelines Standards for Apprenticeship

The proposed introduction of National Occupational Standards and National Guidelines for Apprenticeship has the potential to introduce greater standardization and consistency in terms of program content and quality. Adopted at scale, the standards could lead to greater portability of training and credentials within the system, an outcome that would benefit apprentices and employers alike. Further, the standards have the potential to streamline program development, while preserving room for a degree of customization (for example, supplementing the standards with additional training or competencies).

However, state and local program leaders have long pitched apprenticeship as an extremely “customizable” training option for employers, which may pose obstacles when it comes to promotion and adoption on the ground. We anticipate the Department will need to invest in campaigns to educate system leaders and sponsors about the origins and benefits of the standards. We encourage the Department to consider incentives to encourage uptake and adoption, including but not limited to:

- Expedited review and registration timelines
- Exemption from end-point assessment requirement
- Technical assistance or grant eligibility

To evaluate the impact of the standards, the Department will need a method for collecting data to track the performance of programs that adopt National Occupational and Guidelines Standards. We encourage the Department to collect and analyze data on the use and outcomes associated with the standards through RAPIDS to ensure their impact can be assessed over time. Additionally, we encourage the Department to consider funding research and technical assistance to support the adoption of the standards and the development of open-source related instructional material that can further support adoption of quality programs at scale.

Finally, we recommend the Department provide greater clarification on how the Industry Skills Frameworks proposed as part of the CTE Apprenticeship model will relate to the National Occupational Standards—both in terms of their development and their implementation. We

understand from the NPRM that the Department anticipates the Office of Apprenticeship (OA) will develop 16 Industry Skills Frameworks, aligned to the 16 Career Clusters around which our national CTE system is built. Given the proposed structure for CTE Related Instruction, this approach seems logical, but potentially duplicative.

However, less clear to us is how the Department will align the Industry Skills Frameworks to the more occupational-specific standards it proposes be developed. A clear process for alignment will be necessary if CTE Apprenticeship is ever to evolve to be a “feeder” for the Registered Apprenticeship system. Among states that operate youth apprenticeship programs that are not federally registered, it is uncommon for youth apprentices to transition into Registered Apprenticeship, in part because the programs are developed in isolation from one another. To promote more intentional and effective alignment across education systems and the national apprenticeship system, we strongly encourage the Department to articulate a clear process through which the Industry Skills Frameworks will connect into the National Occupational Standards for apprenticeship.

Recommendations:

- Offer incentives to encourage adoption of the National Occupational and Guidelines Standards for Apprenticeship.
- Develop a process for collecting data on the adoption of the National Occupational and Guidelines Standards for Apprenticeship. Consider funding research and technical assistance to evaluate and support adoption at scale.
- Clarify how the National Occupational and Guidelines Standards for Apprenticeship will be aligned with the Industry Skills Frameworks that will anchor the CTE Apprenticeship System, both in terms of development and implementation.

29.16 - End-Point Assessment

Conceptually, we understand the Department’s rationale for introducing end-point assessments to the national apprenticeship system and agree that direct assessment of apprentices’ skills and competencies should be a goal of the system. However, we have concerns about the readiness of sponsors to develop, administer, or select assessments.

The Department points out that several international apprenticeship systems employ end-point assessments. As the Department notes in the NPRM, “These assessments utilize nationally applicable standards in evaluating the apprentice’s proficiency in an occupation.” The U.S. does not currently have nationally recognized occupational standards, making the development of widely-accepted assessments challenging. While we recognize it is the Department’s goal to create assessments that pair with National Occupational and Guidelines Standards, the assessments—and the standards—do not yet exist, nor will they cover every single occupation in the U.S. apprenticeship system once they do. In the absence of agreed upon occupational standards, we are concerned that this new requirement will lead to a proliferation of assessments that vary in terms of quality, duration, and cost. Further, given widespread evidence of bias in assessment generally, we worry that an explosion of low-quality assessments may undermine the Department’s vision for promoting more equitable outcomes for workers currently underrepresented in the registered apprenticeship system. Ultimately, we fear that this proposed

requirement will add a new, potentially-costly layer of compliance to the system, without generating clear or consistent value for apprentices or sponsors at this time.

Recommendations: The Department should not impose end-point assessments as a requirement for all programs registered under Subpart A at this time, but should consider supporting demonstration projects or other research to better understand their potential and inform potential future adoption.

