

STATE OF NEW YORK

6303

2023-2024 Regular Sessions

IN ASSEMBLY

April 3, 2023

Introduced by M. of A. NORRIS -- read once and referred to the Committee on Education

AN ACT to amend the labor law, in relation to establishing the youth apprenticeship program; and making an appropriation therefor (Part A); to amend the education law, in relation to establishing the enhanced regents professional diploma (Part B); to amend the tax law, in relation to establishing a youth apprenticeship tax credit (Part C); to amend the education law, in relation to establishing the community college merit and mobility scholarship (Part D); to amend the education law, in relation to renaming certain schools established by a board of cooperative educational services as career prep centers; and making an appropriation therefor (Part E); to amend the education law, in relation to the salary of certain teachers and staff providing instruction in career and technical education (Part F); and to amend the education law, in relation to implementing the learning for work program (Part G)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "omnibus
2 learning for work act".
3 § 2. Legislative findings and intent. According to the National
4 Skills Coalition, middle-skill jobs make up the largest portion of New
5 York's labor market. While 49% of all jobs available throughout New York
6 in 2018 were middle-skill, only 37% of the state's workers were trained
7 for the positions. This lack of preparedness has driven many high school
8 graduates into low-paying jobs, or college degree programs that they are
9 not interested in, which fail to lead to careers and result in an unrea-
10 sonably high amount of student debt. For many current and future high
11 school students, the traditional pathway of a basic high school educa-
12 tion and then on to a four-year college may not be the correct route to
13 take. These students would benefit from a program that would prepare

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD10209-01-3

1 them for employment immediately upon graduating high school. Therefore,
2 the legislature finds it necessary to establish this "learning for work"
3 program in our high schools that will create a youth apprenticeship
4 program, an enhanced regents professional diploma with a designation in
5 a specified occupational area, a tax credit for employers who take part
6 in the youth apprenticeship program, a community college merit and
7 mobility scholarship, rebrand all educational programs provided or oper-
8 ated by a board of cooperative educational services which shall be known
9 as "career prep centers", increase the salaries paid to any career and
10 technical education teachers, supervisors or other employees of a board
11 of cooperative educational services, and require the departments of
12 education, in collaboration with the department of labor, to implement
13 the learning for work program, by the 2025--2026 school year. This act
14 would further the goals of limiting the accumulation of unsustainable
15 student debt and ensuring all students in the state of New York are
16 prepared to enter the twenty-first century workforce.

17 § 3. This act enacts into law major components of legislation which
18 are necessary to implement the "omnibus learning for work act". Each
19 component is wholly contained within a Part identified as Parts A
20 through G. The effective date for each particular provision contained
21 within such Part is set forth in the last section of such Part. Any
22 provision in any section contained within a Part, including the effec-
23 tive date of the Part, which makes a reference to a section "of this
24 act", when used in connection with that particular component, shall be
25 deemed to mean and refer to the corresponding section of the Part in
26 which it is found. Section five of this act sets forth the general
27 effective date of this act.

28

PART A

29 Section 1. The labor law is amended by adding a new article 23-C to
30 read as follows:

ARTICLE 23-CYOUTH APPRENTICESHIP PROGRAMSection 832. Definitions.832-a. Youth apprenticeship program.832-b. Local partnership duties and responsibilities.832-c. Youth apprenticeship program outcome requirements.832-d. Rules and regulations.

38 § 832. Definitions. For the purposes of this article, the following
39 terms shall have the following meanings:

40 1. "Local partnership" means any combination of one or more school
41 districts, other public agencies, community colleges, not-for-profit
42 organizations, individuals, businesses or other persons, who have agreed
43 to be responsible for implementing and coordinating a local youth
44 apprenticeship program and have received formal recognition from the
45 department.

46 2. "Public agency" means a county, city, village, town or school
47 district or an agency of this state or of a county, city, village, town
48 or school district.

49 § 832-a. Youth apprenticeship program. 1. The department shall estab-
50 lish a youth apprenticeship program. The youth apprenticeship program
51 shall be a one or two year program beginning in grade eleven or twelve
52 and combine academic classroom coursework with mentored on-the-job
53 training in a specified occupational area. Specific requirements for
54 each youth apprenticeship program shall be determined by the respective

1 local partnership responsible for implementing and coordinating a local
2 youth apprenticeship program.

3 2. The state apprenticeship and training council, the state workforce
4 investment board, the board of regents, and the state education depart-
5 ment shall assist the department in providing the youth apprenticeship
6 program under subdivision one of this section.

7 3. The department shall approve occupations and maintain a list of
8 approved occupations for the youth apprenticeship program.

