

State of Arkansas

77th General Assembly

Regular Session, 1989

HOUSE BILL 1333

By: Representative Hankins

"AN ACT ENABLING THE ESTABLISHMENT OF AN APPRENTICESHIP SYSTEM OF ADULT VOCATIONAL EDUCATION TO TRAIN SKILLED WORKERS; AMENDING THE ARKANSAS EDUCATION CODE BY ADDING THE FOLLOWING; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DEFINITIONS. In this act:

(A) 'Apprenticeship training programs' means a training program that provides on-the-job training, preparatory instruction, supplementary instruction, or related instruction in a trade that has been certified as an apprenticeable occupation by the Bureau of Apprenticeship and Training United States Department of Labor.

(B) 'Preparatory instruction' means a course of instruction lasting six months or less that teaches the basic skills required for an individual to comply with the terms of his or her apprenticeship agreement as required by section 2(d) of this code.

(C) 'Supplementary instruction' means a course of instruction for persons employed as journeymen craftsmen in an apprenticeable trade that is designed to provide new skills or upgrade current skills.

(D) 'Related instruction' means organized off-the-job instruction in theoretical or technical subjects required for the completion of an apprenticeship program for a particular apprenticeable trade.

(E) 'Coordination Committee' means the Apprenticeship Coordination Steering Committee to the State Department of Vocational Technical Education.

(F) 'Bat' means the Bureau of Apprenticeship and Training of the United States Department of Labor.

(G) 'Vo-Tech' means the Vocational Technical Education Division, Arkansas Department of Education.

SECTION 2. GENERAL PROVISIONS RELATING TO APPRENTICESHIP TRAINING PROGRAMS.

(A) Pursuant to the provisions of this chapter, the Director of Vo-Tech Education shall allocate state funds for the support of apprenticeship training programs that meet the criteria set forth in this chapter.

(B) A program must be co-sponsored by a public school district, an educational Co-Op, a state postsecondary institution, a Vo-Tech School, or a two year Community College pursuant to a contract between the district or institution and an apprenticeship program sponsor.

(C) A program must be under the direction of an apprenticeship coordinator appointed by the Program Sponsor who shall perform the duties set forth in section 3 of this code.

(D) Each apprentice participating in a program must be given a written apprenticeship agreement by the apprenticeship program sponsor stating the standards and conditions of his employment and training. (Apprenticeship agreements furnished by BAT)

(E) An apprentice may not be charged tuition or fees by a public school district or state postsecondary institution other than an administrative fee to cover the costs of processing his records which shall not exceed \$25.00 for each course in which the apprentice is enrolled. The apprentice or the program sponsor may be required to furnish books and special equipment.

(F) Funding for a program, in addition to any other money available, shall be provided by the apprenticeship program sponsor pursuant to the terms of the contract referred to in subsection (B) of this section. The program sponsor may charge an apprentice or the employer of the apprentice tuition and fee's to cover administrative cost incurred while the apprentice is registered with the program sponsor.

(G) Pursuant to the terms of the contract referred to in subsection (B) of this section, adequate facilities, personnel, and resources to effectively administer the apprenticeship training program in a manner consistent with the public's need for skilled workers and the apprentice's need for marketable skills in apprenticeable occupations must be provided.

(H) A program must be registered with the BAT and the State Department

of Vocational Education.

SECTION 3. DUTIES OF APPRENTICESHIP PROGRAM SPONSORS.

The apprenticeship program sponsor of each apprenticeship training program shall:

- (A) Establish standards and goals for preparatory instruction, supplementary instruction, and related instruction for apprentices in the program;
- (B) Establish rules governing the on-the-job training and other instruction for apprentices in the program;
- (C) Plan and organize instructional materials designed to provide technical and theoretical knowledge and basic skills required by apprentices in the program;
- (D) Recommend qualified instructors for the program;
- (E) Monitor and evaluate the performance and progress of each apprentice in the program and the program as a whole;
- (F) Interview applicants and select those most qualified for entrance into the program;
- (G) A program must provide for the keeping of records of the on-the-job training and progress of each apprentice;
- (H) A program must require instructors to maintain recommended qualifications; and
- (I) A program must perform any other duties which promote the goals of individual apprentices and of the program as a whole.

SECTION 4. NOTICE OF AVAILABLE FUNDS. In order to insure that all citizens of Arkansas have an equal opportunity to benefit from apprenticeship training programs, the State Department of Vocational Technical Education shall provide for statewide publication in a manner recommended by the coordination committee and intended to give actual notice to all potential program sponsors of the amount of funds that will be available to support apprenticeship training programs during the current and following fiscal year, the qualifications required of program sponsors, and the procedures to be followed in applying for state funds. The notice may also include other information recommended by the coordination committee and approved by the State Department of Vocational Technical Education. Notwithstanding the

foregoing, the State Department of Vocational Technical Education shall publish any information concerning available funds given to a particular program sponsor in a manner recommended by the coordination committee and intended to give actual notice to all potential program sponsors statewide.

SECTION 5. APPRENTICESHIP COORDINATION STEERING COMMITTEE.