Subpart B - CTE Apprenticeship

New America has long advocated for greater alignment between the U.S. apprenticeship system and our systems of secondary and postsecondary education. We believe that stronger linkages across these systems can unlock and amplify the benefits of each, creating accessible, low-cost pathways that lead to promising careers and economic opportunity. We also believe that connecting apprenticeship to the formal education system can provide a valuable mechanism for scaling apprenticeship to new industries and to new populations of learners and workers.

But if we have learned anything from our last several years of work and research on these issues it is this: Innovation is difficult when people cannot picture the possible. Though imperfect, the Department's CTE Apprenticeship proposal is a commendable effort to provide a framework to help state and local leaders see how they could collaborate to create structured, high-quality career-oriented, earn-and-learn pathways at greater scale. (That said, regulation is not, in our view, the best way to promote this kind of innovation.)

The Department's proposed CTE Apprenticeship model seeks to build a direct bridge between the nation's CTE infrastructure and its apprenticeship system. Conceptually, we are supportive of this goal. Practically, however, we recognize the introduction of this model would be a significant undertaking for both systems. For this reason, we firmly support the Department's decision to make CTE Apprenticeship an entirely voluntary model for states to adopt.

If CTE Apprenticeship is going to appeal to states, it must also appeal first and foremost to employers, without whom local programs cannot function. In the comments below, we raise some questions about whether the model, as proposed, will deliver value to this key stakeholder group. We also recommend ways to increase flexibility in the model to ensure it is more accessible for state and local institutions, and to the diverse populations of learners and workers that could benefit from this new model.

29.24 - Registration of Career and Technical Education Programs

29.24 (b) - Approval of industry skills frameworks.

As noted above, we request clarification on the development of the industry skills frameworks and their relation to the proposed National Occupational Standards. While we appreciate the Department's desire to calibrate CTE Apprenticeship to provide developmentally appropriate training for young adults, we share stakeholders' concerns that a program model that lacks occupational specificity may not offer clear or sufficient benefit to employers, and potentially to

apprentices as well. We are also concerned that the introduction of yet another framework or standard set may be inefficient for the system and its stakeholders. A “tiered” standards approach, in which a CTE Apprenticeship’s standards are functionally a “level” of the standards that lead to a journey worker’s credential, might make more sense. This approach could facilitate more seamless transitions from CTE Apprenticeship to Registered Apprenticeship, without necessitating the creation of a separate standards framework. (Moreover, this approach could include recommended standards for pre-Apprenticeship, providing more guidance for those programs while further delineating program models within the system.)

Recommendation:

- Clarify how the National Occupational and Guidelines Standards for Apprenticeship will be aligned with the Industry Skills Frameworks that will anchor the CTE Apprenticeship System, both in terms of development and implementation.
- Consolidate proposed standards frameworks to promote better alignment across CTE, CTE Apprenticeship, and Registered Apprenticeship.

29.24(c)(5)(i)- 900 Hour OJT Requirement

We understand the Department’s rationale for setting a lower threshold of OJT hours for CTE Apprenticeship to accommodate youth participants who are still enrolled in school. We also recognize that state programs with a 900-hour OJT model have been successfully implemented in some contexts, such as Wisconsin’s long-standing youth apprenticeship program (albeit with different system requirements). However, based on significant stakeholder engagement, we are concerned that this shorter OJT period, paired with a lack of occupational specificity proposed for CTE Apprenticeship, may not offer sufficient value to appeal to employers at scale.

Though we do not have another proven time-based threshold to offer, we urge the Department to consider the need for CTE Apprenticeship to deliver value to employers. Without their participation, the model will be unable to become a vehicle for expanding economic opportunity to young adults at scale.

29.24(c)(2)(i) - 540-hour CTE Apprenticeship Related Instruction

Focus groups led by New America have revealed that young people and their families are more open to the concept of apprenticeship when programs are college-connected and offer some amount of low-to-no-cost college credits. Given these findings, and the demonstrated benefits of early exposure to college-level education and training, we appreciate the Department’s proposal to require postsecondary credit in CTE Apprenticeship programs. The inclusion of postsecondary coursework in these programs can help dispel the narrative that students must choose either college or apprenticeship.

