

HOUSE BILL NO. 132

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Introduced: 3/10/21

Referred: Labor and Commerce, Education, Finance

A BILL

FOR AN ACT ENTITLED

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

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

6 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
7 to read:

8 SHORT TITLE. This Act may be known as the Alaska Apprenticeship Expansion Act.

9 * **Sec. 2.** AS 12.62.400(a) is amended to read:

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

1 purpose of evaluating a person's qualifications for

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

5 (2) licensure as a mortgage lender, a mortgage broker, or a mortgage
6 loan originator under AS 06.60;

7 (3) admission to the Alaska Bar Association under AS 08.08;

8 (4) licensure as a collection agency operator under AS 08.24;

9 (5) a certificate of fitness to handle explosives under AS 08.52;

10 (6) licensure as a massage therapist under AS 08.61;

11 (7) licensure to practice nursing or certification as a nurse aide under
12 AS 08.68;

13 (8) certification as a real estate appraiser under as 08.87;

14 (9) a position involving supervisory or disciplinary power over a minor
15 or dependent adult for which criminal justice information may be released under
16 AS 12.62.160(b)(9);

17 (10) a teacher certificate under AS 14.20;

18 (11) a registration or license to operate a marijuana establishment
19 under AS 17.38;

20 (12) admittance to a police training program under AS 18.65.230 or for
21 certification as a police officer under AS 18.65.240 if that person's prospective
22 employer does not have access to a criminal justice information system;

23 (13) licensure as a security guard under AS 18.65.400 - 18.65.490;

24 (14) a concealed handgun permit under AS 18.65.700 - 18.65.790;

25 (15) licensure as an insurance producer, managing general agent,
26 reinsurance intermediary broker, reinsurance intermediary manager, surplus lines
27 broker, or independent adjuster under AS 21.27;

28 (16) serving and executing process issued by a court by a person
29 designated under AS 22.20.130;

30 (17) a school bus driver license under AS 28.15.046;

31 (18) licensure as an operator or an instructor for a commercial driver

1 training school under AS 28.17;

2 (19) registration as a broker-dealer, agent, investment adviser
3 representative, or investment adviser under AS 45.56.300 - 45.56.350;

4 (20) licensure, license renewal, certification, certification renewal, or
5 payment from the Department of Health and Social Services of an individual and an
6 entity subject to the requirements for a criminal history check under AS 47.05.310,
7 including

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

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

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

13 (D) an entity listed in AS 47.32.010(b), including an owner,
14 officer, director, member, partner, employee, volunteer, or contractor of an
15 entity; or

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

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

24 * **Sec. 3.** AS 14.07.020(a) is amended to read:

25 (a) The department shall

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

28 (2) study the conditions and needs of the public schools of the state,
29 adopt or recommend plans, administer and evaluate grants to improve school
30 performance awarded under AS 14.03.125, and adopt regulations for the improvement
31 of the public schools; the department may consult with the University of Alaska to

1 develop secondary education requirements to improve student achievement in college
2 preparatory courses;

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

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

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

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

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

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

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

28 (10) accredit private schools that request accreditation and that meet
29 accreditation standards prescribed by regulation by the department; nothing in this
30 paragraph authorizes the department to require religious or other private schools to be
31 licensed;

1 (11) review plans for construction of new public elementary and
2 secondary schools and for additions to and major rehabilitation of existing public
3 elementary and secondary schools and, in accordance with regulations adopted by the
4 department, determine and approve the extent of eligibility for state aid of a school
5 construction or major maintenance project; for the purposes of this paragraph, "plans"
6 include educational specifications, schematic designs, projected energy consumption
7 and costs, and final contract documents;

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

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

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

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

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

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

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

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

31 (17) notify the legislative committees having jurisdiction over

education before intervening in a school district under AS 14.07.030(a)(14) or redirecting public school funding under AS 14.07.030(a)(15);

(18) collaborate with the Department of Labor and Workforce Development to provide financial and technical support, using funds available for that purpose, to school districts creating or expanding school to apprenticeship programs or concurrent secondary education and apprenticeship programs;

(19) provide technical support to school districts seeking to provide science, math, and engineering credit for career and technical education courses;

(20) provide opportunities to participate in concurrent vocational education, training, and on-the-job trade experience programs to students over 14 years of age enrolled in public secondary schools.

