

Notice of Proposed Rulemaking: Apprenticeship System Enhancements Frequently Asked Questions for PAYA Stakeholders February 2024

In December, the U.S. Department of Labor (DOL) issued a [notice of proposed rulemaking](#) (NPRM) indicating their intent to revise the regulations that govern the U.S. registered apprenticeship system ([CFR, Subtitle A, Parts 29 & 30](#)). This document has been prepared by the PAYA team at New America in response to questions we have received or anticipate receiving from members of the PAYA Network and the field of youth apprenticeship more broadly. As such, the questions and answers are heavily skewed toward issues and topics that relate to youth and young adults, and do not cover the full range of changes proposed in the recent NRPM from the U.S. Department of Labor.

The responses below represent our interpretation and analysis of the NPRM. We will update this document periodically as we receive new questions and information. To submit a question that you would like us to answer or to help us improve an answer provided herein, please email paya@newamerica.org.

I. General Questions about the CTE Apprenticeship Model

- **What would the required elements of a CTE apprenticeship be?**

Like registered apprenticeship, CTE apprenticeship would require both related instruction (RI) and on-the-job training (OJT). CTE Apprenticeship would require a minimum of 540 hours of “CTE-apprenticeship related instruction”, which must include at least 12 postsecondary credit hours (i.e. approx. three college courses, totalling approximately 360 of the 540 required hours). The CTE apprenticeship RI must include state-approved CTE courses. In addition, CTE apprentices would need to complete a minimum of 900 hours of OJT. CTE apprentices must be paid for their OJT using a progressive wage scale.

In addition, an apprentice who completes a CTE apprenticeship would receive a certificate of completion from the Registration Agency (as opposed to a journeyworkers card). CTE apprenticeship programs can be designed to include other credentials, such as industry recognized credentials or degrees. (See 29.2 and 29, Subpart B.)

- **Would CTE apprenticeship be only for students who are enrolled in high school?**

No. CTE Apprenticeship programs could be designed for high school students, college students, or to span the transition from high school to college (as many existing two- and three-year youth apprenticeship programs already do). In theory, CTE Apprenticeships

could also provide a model for the development of degree apprenticeships through which apprentices would earn an associates or bachelor's degree, while completing training with an employer.

CTE apprenticeships could, in theory, be designed as a re-engagement strategy for out-of-school youth, but because the model leverages CTE coursework delivered by high school and postsecondary institutions, it seems unlikely that CTE apprenticeships would be accessible to this population of young adults. (See 29, Subpart B.)

- **Would CTE apprenticeships be considered a pre-apprenticeship or a Registered Apprenticeship?**

CTE apprenticeship would be a new apprenticeship program model created by the proposed rule. The department's proposal would preserve Registered Apprenticeship as a separate and distinct program model. Likewise, the proposed rule would adopt a definition of pre-apprenticeship to create consistency across the regulations and align with the terminology in the Workforce Innovation & Opportunity Act. If adopted, the proposed rule would create a system with pre-apprenticeship and two registered apprenticeship program models: CTE apprenticeship and Registered Apprenticeship.

CTE apprenticeship would be registered with DOL's Office of Apprenticeship or State Apprenticeship Agencies (SAAs), but it would be distinct from the model we currently refer to as Registered Apprenticeship. (See 29.2 and 29.24.)

- **Would CTE Apprenticeship connect or feed into traditional Registered Apprenticeship?**

CTE apprenticeships can be designed to prepare an apprentice to enter into a Registered Apprenticeship program, but the proposed rule does not require that they be structured to do so. The rule encourages but does not require programs sponsors "establish a documented relationship with a registered apprenticeship program...to maximize educational and employment opportunities for CTE apprentices."

The proposed rule would, however, require that CTE apprenticeship program sponsors provide transparent information about the credentials earned through the program, as well as the academic and professional paths that would be available to CTE apprenticeship completers, including CTE apprentices' selection into a registered apprenticeship program, enrollment in a postsecondary program, or employment opportunities in the industry of focus. (See 29.24(c)(4).)