However, we worry that it may be difficult for some local education agencies (LEAs) and their partners to provide 12-postsecondary credits as part of CTE Apprenticeship (regardless of which entity serves as a sponsor). More than 85% of U.S. high schools now provide access to

college-level coursework through dual or concurrent enrollment programs.⁴ But these offerings are sometimes limited or cannot be arranged into linked or progressive course sequences; sometimes, dual enrollment offerings do not include CTE courses. To adopt and operate CTE Apprenticeship at a reasonable scale, SEAs, LEAs and their institution of higher education (IHE) partners will need significant resources to develop and adopt stronger dual enrollment course sequences that combine secondary and postsecondary CTE coursework. This includes both technical and financial resources to support program development and adoption, as well as support to prepare and credential educators to deliver this coursework. Additionally, many states do not subsidize dual enrollment, meaning the cost to participate in college-level coursework falls on schools or districts or on students and their families. This can discourage LEAs from offering dual enrollment and limit equitable access to and participation. States that adopt CTE Apprenticeship will need resources to address this challenge and ensure that the model can be accessible in communities that face extant barriers to dual enrollment access, quality and participation. If the Department wants to promote early adopters of CTE Apprenticeship, the federal government must seriously consider providing financial support to address these foundational issues of access and quality.

Additionally, it is complicated to count instruction hours and convert credits across K-12 and higher education. As the Department notes in the NPRM, many states have instructional minutes requirements for high school courses, which tend to focus exclusively on instructional minutes/hours; postsecondary systems and institutions use their own time-based standards to define credit hours, and these can vary from state to state and often combine instructional minutes (i.e. time spent in class) with an estimate of how much preparation students would complete outside of class. Combining hour counts across these two systems is challenging. Dual enrollment courses—and the patchwork of state policies that govern them—complicate this further. For example, whereas a dual enrollment class delivered at a high school might be required to deliver 120 contact hours of instruction to receive both high school and college credit, that same course delivered at the partner college might deliver just 90 in-class contact hours. In either scenario, the student would receive 3 postsecondary credits for the course.

The table below compares two RTI sequences for a registered apprenticeship program that serves high school age youth through the Charleston Regional Youth Apprenticeship program in South Carolina. The left column lists instructional contact hours an apprentice would accrue through an RTI sequence composed of high school CTE courses and dual enrollment courses delivered at the apprentice's high school.⁵ The right column lists RTI hours an apprentice would accrue by completing many of the same courses, but enrolling directly at the college for two of the required courses (i.e. EDU 230 and EDU 241) that are not taught at the apprentice's high school. In the first instance, the apprentice would exceed the 540 hour threshold, earning 585 contact hours. In the second, this apprentice does not meet the minimum 540 hour threshold, despite completing a nearly identical RTI sequence. In both instances, the apprentice would earn 12-postsecondary credit hours.

⁴ Education, U. S. Department of. 2022. "The Power of Dual Enrollment: The Equitable Expansion of College Access and Success." ED.gov Blog. September 1, 2022. <https://blog.ed.gov/2022/09/the-power-of-dual-enrollment-the-equitable-expansion-of-college-access-and-success/>.

⁵ In South Carolina, these are referred to as "Concurrent Enrollment" classes.

Charleston Regional Youth Apprenticeship - RTI Comparison		
DD2 Education YA Pathway		
	HS CTE	PS CTE
ECD 102: Growth & Development I	45	45
ECD 203: Growth & Development II	45	45
EDU 201: Classroom Inquiry with Technology	45	45
MUS 105: Music Appreciation -- OR--		
ART 101: Art History	45	45
PSC 201: American Government	45	45
WBL: Education and Training Internship	120	120
Teacher Cadet I (HS) -- OR --	120	
EDU 230: School in Communities (Post-sec)		45
Teacher Cadet II (HS) -- OR --	120	
EDU 241: Learners in Diversity (Post-sec)		45
Total RTI Hours	585	435
<i>Note: For the purposes of this example, we have used instructional hours as the standard of measurement.</i>		

Sponsors in the CTE Apprenticeship system—especially those that operate programs across multiple LEAs—are apt to run into complex program design issues like this frequently, given the patchwork of courses and policies that exist within states. Given this reality, guidance on technical matters (including hour and credit conversions across systems) will be necessary. But flexibility will be paramount.

While we believe firmly that it is necessary to set a time-based floor for CTE Apprenticeship related instruction to ensure rigor and quality, the threshold should be lowered in order to provide maximal flexibility for program sponsors working to build RTI sequences across secondary and postsecondary systems.

