

**TITLE 6            PRIMARY AND SECONDARY EDUCATION**  
**CHAPTER 33       EDUCATIONAL STANDARDS - VOCATIONAL EDUCATION**  
**PART 3            PRE-APPRENTICESHIP PROGRAM**

**6.33.3.1            ISSUING AGENCY:** Public Education Department  
[6.33.3.1 NMAC - N, 3/31/2010]

**6.33.3.2            SCOPE:** This rule applies to public school districts (high schools, charter schools and state supported schools) that provide for industry-taught or guided pre-apprenticeship programs for qualified high school students.  
[6.33.3.2 NMAC - N, 3/31/2010]

**6.33.3.3            STATUTORY AUTHORITY:** This rule is adopted pursuant to sections 9-24-8, 22-2-1, 22-2-2, 22-14-31 NMSA 1978.  
[6.33.3.3 NMAC - N, 3/31/2010]

**6.33.3.4            DURATION:** Permanent  
[6.33.3.4 NMAC - N, 3/31/2010]

**6.33.3.5            EFFECTIVE DATE:** March 31, 2010, unless a later date is cited at the end of a section.  
[6.33.3.5 NMAC - N, 3/31/2010]

**6.33.3.6            OBJECTIVE:** To provide a framework for pre-apprenticeship program development at the local level for public school districts.  
[6.33.3.6 NMAC -N, 3/31/2010]

**6.33.3.7            DEFINITIONS:**

A.        "Apprentice" means a person at least 16 years old who is covered by a written agreement with an employer, or with an association of employers or employees acting as agent for an employer, and approved by the apprenticeship council, which apprentice agreement provides for not less than 2,000 hours required for any given trade by reasonably continuous employment for such person, for his or her participation in an approved schedule of work experience through employment and for at least 144 hours per year of related supplemental instruction.

B.        "Apprenticeable trade or profession" means those on the United States department of labor (USDOL) list of officially recognized apprenticeable occupations that meet the standards of apprenticeship. A skilled trade that possesses the following characteristics:

(1)        customarily learned in a practical way through a structured, systematic program of on-the-job supervised training;

(2)        clearly identified and commonly recognized throughout an industry;

(3)        involves manual, mechanical or technical skills and knowledge that require a minimum of two thousand hours of on-the-job work experience; and

(4)        requires related instruction to supplement on-the-job training.

C.        "Apprenticeship" means a formal educational method for training a person in a skilled trade that combines supervised employment with classroom study.

D.        "Apprenticeship council" means New Mexico state apprenticeship council, the registering authority in New Mexico.

E.        "Career-technical courses" means a course with content that provides technical knowledge, and skills, and competency-based applied learning, and that aligns with the regulations for educational standards and student expectations for all New Mexico students who attend schools as defined in the scope of 6.29.1 NMAC.

F.        "Course of instruction" means an organized and systematic program of study designed to provide the pre-apprentice with knowledge of the theoretical subjects related to one or more specific apprenticeable trades and that meets apprenticeship-related instruction requirements; provided that "course of instruction" may include hands-on training but does not include on-the-job training.

G.        "Department" means public education department.

H.        "Final next-step plan" means a next-step plan that shows that the student has committed or intends to commit in the near future to a four-year college or university, a two-year college, a trade or vocational program, an internship or apprenticeship, military service or a job.

