

**HOUSE BILL NO. 108**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES MCCARTY, Tuck, McKay, Johnson, Shaw, Thompson, LeBon, Cronk, Gillham, Kurka, Rasmussen, Kreiss-Tomkins, Vance, Snyder**

**Introduced: 2/22/21**

**Referred: Education, Labor and Commerce, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act relating to concurrent vocational education, training, and on-the-job trade**  
2   **experience programs for students enrolled in public secondary schools; relating to child**  
3   **labor; and providing for an effective date."**

4   **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5    \* **Section 1.** AS 12.62.400(a) is amended to read:

6           (a) To obtain a national criminal history record check for determining a  
7           person's qualifications for a license, permit, registration, employment, or position, a  
8           person shall submit the person's fingerprints to the department with the fee established  
9           by AS 12.62.160. The department may submit the fingerprints to the Federal Bureau  
10          of Investigation to obtain a national criminal history record check of the person for the  
11          purpose of evaluating a person's qualifications for

12                   (1) a license or conditional contractor's permit to manufacture, sell,  
13           offer for sale, possess for sale or barter, traffic in, or barter an alcoholic beverage  
14           under AS 04.11;

- 1 (2) licensure as a mortgage lender, a mortgage broker, or a mortgage  
2 loan originator under AS 06.60;
- 3 (3) admission to the Alaska Bar Association under AS 08.08;
- 4 (4) licensure as a collection agency operator under AS 08.24;
- 5 (5) a certificate of fitness to handle explosives under AS 08.52;
- 6 (6) licensure as a massage therapist under AS 08.61;
- 7 (7) licensure to practice nursing or certification as a nurse aide under  
8 AS 08.68;
- 9 (8) certification as a real estate appraiser under as 08.87;
- 10 (9) a position involving supervisory or disciplinary power over a minor  
11 or dependent adult for which criminal justice information may be released under  
12 AS 12.62.160(b)(9);
- 13 (10) a teacher certificate under AS 14.20;
- 14 (11) a registration or license to operate a marijuana establishment  
15 under AS 17.38;
- 16 (12) admittance to a police training program under AS 18.65.230 or for  
17 certification as a police officer under AS 18.65.240 if that person's prospective  
18 employer does not have access to a criminal justice information system;
- 19 (13) licensure as a security guard under AS 18.65.400 - 18.65.490;
- 20 (14) a concealed handgun permit under AS 18.65.700 - 18.65.790;
- 21 (15) licensure as an insurance producer, managing general agent,  
22 reinsurance intermediary broker, reinsurance intermediary manager, surplus lines  
23 broker, or independent adjuster under AS 21.27;
- 24 (16) serving and executing process issued by a court by a person  
25 designated under AS 22.20.130;
- 26 (17) a school bus driver license under AS 28.15.046;
- 27 (18) licensure as an operator or an instructor for a commercial driver  
28 training school under AS 28.17;
- 29 (19) registration as a broker-dealer, agent, investment adviser  
30 representative, or investment adviser under AS 45.56.300 - 45.56.350;
- 31 (20) licensure, license renewal, certification, certification renewal, or

1 payment from the Department of Health and Social Services of an individual and an  
 2 entity subject to the requirements for a criminal history check under AS 47.05.310,  
 3 including

4 (A) a public home care provider described in AS 47.05.017;

5 (B) a provider of home and community-based waiver services  
 6 financed under AS 47.07.030(c);

7 (C) a case manager to coordinate community mental health  
 8 services under AS 47.30.530;

9 (D) an entity listed in AS 47.32.010(b), including an owner,  
 10 officer, director, member, partner, employee, volunteer, or contractor of an  
 11 entity; or

12 (E) an individual or entity not described in (A) - (D) of this  
 13 paragraph that is required by statute or regulation to be licensed or certified by  
 14 the Department of Health and Social Services or that is eligible to receive  
 15 payments, in whole or in part, from the Department of Health and Social  
 16 Services to provide for the health, safety, and welfare of persons who are  
 17 served by the programs administered by the Department of Health and Social  
 18 Services;

19 **(21) an instructor certificate under AS 14.35.125.**

20 \* **Sec. 2.** AS 14.07.020(a) is amended to read:

21 (a) The department shall

22 (1) exercise general supervision over the public schools of the state  
 23 except the University of Alaska;

24 (2) study the conditions and needs of the public schools of the state,  
 25 adopt or recommend plans, administer and evaluate grants to improve school  
 26 performance awarded under AS 14.03.125, and adopt regulations for the improvement  
 27 of the public schools; the department may consult with the University of Alaska to  
 28 develop secondary education requirements to improve student achievement in college  
 29 preparatory courses;