Recommendation: Lower the hour-based minimum for CTE Apprenticeship related instruction, but retain the requirement that 12 postsecondary credits be required.

29.24(c)(6) - Wage Disclosure & Floor for CTE Apprenticeship

We affirm the Department’s requirement that CTE Apprentices be paid at least a minimum wage and that their starting wage and potential wage progression be disclosed at the outset of the apprenticeship.

After significant consultation with stakeholders, we recommend that the Department encourage *but not require* progressive wage increases for CTE Apprentices in cases where the program has adopted the minimum standard of just 900 hours of OJT. In traditional Registered Apprenticeship, the progressive wage scale is designed to recognize the development of skills and competencies toward the mastery of a given occupation. Given that CTE Apprenticeship is

designed to be more general in focus and require less than half the OJT in a traditional apprenticeship, we believe it will in many circumstances be appropriate for sponsors to pay a single wage for the duration of a program. For example, the flexible format of the CTE Apprenticeship model means that programs could theoretically be designed to be rotational in nature, exposing apprentices to, say, three aspects of a business for 300 hours, rather than focusing on one specific role for 900 hours. In this case, an apprentice may gain valuable exposure in those three areas, but not make sufficient, measurable skill gains in any one area to warrant increased pay. However, the expectation would be that the sum of those rotations would result in the accumulation of skills and competencies that would result in a pay increase, should the apprentice be hired to work full-time.

We also recognize that the flexibility of the CTE model means that some programs may be designed to exceed the minimum requirement of 900 OJT hours (and, in all likelihood, some of these may be more occupationally specific). In these cases, we believe a progressive wage increase should be required as a way to communicate to both the apprentice and the employer that an extended program design is intended to facilitate increased learning and competency acquisition, in theory generating greater value to both parties (in terms of skill gain and productivity, respectively).

We believe this recognizes that the different goals and duration of CTE Apprenticeship, as currently proposed, will result in different benefits to employers (as compared to traditional registered apprenticeship), while also acknowledging that programs that exceed the minimum standard should do so only if there is additional benefit to both the apprentices and the employer to justify the additional time—and if additional time is justified by the potential for increased skill acquisition, that should be remunerated with progressive increases in wages.

Recommendation: Require a wage progression **only** for CTE Apprenticeships that exceed 900 OJT hours.

29.24(c)(11)-(12) - Eligibility Requirements & Selection Procedures

The Department has requested comments on whether sponsors of CTE Apprenticeship should be permitted to establish a minimum grade point average for CTE Apprentices to enter or remain enrolled in the CTE Apprenticeship program. In our experience, GPA minimums for entry can serve as a barrier to equitable access and participation in apprenticeship. This is especially true when the minimums are set arbitrarily or applied to all occupational pathways, without regards to differences in the academic, skill, or competency requirements of those pathways.

That said, minimum GPA requirements can also serve as important signaling functions. They can convey to apprentices and families that a program is competitive and rigorous. Likewise, they can assure employers and education institutions that apprentices possess a baseline level of knowledge and skills they will need to succeed in academic training programs and on the job. Given employers' reluctance to hire young adults, we understand such reassurance may be necessary, especially in the early rollout of CTE Apprenticeship programs that serve high school-aged students.

For institutions of higher education, GPA requirements are a common criterion for program admissions. Competitive community college programs (e.g. nursing, engineering) frequently impose GPA and other academically-oriented requirements. If the Department envisions that CTE Apprenticeship will engage competitive postsecondary programs as sponsors or providers of related instruction, allowing flexibility on this issue will be important to encourage institutional participation and innovation (e.g. the creation of rigorous degree apprenticeships).

However, we also believe that sponsors should be intentional in their selection and application of GPA requirements, and that GPA should not be the sole criteria for selection. Therefore, we support the inclusion of proposed § 29.24(c)(12) as a means for ensuring selection processes comply with requirements set forth in 29 CFR Part 30.

Recommendation: Preserve flexibility that permits sponsors to establish their own minimum qualification for entry and retention in a program, so long as those qualifications are not in conflict with established EEO requirements.

29.24(d)(1) Registered CTE Apprenticeship Program Sponsors

The Department’s proposed regulations “envisions LEAs, institutions of higher education, State CTE agencies, or another State government agency that shares responsibility for CTE in the state” would serve as program sponsors of CTE Apprenticeship. The proposal would allow these entities to designate an intermediary to act as a program sponsor.