* Sec. 4. 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;

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

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

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

9 (7) program policies and procedures;

10 (8) the location and description of the agency;

11 (9) a statement that the agency will comply with all state and federal
12 requirements for receipt and use of public money;

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

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

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

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

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

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

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

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

(b) An individual learning plan must

(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. 5.** AS 14.40.170(a) is amended to read:

(a) The Board of Regents shall

(1) appoint the president of the university by a majority vote of the whole board, and the president may attend meetings of the board;

(2) fix the compensation of the president of the university, all heads of departments, professors, teachers, instructors, and other officers;

(3) confer appropriate degrees as it may determine and prescribe;

(4) have the care, control, and management of

(A) all the real and personal property of the university; and

(B) land

(i) conveyed to the Board of Regents by the commissioner of natural resources in the settlement of the claim of the University of Alaska to land granted to the state in accordance with the Act of March 4, 1915 (38 Stat. 1214), as amended, and in accordance with the Act of January 21, 1929 (45 Stat. 1091), as amended; and

(ii) conveyed to the Board of Regents in trust for the University of Alaska by the commissioner of natural resources under AS 14.40.365;

(5) keep a correct and easily understood record of the minutes of every meeting and all acts done by it in pursuance of its duties;

(6) under procedures to be established by the commissioner of administration, and in accordance with existing procedures for other state agencies, have the care, control, and management of all money of the university and keep a complete record of all money received and disbursed;

(7) adopt reasonable rules for the prudent trust management and the long-term financial benefit to the university of the land of the university;

(8) provide public notice of sales, leases, exchanges, and transfers of

1 the land of the university or of interests in land of the university;

2 (9) administer, manage, market, and promote a postsecondary
3 education savings program, including the Alaska Higher Education Savings Trust
4 under AS 14.40.802 and the Alaska advance college tuition savings fund under
5 AS 14.40.803 - 14.40.817;

6 (10) designate buildings owned by the university as covered buildings
7 for purposes of paying the costs of use, management, operation, maintenance, and
8 depreciation from the fund established under AS 37.05.555;

9 **(11) collaborate with the department and the Department of Labor**
10 **and Workforce Development to provide technical and financial assistance to**
11 **school districts and postsecondary institutions offering credit for concurrent**
12 **secondary education and apprenticeship programs.**

13 * **Sec. 6.** AS 23.10.330(a) is amended to read:

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

19 * **Sec. 7.** AS 23.10.332(a) is amended to read:

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

25 * **Sec. 8.** AS 23.10.340(a) is amended to read:

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

31 * **Sec. 9.** AS 43.20 is amended by adding a new section to read:

1 **Sec. 43.20.055. Registered apprentice tax credit.** (a) A taxpayer that hires a
2 registered apprentice and employs and trains the registered apprentice in the state is
3 entitled to a credit under this section against the tax due under this chapter. The
4 taxpayer is entitled to the credit for each registered apprentice whose employment
5 qualifies under this section.

6 (b) To qualify as a registered apprentice for the purposes of the credit under
7 this section, a person must participate in a registered apprenticeship program
8 recognized by the Department of Labor and Workforce Development.

9 (c) The amount of credit that may be applied by a taxpayer for each qualifying
10 registered apprentice under this section is \$1,000.

11 (d) The tax credit under this section may be applied against the tax due under
12 this chapter for the first tax year ending on or after the end of the employment period
13 described in (c) of this section. The credit may not be used to reduce a person's tax
14 liability under this chapter below zero for any tax year, and any credit or portion of a
15 credit not used under this section may be applied in a later tax year.

16 (e) A taxpayer shall keep a record of the name of the registered apprentice
17 whose employment and training is the basis for a credit under this section, and the
18 registered apprentice's hours employed and period of employment. The department
19 may by regulation specify the documentation that must be maintained to support a
20 claim that an employee qualifies as a registered apprentice for purposes of this section.

21 * **Sec. 10.** This Act takes effect July 1, 2021.