30 (3) provide advisory and consultative services to all public school  
 31 governing bodies and personnel;

1                   (4) prescribe by regulation a minimum course of study for the public  
2 schools; the regulations must provide that, if a course in American Sign Language is  
3 given, the course shall be given credit as a course in a foreign language;

4                   (5) establish, in coordination with the Department of Health and Social  
5 Services, a program for the continuing education of children who are held in detention  
6 facilities in the state during the period of detention;

7                   (6) accredit those public schools that meet accreditation standards  
8 prescribed by regulation by the department; these regulations shall be adopted by the  
9 department and presented to the legislature during the first 10 days of any regular  
10 session, and become effective 45 days after presentation or at the end of the session,  
11 whichever is earlier, unless disapproved by a resolution concurred in by a majority of  
12 the members of each house;

13                  (7) prescribe by regulation, after consultation with the state fire  
14 marshal and the state sanitarian, standards that will ensure healthful and safe  
15 conditions in the public and private schools of the state, including a requirement of  
16 physical examinations and immunizations in pre-elementary schools; the standards for  
17 private schools may not be more stringent than those for public schools;

18                  (8) exercise general supervision over pre-elementary schools that  
19 receive direct state or federal funding;

20                  (9) exercise general supervision over elementary and secondary  
21 correspondence study programs offered by municipal school districts or regional  
22 educational attendance areas; the department may also offer and make available to any  
23 Alaskan through a centralized office a correspondence study program;

24                  (10) accredit private schools that request accreditation and that meet  
25 accreditation standards prescribed by regulation by the department; nothing in this  
26 paragraph authorizes the department to require religious or other private schools to be  
27 licensed;

28                  (11) review plans for construction of new public elementary and  
29 secondary schools and for additions to and major rehabilitation of existing public  
30 elementary and secondary schools and, in accordance with regulations adopted by the  
31 department, determine and approve the extent of eligibility for state aid of a school

1 construction or major maintenance project; for the purposes of this paragraph, "plans"  
 2 include educational specifications, schematic designs, projected energy consumption  
 3 and costs, and final contract documents;

4 (12) provide educational opportunities in the areas of vocational  
 5 education and training, and basic education to individuals over 16 years of age who  
 6 are no longer attending school; the department may consult with businesses and labor  
 7 unions to develop a program to prepare students for apprenticeships or internships that  
 8 will lead to employment opportunities;

9 (13) administer the grants awarded under AS 14.11;

10 (14) establish, in coordination with the Department of Public Safety, a  
 11 school bus driver training course;

12 (15) require the reporting of information relating to school disciplinary  
 13 and safety programs under AS 14.33.120 and of incidents of disruptive or violent  
 14 behavior;

15 (16) establish by regulation criteria, based on low student performance,  
 16 under which the department may intervene in a school district to improve instructional  
 17 practices, as described in AS 14.07.030(a)(14) or (15); the regulations must include

18 (A) a notice provision that alerts the district to the deficiencies  
 19 and the instructional practice changes proposed by the department;

20 (B) an end date for departmental intervention, as described in  
 21 AS 14.07.030(a)(14)(A) and (B) and (15), after the district demonstrates three  
 22 consecutive years of improvement consisting of not less than two percent  
 23 increases in student proficiency on standards-based assessments in language  
 24 arts and mathematics, as provided in AS 14.03.123(f)(1)(A); and

25 (C) a process for districts to petition the department for  
 26 continuing or discontinuing the department's intervention;

27 (17) notify the legislative committees having jurisdiction over  
 28 education before intervening in a school district under AS 14.07.030(a)(14) or  
 29 redirecting public school funding under AS 14.07.030(a)(15);

30 **(18) provide opportunities to participate in concurrent vocational**  
 31 **education, training, and on-the-job trade experience programs to students over**

**14 years of age enrolled in public secondary schools.**

\* **Sec. 3.** AS 14.35 is amended by adding new sections to read:

**Article 2. Concurrent Vocational Education, Training, and On-the-Job Trade  
Experience Programs.**

**Sec. 14.35.100. State policy.** It is the policy of this state to provide public secondary school students over 14 years of age the opportunity to participate in concurrent vocational education, training, and on-the-job trade experience programs from nonsectarian agencies providing industry-standard instruction.

**Sec. 14.35.105. Program contracts.** (a) The department shall negotiate contracts with agencies providing industry-standard instruction and certifications to offer concurrent vocational education, training, and on-the-job trade experience programs for students enrolled in a public secondary school.

(b) The department may establish minimum program eligibility standards.

(c) The department may not contract with a sectarian agency.