Currently, it is rare for LEAs to serve as sponsors or intermediaries for apprenticeship programs, unless they are hiring apprentices themselves. While some serve as intermediaries, coordinating programs on behalf of employer sponsors, even this is rare. Typically, K-12 schools and districts simply do not have the capacity or expertise to perform the employer engagement, program development, and administrative functions needed to run high-quality apprenticeship programs. Instead, they partner with external intermediary organizations—often non-profits or community colleges—that work to reduce administrative burden on employers, to translate across system partners (e.g schools, colleges, employers, and others), and to provide case management to apprentices.

These kinds of partnerships could continue to exist under the Department’s proposed rule. It is clear, however, that the Department envisions a larger role for SEAs and LEAs serving as group sponsors, supporting apprenticeship programs across multiple employers and industries. In theory, this makes some sense: LEAs and IHEs can provide a single system entry point for both students and employers. In practice, however, we are concerned based on our experience nationally that LEAs do not have adequate capacity, expertise, or resources to implement this new model. The same is true for many of their SEA counterparts, as well as IHEs. While we see the potential for the system envisioned by the Department and agree that the existing CTE infrastructure can be a useful mechanism for scale, we believe that significant time and resources will be necessary to support the design and implementation of these systems.

Given the challenges, we are pleased to see that the Department’s proposal allows these public sponsors to designate intermediaries to assist in the design and delivery of CTE Apprenticeship. However, the Department should clarify details on what this designation permits, especially for

employers. The proposed regulation includes employers as one of several entities that are eligible to serve as a CTE Apprenticeship intermediary, if designated by the state CTE Agency, SEA, LEA, or IHE. However, the Department asserts in the NPRM that “employers are not eligible sponsors of [the CTE Apprenticeship] model.”

We request that the Department clarify its vision for employers’ eligibility as sponsors of the CTE Apprenticeship model. In an effort to provide maximal flexibility for this new model, employers should be eligible to serve as sponsors.

Recommendation: Affirm that employers are eligible sponsors of the CTE Apprenticeship model. While we do not believe the proposed regulatory language requires modification, language elsewhere in the NPRM has caused confusion amongst stakeholders.

29.24 (3)(e) - CTE Apprentice Agreement

We support the Department’s proposal to require transparent information about apprentice wage and wage progressions, credits and credentials offered, unreimbursed costs associated with the program, and other elements of the CTE Apprenticeship Agreement. This information is necessary to support apprentices in comparing postsecondary options, making informed financial decisions, and managing time to accommodate their responsibilities. We also support the requirement that parents or guardians be party to CTE Apprenticeship Agreements for minor apprentices.

The proposed rule would require CTE Apprentice Agreements include information “regarding their rights and protections under Federal, State, and local laws.” We believe this is critical information for CTE Apprentices, especially minors, given an uptick in child labor law violations and efforts in some states to weaken protections for youth workers.⁶ However, we would also recommend that the Department strengthen this provision by adding an explicit requirement that contact information for filing complaints be provided in the agreement.

The proposed transparency requirements can help align apprentice, family, and sponsor expectations for the program. However, as these are new features of the apprenticeships system and a new concept for many potential CTE Apprenticeship sponsors, we would encourage the Department to provide resources to expedite the creation of strong agreements, including samples and template agreements that can be modified by early adopters.

Recommendation: Require the inclusion of contact information CTE Apprentices can use to exercise their rights and protections as workers. In addition, we recommend that

⁶ Dept. of Labor. n.d. “Child Labor Enforcement: Keeping Young Workers Safe.” DOL.
<https://www.dol.gov/agencies/whd/data/child-labor>.

Romero, Laura. 2024. “Despite Hazardous Working Conditions, Many States Are Rolling Back Child Labor Laws.” ABC News. February 21, 2024.
<https://abcnews.go.com/US/despite-hazardous-working-conditions-states-rolling-back-child/story?id=107209273>.

the Department should provide template CTE Apprentice agreements that states can adopt and adapt to aid program development.

29.24(g)(9) - CTE Apprenticeship Data Collection

The Department envisions that SEAs, LEAs, and IHEs will play a significant sponsorship role in the proposed CTE Apprenticeship system. These are entities that currently collect a significant amount of student data to comply with state and federal accountability requirements.