- I. "Industry instructor" means a person who is:
- (1) working or has worked in an apprenticeable trade or profession for the minimum number of years required by the established industry practices of that particular trade to be an industry-recognized expert; or
  - (2) a career-technical faculty member at a public post-secondary educational institution.
- J. "Interim next-step plan" means an annual next-step plan in which the student specifies post-high-school goals and sets forth the coursework that will allow the student to achieve those goals.
- K. "Local school district" means the school board of a local school district or the governing body of a charter school or state supported school.
- L. "Nationally recognized trade organization" means an industry trade group, founded and funded to operate in a specific industry that is registered with the state apprenticeship council.
- M. "Next-step plan" means an annual personal written plan of studies developed by a student in a public school or other state-supported school or institution in consultation with the student's parent and school counselor or other school official charged with coursework planning for the student that includes one or more of the following:
- (1) advanced placement or honors courses;
  - (2) dual-credit courses offered in cooperation with an institution of higher education;
  - (3) distance learning courses;
  - (4) career-technical courses; and
  - (5) pre-apprenticeship programs.
- N. "Pre-apprentice" means a public school student who is enrolled in a pre-apprenticeship program.
- O. "Pre-apprenticeship program" means a local school board-approved course of instruction offered through a provider that results, upon satisfactory completion of the program, in a certificate of completion that is acceptable to an apprenticeship training program registered with the apprenticeship council.
- P. "Provider" means an industry employer of an apprenticeable trade, a union, a trade association, or a post-secondary educational institution that provides a pre-apprenticeship program. The local school board shall only approve providers and pre-apprenticeship programs, including courses of instruction and industry instructors, that meet registered apprenticeship requirements of the apprenticeship council or the apprenticeship requirements of an appropriate nationally recognized trade organization.
- Q. "Qualified high school student" means a student who is at least 16 years of age; is in the eleventh or twelfth grade; has available to schedule at least the number of electives required for the pre-apprenticeship program and commits those electives to the program; maintains compliance with the district attendance policy and code of conduct; and meets other local prerequisites outlined in memorandum of agreement between the provider and the local education agency.
- R. "Registered apprenticeship program" means a program registered with the New Mexico state apprenticeship council.
- [6.33.3.7 NMAC - N, 3/31/2010]

### **6.33.3.8 MEMORANDUM OF AGREEMENT:**

- A. Pre-apprenticeship programs shall be provided in accordance with the terms and conditions of a uniform memorandum of agreement (*hereafter* "MOA"), which supersedes all previous agreements, versions and addenda. This agreement applies to public school districts, including a charter school or charter school district, a state supported educational institution and a state-chartered school (*hereafter* "district"), high school students who attend public school districts, and pre-apprenticeship providers (*hereafter* "providers") in New Mexico. School districts and charter schools may complete agreements with multiple providers.
- B. The MOA shall include provisions stating the following: The primary purposes of the pre-apprenticeship program are to allow school districts to provide for industry taught or guided pre-apprenticeship programs for qualified high school students. The pre-apprenticeship program will allow for the local school board to approve providers and pre-apprenticeship programs, including courses of instruction and industry instructors that meet apprenticeship requirements of the state apprenticeship council or the apprenticeship requirements of an appropriate nationally recognized trade organization. Pre-apprenticeship programs shall meet department content and performance standards and shall be provided at no cost to students. The pre-apprenticeship program is designed so that pre-apprentices may earn elective credits toward high school graduation and meet requirements for apprenticeship-related supplemental instruction or post-secondary education course credits. The pre-apprenticeship program makes available licensure exemptions for the provider's industry instructor(s). Pre-apprenticeship programs may be offered during the school day whenever possible, may be conducted at industry locations, including union

halls or other industry training facilities; at existing school facilities, if available; or at any other location approved by the local school board.

C. The MOA specifies the means by which the state will provide equal opportunities to all qualified high school students who wish to participate in the pre-apprenticeship program.

D. This MOA shall provide the following duties and responsibilities of the pre-apprenticeship industry provider. The industry provider shall:

(1) provide an industry provider application form that addresses the name of pre-apprenticeship course of instruction or program offered by provider; program start date; name of course to include student teacher accountability reporting system (STARS) course code number, method of delivery, course alignment and if dual credit is offered; identification of tools needed for program; identification of supplies provided for program; identification of instructional materials provided for the program; evaluation process of program; method of grade reporting; method of attendance recording; how students are recruited; how students are accepted into program, retained and dismissed; circumstances under which the program may terminate; continuation plan for the pre-apprenticeship program that provides the student the opportunity to complete coursework that will bear the previously agreed upon semester credit; and identify an industry approved instructor;

(2) provide an industry instructor's application form to include the name of pre-apprenticeship course of instruction, or program; instructor's identifying information to include name, address, phone, gender, date of birth, approving industry entity, instructor resume and a completed character and fitness questionnaire to include the following:

(a) have you ever been disciplined, reprimanded, suspended or discharged, from any employment because of allegations of misconduct?