(d) A contract entered into under this section must include

(1) a description of the program, including the program curriculum and the public purpose that the program supports;

(2) the number of eligible students over 14 years of age who may participate in the program each year;

(3) the annual tuition for each student for program participation;

(4) the name and proof of industry-standard certification of each instructor who will instruct students in the program;

(5) a statement that all instruction provided in the program meets industry standards for apprenticeship or journeyman or equivalent certification, based on agency accredited national, regional, or programmatic instruction standards;

(6) an explanation of the method by which the program will credit a student for coursework that satisfies industry standards completed concurrently in a public secondary school;

(7) program policies and procedures;

(8) the location and description of the agency;

(9) a statement that the agency will comply with all state and federal

1 requirements for receipt and use of public money;

2 (10) a termination clause providing that the department may terminate  
3 the contract for an agency's failure to meet department educational goals or for other  
4 good cause;

5 (11) a statement that students will not receive compensation from the  
6 department or district for program participation; and

7 (12) other requirements agreed on by the agency and the department.

8 **Sec. 14.35.110. Program list.** (a) The department shall annually compile,  
9 provide to school districts, and publish on the department's Internet website a list of  
10 concurrent vocational education, training, and on-the-job trade experience programs  
11 that the department contracts with to provide concurrent vocational education.

12 (b) For each listed program, the department shall identify any geographic  
13 attendance restrictions, program availability, and the districts that may participate in  
14 the program.

15 **Sec. 14.35.115. Student enrollment.** (a) The department shall enroll in a  
16 contracted concurrent vocational education, training, or on-the-job trade experience  
17 program a student over 14 years of age who is enrolled in a public secondary school  
18 eligible for the program and who submits a timely application. If the number of  
19 applications for a program exceeds the capacity of the program or age group, the  
20 department shall select students by random drawing.

21 (b) A secondary school shall pay the program tuition for an enrolled student  
22 who participates in a contracted concurrent vocational education program in  
23 accordance with the terms of the contract entered into under AS 14.35.105.

24 **Sec. 14.35.120. Individual learning plan.** (a) For each student enrolled in a  
25 public secondary school who participates in a contracted concurrent vocational  
26 program, the secondary school shall annually provide an individual learning plan  
27 developed in collaboration with the student, the parent or guardian of the student, a  
28 school counselor assigned to the student, and other individuals involved in the  
29 student's learning plan.

30 (b) An individual learning plan must

31 (1) be developed with input from the counselor assigned to the student;

(2) provide for an in-school and concurrent vocational education program course of study appropriate for the student's age and grade level consistent with state and district standards;

(3) provide for an ongoing assessment plan that includes industry-standard certification progress and statewide assessments required for public schools under AS 14.03.123(f); and

(4) provide for monitoring of the student's work and certification progress by the counselor assigned to the student.

**Sec. 14.35.125. Instructor certification.** (a) A person may not instruct students in a concurrent vocational education, training, or on-the-job trade experience program unless the person possesses a valid instructor certificate and an industry-standard master skill certification or equivalent.

(b) The board shall establish requirements for the issuance of instructor certificates by regulation.

(c) The board shall require instructors to submit fingerprints and the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check. The board shall submit the fingerprints and fees to the Department of Public Safety for a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400.

(d) The department may not issue an instructor certificate to a person who has been convicted of a crime, or an attempt, solicitation, or conspiracy to commit a crime, involving a minor under AS 11.41.410 - 11.41.460 or a law or ordinance in another jurisdiction with elements similar to an offense described in this subsection.

\* **Sec. 4.** AS 23.10.330(a) is amended to read:

(a) AS 23.10.325 - 23.10.370 do not prohibit employment of a child under the direct supervision of an adult [A] parent, sibling, grandparent, aunt, or uncle in a business owned and operated by the adult parent, sibling, grandparent, aunt, or uncle or the work of a child on a boat owned and operated by the adult parent, sibling, grandparent, aunt, or uncle of the child.

\* **Sec. 5.** AS 23.10.332(a) is amended to read:



1           (a) Except for employment exempted under AS 23.10.330 and other  
2 employment specifically exempted by regulations adopted by the department, a minor  
3 under **16** [17] years of age may not be employed or allowed to work without the  
4 written authorization of the commissioner unless authorized under AS 23.10.360 or  
5 under (c) of this section.

6   \* **Sec. 6.** AS 23.10.340(a) is amended to read:

7           (a) A minor under 16 years of age may not be employed for more than a  
8 combined total of nine hours school attendance and employment in one day. If  
9 employed, the minor's work may be performed only between 5 a.m. and **10 p.m.** [9  
10 P.M.] Employment outside school hours may not exceed 23 hours in one week,  
11 domestic work and baby-sitting excepted.

12   \* **Sec. 7.** This Act takes effect July 1, 2021.