(A) The State Department of Vocational Technical Education shall in collaboration with BAT appoint an Apprenticeship and Training Advisory Committee composed of members with the following qualifications:

- (1) five persons representing employers of members of apprenticeable trades;
- (2) five persons representing bargaining agents for members of apprenticeable trades;
- (3) five persons representing the minority and female workforce who have knowledge of apprenticeship, and are familiar with the needs of Vo-Tech Education;
- (4) five persons who teach or immediately supervise preparatory instruction, supplementary instruction, or related instruction courses.

(B) Members of the coordination committee shall serve terms of four years, except that the State Department of Vocational Technical Education shall designate two members from each of the groups referred to in subdivisions (1), (2), (3), and (4) of subsection (a) of this section to serve an initial term of two years. Thereafter all members shall serve four-year terms.

(C) Vacancies shall be filled for the unexpired portion of a term vacated.

(D) Advisory members of the coordination committee shall include the following:

- (1) one person designated by and representing the State Department of Vocation Technical Education.
- (2) one person designated by and representing the Advisory Council for Vocation Technical Education;
- (3) one person designated by and representing the Arkansas Department of Labor.
- (4) one person designated by and representing BAT;
- (5) one person designated by and representing the teachers training

division of the University of Arkansas.

(6) one person representing the general public who is familiar with the goals and needs of apprenticeship in Arkansas, and who is not otherwise eligible for service on the coordination committee.

(E) The member representing the general public shall be appointed by the State Department of Vocational Technical Education for a term of four years. All other nonvoting members of the coordination committee shall serve at the pleasure of the agency or institution each respective member represents.

SECTION 6. DUTIES OF APPRENTICESHIP COORDINATION STEERING COMMITTEE.

(A) The coordination committee shall recommend and evaluate a statewide plan for the development of a comprehensive program of apprenticeship training which shall include but not be limited to the following:

(1) formulas and administrative procedures to be used in requesting appropriations of state funds for apprenticeship training;

(2) forms, formulas, and administrative procedures to be used in distributing available funds to apprenticeship training programs, with the formulas based on data contained in the biennial update to the apprenticeship related instruction cost study required by section 8 of this statute and the formulas shall be uniform in application to all program sponsors; and

(3) the content and method of the public notice required by this act.

(B) The Department of Vo-Tech Education shall furnish the coordination committee with the current data necessary to understand these formulas. All state boards and agencies shall cooperate with the coordination committee and shall furnish information and material on request.

SECTION 7. REPORT PROCEDURES.

(A) The Department of Vo-Tech Education shall make available to the apprenticeship coordinating steering committee a report on the following:

(1) the name of the sponsoring public school district or state postsecondary institution;

(2) the name of the instructor;

(3) the number of students enrolled;

(4) the place and schedule of class meetings;

(5) certification by the BAT for preparatory and related

instruction courses that the students enrolled were registered apprentices;
and

(6) an itemized account of all expenditures by individual apprenticeship programs.

(B) Public school districts or state postsecondary institutions receiving funds shall submit a report which shall include records of receipts for all expenditures relating solely to each particular course. Where an expense is shared by two or more courses, the allocation to that expense from the funds for a particular course shall be supported by a formula based on the comparative benefit derived by each course from the expense. No charges for the depreciation of facilities or the retirement of indebtedness shall be allocated to an apprenticeship course.

(C) Funds appropriated for the apprenticeship system of adult vocational education shall not be commingled with funds appropriated for other purposes.

(D) The Director of the Department of Finance and Budget shall perform a regulatory audit of all state funds appropriated or received pursuant to this statute.

(E) All records, receipts, working papers, and other components of the report shall be public records.

SECTION 8. APPROPRIATION, AND DISTRIBUTION OF FUNDS.

(A) On recommendation of the coordination committee the State Department of Vocational Technical Education shall adopt formulas and administrative procedures to be used in requesting appropriations of state funds as a budgetary line item for the apprenticeship system of adult vocational education.

(B) The Department of Vo-Tech Education shall prepare an apprenticeship related instruction cost study prior to each regular session of the legislature.

(C) On recommendation of the coordination committee the State Department of Vocational Technical Education shall adopt forms, formulas, and administrative procedures for the distribution of available funds to apprenticeship training programs. Distribution formulas must be uniform in application to all local program sponsors.

(D) On recommendation of the coordination committee the State Department of Vocational Education shall reserve until December 1 of each year a percentage of the funds appropriated under the line item described in this

section to be used solely for apprenticeship-related instruction programs. This percentage shall be established by the formulas required by this section. Reserved funds that are not obligated on December 1 may be used for preparatory and supplementary instruction programs as well as related instruction programs.

(E) No funds shall be distributed to a public school district or state postsecondary institution until the district or institution has filed all reports required by this chapter and by the State Department of Vocational Technical Education.

SECTION 9. RULES. The State Department of Vocational Technical Education and the coordination committee shall promulgate rules necessary to implement the provisions of this statute.

SECTION 10. STATUS OF RECOMMENDATIONS.

(A) Recommendations of the coordination committee submitted to the State Department of Vocational Technical Education must be acted on, and either accepted or rejected.

(B) A recommendation which is rejected must be returned immediately to the coordination committee, accompanied by written notice of the reasons for rejecting the recommendation.

SECTION 11. APPLICABILITY. The provisions of this chapter apply only to those apprenticeship training programs which receive state funds pursuant to the provisions of section 2 of this act.

SECTION 12. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 13. All laws and parts of laws in conflict with this Act are hereby repealed.