(b) have you ever resigned, entered into a settlement agreement, or otherwise left employment following an allegation of misconduct?

(c) is any action now pending against you for alleged misconduct, including application discrepancies?

(d) have you ever failed to fulfill the terms of a contract?

(e) do you currently have any outstanding criminal charges, warrants of arrest, or conditions of probation pending against you in New Mexico or in any other state?

(f) have you ever been fingerprinted as a result of any arrest or detainment for any crime or violation of the law?

(g) have you ever pled guilty to, or been convicted of, any crime or violation of law, including entering a plea of no contest or receiving a deferred or suspended sentence?

(h) are you currently delinquent in payment of court-ordered child support?

(i) have you ever had a court-ordered screening for alcohol or drug dependence?

(3) employ a method of qualifying the industry instructor that includes the following requirements:

(a) background checks:

(i) industry instructors shall be required to undergo a background check as provided for licensed school employees in Section 22-10A-5 NMSA 1978;

(ii) the school district or charter school may act on the information received from the background check and refuse to approve a person as an industry instructor; and

(iii) the district shall not allow persons who have not been vetted through the background check process to have unsupervised contact with students;

(b) licensure:

(i) licensure requirements shall not apply to industry instructors;

(ii) a complete resume demonstrating expert; verification by experience, license or certification may qualify as an industry instructor; and

(iii) a department licensed teacher may qualify as an industry instructor;

(c) adhere to the district confidentiality guidelines;

(4) designate a representative to review and sign the completed MOA with the understanding that only a MOA endorsed by all parties shall constitute a pre-apprenticeship program;

(5) determine, in collaboration with the district, the required academic standing of each student eligible to participate in the pre-apprenticeship program;

(6) employ a method of qualifying the student for pre-apprenticeship that demonstrates that the student has the appropriate skills and maturity to benefit from the instruction requested;

(7) provide information and orientation, in collaboration with the district, to the student and parent or guardian regarding the responsibilities of pre-apprenticeship including academic rigor, time commitments, and

behavioral expectations associated with taking pre-apprenticeship courses and the importance of satisfactorily completing the pre-apprenticeship credits attempted in order for credit to be awarded;

(8) inform students of course requirement information which includes course content, grading policy, attendance requirements, course completion requirements, performance standards, and other related course information;

(9) evaluate progress of pre-apprenticeship students on the issue of academic performance and provide reports, as needed, to the district;

(10) retain the official grade report of the pre-apprenticeship student that records the term of enrollment, courses/credits attempted, courses/credits completed, grades and grade point average earned;

(11) provide final grades to the district for each pre-apprenticeship student;

(12) deliver final grades for all pre-apprenticeship students to the district with sufficient time to be included with final grades; this schedule shall be defined by the parties in the MOA and shall address the time frame appropriate for determining student graduation from high school;

(13) issue to student a certificate of completion acceptable to an apprenticeship training program; the certificate shall identify:

(a) coursework showing industry standards and benchmarks completed;

(b) competency level of skills attained; and

(c) certifying signature from district and instructor verifying student level of completion;

(14) comply with data collection and reporting.

E. The MOA shall provide the following duties and responsibilities of the district. The district shall:

(1) work collaboratively with approved provider to recruit students;

(2) make available its facility for recruitment;

(3) ensure adequate information is available to students regarding participation in a pre-apprenticeship program;

(4) ensure the pre-apprenticeship course of instruction is identified in the next step plan and shows that the student has committed or intends to commit necessary electives;

(5) ensure that upon successful completion of coursework designated as elective coursework, the student may be awarded elective credit toward high school graduation;

(6) ensure that upon successful completion of coursework designated as core coursework, the student may be awarded core credit toward high school graduation;

(7) employ a method of qualifying the student for pre-apprenticeship based on factors which may include academic performance review, use of next step plan, assessments, advisement and career guidance, and recommend enrollment in the pre-apprenticeship program with evidence that the student has the appropriate skills and maturity to benefit from the instruction requested;