- **How is this different from the PAYA definition of youth apprenticeship?**

The proposed model is similar in many ways to PAYA's definition of high-quality youth apprenticeship, but there are differences, too:

Components of PAYA's Definition of High Quality Youth Apprenticeship	Components of CTE Apprenticeship (Proposed)
Paid, on-the-job learning under the supervision of a skilled employee mentor.	<p>CTE Apprenticeship must be paid using a progressive wage increases are a requirement.</p> <p>The NPRM proposes a 1-to-1 apprentice to journeyworker supervisory ratio (similar to registered apprenticeship) for CTE Apprenticeship but acknowledges that "registered CTE Apprenticeship may require greater scrutiny for ratios."</p>
Assessment against a set of competency standards.	New "industry skills frameworks" (ISFs) would provide the basis for assessing competency and skill attainment of CTE Apprentices. ISFs would be designed to incorporate foundational competencies (e.g. employability skills) and technical skills that are valued in a range of occupations in an industry.
Related, classroom-based instruction.	CTE Apprenticeship would require at least 540 hours of classroom-based instruction delivered through state-approved CTE courses and programs.
Culmination in a portable, industry recognized credential and college credit.	<p>CTE Apprenticeship would culminate in a certificate of completion awarded by the US DOL or a State Apprenticeship Agency.</p> <p>CTE Apprenticeship requires at least 12 postsecondary credit hours (approx. 3 college courses) as part of the 540 hours.</p>

In one key difference, CTE Apprenticeship would not exclusively serve high school aged-youth. Colleges could use the model to partner with employers to train adult learners and workers as well, for example. (See 29.2 and 29, Subpart B.)

- What would the "end goal" be for someone who completes a CTE apprenticeship?**
 The NPRM explains that CTE apprenticeships should be designed to provide multiple "next steps" for completers, including employment in the industry in which they completed the apprenticeship, further student in postsecondary education and training programs, or opportunity to pursue Registered Apprenticeship. The NPRM also emphasizes that CTE apprenticeship programs could be designed to give apprentices a headstart on credentials or degrees or provide some advantage in entering a Registered Apprenticeship (i.e. direct entry or advanced standing). (See 29.24(g)(9)(1)(ii).)

- **How would the standards for on-the-job training be developed?**

CTE apprenticeship sponsors would develop on-the-job training outlines based on industry skills frameworks (ISFs) for particular industries. These ISFs would include the foundational skills and competencies that an industry values for employment in a number of occupations across the sector (rather than in a specific occupation, as is a feature of Registered Apprenticeship). As part of the registration process, the OA or an SAA (collectively referred to as “Registration Agencies”) would be responsible for determining if a proposed OJT outline is properly aligned to an approved ISF.

Importantly, these ISFs do not yet exist. The process for developing ISFs would leverage a process for establishing National Occupational Standards for Apprenticeship, which is proposed elsewhere in the NRPM (see 29.13). The NPRM also emphasizes the DOL’s interest in aligning the ISFs with CTE’s existing Career Clusters Framework and with existing program approval and improvement processes in that system. (See 29.24(b)(1)(i)-(v) and 29.24(c)(1).)

- **How would the standards for the related instructional component be developed?**

The proposed rule would require that related instruction for CTE apprenticeship (“CTE apprenticeship related instruction”) be delivered, at least in part, through a state-approved CTE program. A sponsor would select coursework in a state-approved CTE program for inclusion in the program. States’ existing CTE program approval processes would be unaffected by this proposed rule.

A program sponsor could require additional coursework, including coursework outside of the CTE program, as part of related instruction. The proposed rule does not impose specific requirements on the development of these offerings. (See 29.24(c)(2).)

- **Who can offer related instruction for CTE Apprenticeship? Can it be delivered online?**

The proposed rule would require that related instruction for CTE apprenticeship (“CTE apprenticeship related instruction”) be delivered through a state-approved CTE program. A program sponsor could require additional coursework, including coursework outside of the CTE program, as part of related instruction. CTE apprenticeship related instruction may be delivered in-person, online, or through other modes of delivery that have been approved by the state’s CTE agency and its Registration Agency. (See definition, 29.2)

II. Questions about CTE Apprenticeship Programs & Partnerships

- **What organizations would be eligible to serve as a CTE Apprenticeship program sponsor?**

The proposed rule identifies Perkins-eligible agencies as the primary organizations that may serve as program sponsors for registered CTE apprenticeships. These include local education agencies (LEAs), colleges and universities, state CTE agencies, or other agencies that share responsibility for CTE in the state. The proposed regulations would allow these eligible organizations to designate an intermediary as a program sponsor if they have expertise in coordinating registered CTE apprenticeship or registered apprenticeship programs. (See 29.24(d)(1).)

- **Would there be a role for intermediaries in CTE Apprenticeship?**

Potentially. The role of intermediaries in a state's CTE apprenticeship system would depend on whether or not an eligible CTE Apprenticeship sponsor decides to recognize CTE intermediaries and designate them as eligible program sponsors. The proposed rule would require that intermediaries recognized as sponsors coordinate with their state's CTE agency or any other agency that administers Perkins in the state. They would also need to coordinate with educational institutions to share information on CTE apprentices, and likely to coordinate CTE apprentice RI.