As sponsors, they will be expected to collect and report additional data on apprenticeship programs and apprentices under the Department's proposed rule. While we believe firmly in the importance of robust data collection for apprenticeship, we have concerns that these education systems currently lack the capacity and technology they would need to fulfill their responsibilities as sponsors in CTE Apprenticeship.

As just one example, LEAs do not collect data from employers in any systematic way, even if they operate sizable work-based learning programs. Additionally, most LEAs do not have the ability to reliably track the postsecondary outcomes of their graduates. While some state longitudinal data systems track student-level postsecondary and labor market outcomes, this information is not generally accessible to districts on the timelines that would be required for reporting purposes under the Department's proposed rule (assuming LEAs served as sponsors). Setting up the systems to perform these functions sponsors will be time and resource intensive.

We worry that the data collection burden alone may be enough to deter institutions from pursuing the model, even if their states can overcome their own data concerns. We ask the Department to revisit the reporting requirements for CTE Apprenticeship and make every effort to align definitions, collection timelines, and reporting cycles with existing federal requirements, especially Perkins. If the vision is to substantially leverage existing CTE infrastructure to expand CTE Apprenticeship, we encourage the Department to revisit how its proposal could more effectively use existing data infrastructure to minimize the potential reporting and compliance burden for key stakeholders in this new system, including SEAs, LEAs, and IHEs serving as sponsors.

Recommendation: Revisit CTE Apprenticeship data reporting requirements to ensure that definitions, collection timelines, and reporting cycles align with existing federal requirements that apply to the institutions likely to serve as sponsors in the proposed CTE Apprenticeship system (i.e. LEAs, SEAs, and IHEs).

Subpart C - Administration and Coordination of the National Apprenticeship System

29.26 - Roles and Responsibilities of the State Apprenticeship Agency

We welcome the Department's clarification of the roles and responsibilities of State Apprenticeship Agencies (SAA) and State Apprenticeship Councils (SACs). Our national

apprenticeship system is fragmented, with some states creating State Apprenticeship Agencies to register and administer programs and others relying on the Department's Office of Apprenticeship. Even across states with SAAs and SACs there is considerable variability across states in how these entities operate and their specific responsibilities. This lack of consistency across and between states creates considerable confusion among stakeholders which, in turn, can slow adoption of registered apprenticeship.

We agree with the proposed roles and responsibilities listed for the SAAs and appreciate the Department's clarity on the non-delegable duties of the SAA. We believe both provisions will generate greater consistency across states with SAAs which, in turn, will benefit the broader stakeholder community.

We appreciate the Department's attention to the need to ensure that States Apprenticeship Councils represent a broad range of stakeholders across distinct industries and sectors, including in sectors where apprenticeship is not widespread. We also appreciate the requirement that the councils be inclusive of underserved communities and also include labor representatives from sectors in which apprenticeship is still not widespread. We recommend the Department also require SACs include at least one organization serving or representing young people (16-24).

<p>Recommendation: Require inclusion of a representative from an organization serving or representing youth (ages 16-24) on the State Apprenticeship Council.</p>
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29.27 (b) - State Apprenticeship Plan

We welcome the requirement of state apprenticeship plans that include goals for expanding apprenticeship, addressing racial, ethnic, and gender equity gaps in access to apprenticeship, and strategies for aligning the state's apprenticeship, education, and workforce development activities. State planning processes can provide important opportunities for broad-based stakeholder engagement and a chance to align the state's actions with research on best practices. We recommend adding a provision that states assess the potential benefits of registered apprenticeship for young people (16-24) in their state. Young people are currently under-represented in registered apprenticeship and should be considered an underserved community.

<p>Recommendation: Require state plans include an assessment of the potential benefits of expanding access to registered apprenticeship for young adults (ages 16-24).</p>

Regulation vs. Legislation

Systems change efforts require substantial investment of time and resources. We recognize that the Department has devoted considerable amounts of both to this proposed rulemaking effort. However, we are concerned by the magnitude of changes that the Department has sought to introduce through regulation, particularly given the resources that will be necessary to implement them successfully.

While we recognize the Department of Labor has no authority to introduce legislation, we nonetheless feel compelled to emphasize the need for legislation that would strengthen and modernize the U.S. apprenticeship system, and provide resources for its continued expansion and improvement.

Once again, we appreciate your consideration of these comments and your ongoing efforts to strengthen, modernize, expand and diversify the National Apprenticeship System.

Sincerely,

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