(8) provide information and orientation to students about career opportunities within the apprenticeship occupation during student advisement and formulation of annual next step plan;

(9) ensure counselors or advisors to pre-apprenticeship students shall have working knowledge about pre-apprentice programs;

(10) identify the location for delivery of the pre-apprenticeship program;

(11) designate a representative to collaborate with the provider to reach agreement on student participation in the pre-apprenticeship program;

(12) approve student participation in the pre-apprenticeship program on a semester by semester basis;

(13) provide information and orientation, in collaboration with the pre-apprenticeship industry provider, to the student and student's family regarding the responsibilities of pre-apprenticeship enrollment including academic rigor, time commitments, and behavioral expectations associated with taking pre-apprenticeship courses and the importance of satisfactorily completing the credits attempted in order for pre-apprenticeship to be awarded;

(14) inform students of course requirement information which includes course content, grading policy, attendance requirements, course completion requirements, performance standards, and other related course information;

(15) make clear to students that if they fail or withdraw from pre-apprenticeship classes that they were intending to use for elective high school credit that they will have to make up those credits in order to graduate; the pre-apprenticeship course grade will appear on the student high school transcript; and

(16) record, unchanged, the grade given to the pre-apprenticeship student by the pre-apprenticeship provider on each student high school transcript.

F. The MOA shall provide the following data collection and reporting:

(1) Each semester, the student application form shall be used to document each student request for enrollment in pre-apprenticeship courses and the review and approval process within the district and pre-apprenticeship provider. The pre-apprenticeship provider may require additional forms and information from the student.

(2) In the event of scheduling changes, the pre-apprenticeship provider may change course information upon mutual agreement with the school district.

(3) Data and reporting will be tracked with student teacher accountability reporting system (STARS) codes by assigning a numeric identifier to a pre-apprenticeship course.

(4) Each district and pre-apprenticeship provider shall devise procedures for reporting pre-apprenticeship data from the both the provider application and student application forms utilizing the public school student identification numbers.

G. Term and limitations of agreement

(1) Initial term. MOA shall identify the initial implementation term of the pre-apprenticeship program and contain signatures from all parties.

(2) Program cessation. A provider wishing to cease its pre-apprenticeship program shall notify the superintendent according to the agreed upon timeframe in the provider's application form.

(3) Program continuation. Upon notification of cessation of a pre-apprenticeship program, the local school district and provider must agree on a continuation plan for the pre-apprenticeship program that provides the student the opportunity to complete coursework that will bear the previously agreed upon semester credit.

(4) The MOA shall automatically renew for additional fiscal years unless either party notifies the other party of their intent not to renew 60 days before the end of the fiscal year.

[6.33.3.8 NMAC - N, 3/31/2010]

**6.33.3.9 PRE-APPRENTICESHIP PROGRAM IMPLEMENTATION:**

A. A pre-apprenticeship program must have an existing MOU as outlined in section 6.33.3.8 NMAC.

B. A pre-apprenticeship course of instruction must:

(1) be provided at no cost to students, with the exception of course-specific fees that may apply;

(2) meet department content and performance standards;

(3) make available high school graduation credit that may be offered as elective; and

(4) allow for instruction to be conducted at existing training locations such as:

(a) industry training locations;

(b) union halls; and

(c) existing school facilities.

C. A student withdrawal process shall be included and addressed at the discretion of the principal or principal's designee. Student withdrawal from the program shall be subject to the local district's policy regarding eligibility and enrollment as outlined by school governance and their guidance counselor/advisors.

(1) A student may be withdrawn from the program at the discretion of the principal. Cessation of student participation is subject to local districts policy regarding eligibility and enrollment as outlined by school governance and their guidance counselor/advisors.

(2) Comply with the district and industry or institution provider student code of conduct and other industry or institutional policies.