The NPRM provides examples of organizations that *may* qualify to be an intermediary:

- An employer (*See below)
- A public, private, or not-for-profit organization that has experience coordinating Perkins funding
- A Local Education Agency
- Colleges and universities
- A local workforce development board established under WIOA
- A local trade or industry organization
- A local labor organization, such as a joint apprenticeship and training committee

(*) While 29.24 (d)(1)(iv.) includes employers in the list of potential CTE intermediaries, a later section asserts that employers are *not* eligible to be sponsors for CTE apprenticeships. This will be an important detail for the Department to clarify. (See 29.24(d)(1) and discussion of 29.24(d)(4) on pg. 377 of NPRM.)

- **What does it mean that intermediaries who sponsor CTE apprenticeships must have “Perkins experience?”**

The proposed rule allows state Perkins agencies to designate other organizations to serve as intermediaries. The NPRM outlines the types of organizations who may be eligible and says they need “Perkins experience” but the rule doesn’t explain what this means. This is an area that requires further clarification by the DOL.

- **What organizations would be required CTE-apprenticeship program partners?**

The proposed rule does not mandate particular partners or partnership structures, beyond those required for the operation of the program (i.e. a sponsor, employer(s), and a provider of eligible CTE apprenticeship related instruction which could, in many cases, be the sponsor).

- **What is employers' role in CTE-apprenticeship?**

Like in registered apprenticeships, employers' primary role in CTE apprenticeships is to hire and train apprentices. However, unlike registered apprenticeships, in CTE apprenticeship, employers would be developing work process schedules based on 'Industry Skills Frameworks' instead of occupational standards. CTE apprenticeship is intended to be less occupationally specific than registered apprenticeship. Industry Skills Frameworks are supposed to be developed with employer input, but the regulations don't spell out the specifics of how that is supposed to happen.

- **What if the high schools/colleges in my area don't offer CTE courses that make sense for the RTI employers want?**

Given the nature of the rulemaking process, it will be months before CTE apprenticeships become a reality. State and local leaders will have some lead time to identify misalignment of this nature and likely have already, as part of Perkins planning, for example. However, in cases where the CTE options offered locally are not a good fit for a particular CTE apprenticeship, state or local policy may provide opportunities for students to enroll in programs in neighboring school districts or colleges. Additionally, the proposed rule permits CTE apprenticeship RI to be delivered in a range of formats, including online. In cases where appropriate CTE programs are unavailable or inaccessible for some reason, a sponsor could consider creating a Registered Apprenticeship instead of a CTE apprenticeship, which would eliminate the requirement that related instruction be delivered through state-approved CTE programs. (See 29.24(c)(2).)

III. State & System-Level Questions

- **Our state has its own definition of youth apprenticeship that's similar to CTE apprenticeship, but not identical to it. Would this rule invalidate our state definition?**

No. The regulations would not invalidate or supersede existing state law on this matter.

- **I'm a registration agency and we require all apprenticeships to be Registered Apprenticeships — even those that are designed for high school age youth. Would this new rule mean that we can't do that anymore?**

No. The proposed rule would affirm that 16 is the minimum age for participation in Registered Apprenticeship.

- **What would a partnership between the Perkins Agency and the Registration Agency look like?**

The regulations would require the apprenticeship registration agency (either the SAA or the OA) and a State's CTE agency to enter into a written agreement that outlines how they will coordinate on Registered CTE apprenticeship programs in each state. They are supposed to coordinate on several administrative responsibilities:

- Program approvals
- Program reviews
- Data collection
- Compliance activities
- They are also encouraged to coordinate on promoting CTE apprenticeships including engaging industry, providing services to employers, and providing technical assistance on developing programs. (See 29.24(a).)

- **Would CTE Apprenticeship be a lot more work for my agency? How much?**

Maybe. The answer depends on several factors that are impossible for us to predict—first and foremost, whether the proposed rule is adopted and becomes regulation. But, assuming it does, CTE apprenticeship will not be mandatory. For states that choose not to adopt the model, CTE apprenticeship will not generate more work.

For states that *do* choose to adopt the model, a lot will depend on existing CTE agency infrastructure and capacity, the relationship between the CTE agency and the Registration Agency, the nature of the agreement those agencies develop to offer CTE apprenticeship, and a number of other decisions about the scope, scale and structure of the CTE apprenticeship system the state wants to create.