D. The student will comply with the following assurances and responsibilities:

(1) provide a student application form that addresses the name of pre-apprenticeship program; student identification to include name address, phone, gender, date of birth, student teacher accountability reporting system (STARS) student identification number;

(2) be at least sixteen years of age; enrolled in eleventh or twelfth grade; have at least the number of electives required for the pre-apprenticeship program applied for and commit, by identification on the student's next step plan, those electives to the program and meet other requirements of the pre-apprenticeship program approved by the local education agency; maintain compliance with the district attendance policy and code of conduct; and meet other local prerequisites outlined in memorandum of agreement between the provider and the local education agency;

(3) discuss potential pre-apprenticeship courses with the appropriate district and pre-apprenticeship provider staff, including pre-apprenticeship provider admission and registration requirements, course requirements, credits to be attempted, credits to be awarded, scheduling under pre-apprenticeship, and implications for failure to successfully complete the course;

- (4) qualify for pre-apprenticeship courses offered by meeting pre-apprenticeship provider and district requirements to enroll as a pre-apprenticeship student;
  - (5) comply with the district and industry providers' student code of conduct;
  - (6) return textbooks and unused course supplies to the district when the student completes the course or withdraws from the course (subject to provisions in Subsection B of Section 22-15-10 NMSA 1978 regarding lost or damaged instructional material);
  - (7) arrange transportation to the pre-apprenticeship program instructional site;
  - (8) be responsible for course-specific fees;
  - (9) obtain course requirements for each course, including course prerequisites, if any, course content, grading policy, attendance requirements, course completion requirements, performance standards, and other related course information;
  - (10) meet the prerequisites, if any, and requirements of the course(s) to be taken;
  - (11) obtain approval for enrolling in the pre-apprenticeship program each semester by acquiring all necessary signatures on the student application form; and
  - (12) register for courses during the district's registration periods.
- E. Data reporting will be aligned with student teacher accountability reporting system (STARS) data requests to the public education department and subject to provisions of Section 22-8-13 NMSA 1978.  
[6.33.3.9 NMAC - N, 3/31/2010]

**6.33.3.10 PRE-APPRENTICESHIP PROGRAM FORMS:** To expedite the transmission of necessary information between the district and the provider, specific forms are required and are as follows:

- A. The CTWEB/Pre-app: P-1 memorandum of agreement. The P-1 form provides the terms of the agreement by and between the industry provider and the local school district and becomes the master agreement. The agreement shall include, but not be limited to the following information:
- (1) legal names of the parties;
  - (2) eligibility and approval requirements;
  - (3) duties and responsibilities of the industry provider;
  - (4) duties and responsibilities of the district; and
  - (5) full name, signature and date of responsible parties approved to implement.
- B. The CTWEB/Pre-app: P-2 industry provider application form. The P-2 form provides the name of the pre-apprenticeship program, legal name and contact information of industry provider or post secondary partnership, if applicable. The provider application shall include, but not be limited to the following information:
- (1) program start date;
  - (2) course information, to include pre-requisites, recruitment and acceptance for the program;
  - (3) verification of alignment to New Mexico standards and benchmarks;
  - (4) identifying tools, supplies, and instructional materials for the program;
  - (5) method of delivery, evaluation, grading, attendance methods for reporting;
  - (6) plan for continuation if provider wishes to cease its pre-apprenticeship program;
  - (7) circumstances for dismissal of a student;
  - (8) location where the pre-apprenticeship program will be conducted; and
  - (9) full name, signature and date of responsible parties approved to implement.
- C. The CTWEB/Pre-app: P-3 instructor application form. The P-3 form shall include, but not be limited to information which provides the instructor name, contact information, industry approval and qualification. Character and fitness detail is required as well as oath certification statement and signature.
- D. The CTWEB/Pre-app: P-4 student application form. The P-4 form shall include but not be limited to the following information:
- (1) student name, contact, eligibility and reporting information;
  - (2) school information;
  - (3) assurances and responsibilities of the student, read and agreed by signature; and
  - (4) full name, signature and date of responsible parties approval with completed application.
- E. The CTWEB/Pre-app: P-5 skill achievement certification form. The P-5 form serves as a certificate of completion that is acceptable to an apprenticeship training program. It shall include but not be limited to the full name, signature and date of responsible parties involved in the training detail.  
[6.33.3.10 NMAC - N, 3/31/2010]

**History of 6.33.3 NMAC:** [RESERVED]