Nonetheless, it is clear that states will need to dedicate resources and capacity to launch and maintain CTE apprenticeship programs and systems to develop and approve them--and, in SAA states, systems to register and monitor them as well. That said, it's possible the CTE apprenticeship model could provide a structure that allows states to better align existing CTE, work-based learning, and apprenticeship efforts, creating system efficiencies that benefit learners, workers and, in the long-term, the systems themselves.

- **CTE apprenticeships seem like they will take a lot of capacity and funding. Are federal agencies going to provide support to states for CTE apprenticeships?**

Funding can't be directed through the regulatory process. It's possible that a federal agency (i.e. the DOL or the U.S. Department of Education) could provide grant funding in

the future, but that's not known right now. If these regulations are passed, it's also likely that Federal agencies will provide guidance on how to braid and blend existing funding streams (such as Perkins and WIOA funding) to support CTE apprenticeships.

- **Are there other aspects of the proposed rule that I should be paying attention to? Which ones?**

Probably, yes--but this depends on your agency, its role, and your role within it. In addition to introducing CTE apprenticeship as a new registered apprenticeship model, the NPRM proposes changes that touch nearly every aspect of the existing apprenticeship system. Some of the changes are minor, while others are more significant. A few areas of the proposed rule that may be of interest to you include:

- The elimination of the competency-based apprenticeship model in favor of a required minimum of 2,000 for on-the-job training for Registered Apprenticeship
- The introduction of end-point assessments as a requirement for Registered Apprenticeship (Note these would not be required for CTE apprenticeships.)
- New requirements pertaining to the qualification of instructors that deliver related instruction
- And more.

We have included links to resources that explain these and other proposed changes in greater detail below. Over the coming weeks, New America will also be publishing analysis on some of these topics and may receive specific questions about them for inclusion in this document. Check back again soon.

IV. Looking Ahead: What Happens Next?

- **So is this happening? When will these new rules go into effect?**

The short answer is that no one knows, but it will be many months before a final rule is issued. For now, all of these changes are simply proposals. DOL released their Notice of Proposed Rulemaking in December 2023. It was [published in the Federal Register](#) on January 17, 2024. From this date, a 60-day comment window is now open, during which the public has the opportunity to submit written comments. We expect the DOL will receive many substantive comments during this time.

It can take several months for an agency to review and respond to comments and to issue final rule language, especially on proposed rules as substantial as this one. Sometimes, an agency will make significant changes between a proposed and final rule, depending on the kind of information and feedback they receive in comments. Typically, final rules go into effect 30 days after publication in the Federal Register. And once that happens, another phase focused on compliance, interpretation and review begins, which can further delay implementation.

This NPRM is likely to receive substantive comments from many stakeholders, given its scope. While it's impossible to predict rulemaking timelines, we do not expect to see a final rule until the end of 2024--and that's probably optimistic! For more information about the process, a detailed explanation is available [here](#).

- **How can I share my reactions or responses?**

The comment process is an important opportunity for stakeholders to share feedback, questions and concerns with the issuing agency. While agencies are not required to address each and every comment in their final rule, they often make changes as a result of expert and practitioner feedback, new data, or compelling arguments for or against aspects of their proposed changes.

The formal comment period is open, and we encourage you to submit comments. You can find resources to support that effort [here](#) and [here](#). We recommend that you review the US DOL's "[How to Comment on a Notice of Proposed Rulemaking](#)" page, and consult [Regulations.gov](#) prior to drafting your comments. You may also find this [comprehensive guide](#) from the Brookings Institution to be a helpful resource.

New America will be developing language to share with the PAYA Network to support the development of comments later in the spring. Please keep your eyes on our newsletter for more information.

In the meantime, there are many other resources and opportunities available for you to learn more and to share your reactions. We've included some below and will update this list periodically in the weeks ahead.

US DOL Resources

- Federal Register Text - [Notice of Proposed Rulemaking](#)
- Full NPRM Text - [Notice of Proposed Rulemaking](#)
- [An Overview of Proposed Rulemaking Webinar](#) (January 11, 2-3PM ET)

Apprenticeships for America

- [Review and Summary of the NPRM](#)
- [Proposed Apprenticeship Rules: CTE Apprenticeship Webinar](#) (January 16, 2-3 PM ET) [Note: AFA will be hosting a series of webinars on aspects of the NPRM. For a full list, please reach out to info@apprenticeshipsforamerica.org]

New America



- PAYA Network Webinar: [US DOL System Enhancements Info Session & Discussion](#) (February 8, 2-3:30 PM ET)
- New America's [CTE Apprenticeship Fact Sheet](#)

Have a question we have not answered? A suggestion to help us make one of the responses above more accurate? Or a resource we should include in the list above? We want to hear from you! Please email us at paya@newamerica.org.