9 4. The youth apprenticeship program created under subdivision one of
10 this section shall not affect any apprenticeship program that is
11 governed by article twenty-three of this chapter except that an appren-
12 ticeship program that is governed by article twenty-three of this chap-
13 ter may grant credit toward the completion of an apprenticeship for the
14 successful completion of a youth apprenticeship under subdivision one of
15 this section.

16 § 832-b. Local partnership duties and responsibilities. 1. From fund-
17 ing under the workforce investment act, Public Law 105-220, and the
18 workforce innovation and opportunity act, Public Law 113-128, the
19 department may award grants to applying local partnerships for the
20 implementation and coordination of local youth apprenticeship programs
21 that are approved by the commissioner. A local partnership that is
22 awarded a grant under this subdivision may use the grant moneys awarded
23 for any of the following implementation and coordination activities:

24 (a) Recruiting employers to provide on-the-job training and super-
25 vision for youth apprentices and providing technical assistance to those
26 employers.

27 (b) Recruiting students to participate in the local youth apprentice-
28 ship program and monitoring the progress of youth apprentices partic-
29 ipating in the program.

30 (c) Coordinating youth apprenticeship training activities within
31 participating school districts and among participating school districts,
32 postsecondary institutions and employers.

33 (d) Coordinating academic, vocational and occupational learning,
34 school-based and work-based learning and secondary and postsecondary
35 education for participants in the local youth apprenticeship program.

36 (e) Assisting employers in identifying and training workplace mentors
37 and matching youth apprentices and mentors.

38 (f) Any other implementation or coordination activity that the depart-
39 ment may direct or permit the local partnership to perform.

40 2. A local partnership that is awarded a grant under subdivision one
41 of this section shall not use any of the grant moneys awarded to provide
42 funding to a business that is operated for profit or to a nonprofit
43 organization that represents business interests, and shall only be used
44 for the implementation of subdivision one of this section.

45 3. The amount of a grant awarded under subdivision one of this section
46 shall not exceed one thousand dollars per youth apprentice. A local
47 partnership that is awarded a grant under subdivision one of this
48 section shall provide matching funds equal to at least ten percent of
49 the grant amount awarded.

50 § 832-c. Youth apprenticeship program outcome requirements. 1. The
51 following outcomes are expected of a local youth apprenticeship program
52 that is funded pursuant to subdivision one of section eight hundred
53 thirty-two-b of this article:

54 (a) At least eighty percent of the youth apprentices who participate
55 in the program shall receive an enhanced regents professional diploma

1 pursuant to section two hundred eight-b of the education law on
2 completion of the youth apprenticeship.

3 (b) At least fifty percent of the youth apprentices who participate in
4 the program shall be offered employment by the employer that provided
5 the on-the-job training for the youth apprentice on completion of the
6 youth apprenticeship.

7 2. Any student taking part in a youth apprenticeship program who
8 receives an enhanced regents professional diploma pursuant to section
9 two hundred eight-b of the education law and is either not offered, or
10 chooses not to seek, employment in their specified occupational area,
11 shall receive a minimum of fifteen credit hours to be applied in pursuit
12 of a postsecondary degree at a state university of New York or city
13 university of New York institution.

14 § 832-d. Rules and regulations. The department shall promulgate all
15 rules and regulations as shall be necessary to administer this article.

16 § 2. The sum of up to five million dollars (\$5,000,000), is hereby
17 appropriated to the department of labor for the purpose of carrying out
18 the provisions of this act to be funded by grants under the workforce
19 investment act, Public Law 105-220, and the workforce innovation and
20 opportunity act, Public Law 113-128. Such moneys shall be payable on the
21 audit and warrant of the comptroller on vouchers certified or approved
22 by the commissioner of the department of labor in the manner prescribed
23 by law.

24 § 3. This act shall take effect immediately.

25 PART B

26 Section 1. The education law is amended by adding a new section 208-b
27 to read as follows:

28 § 208-b. Enhanced regents professional diploma. 1. The board of
29 regents shall create an enhanced regents professional diploma to
30 acknowledge the professional skills and specific occupational training
31 students obtain in the course of their study. Such degree will include
32 designations as determined by the commissioner that denote the profes-
33 sional skills and specific occupational training obtained by a student.
34 The commissioner shall promulgate regulations regarding the requirements
35 for an enhanced regents professional degree to include:

36 a. completion of a technical assessment;

37 b. completion of a work-skills employability profile;

38 c. completion of a work-based learning experience; and

39 d. meeting all requirements necessary to receive a regents diploma.

40 2. The commissioner, in conjunction with the state apprenticeship and
41 training council, the state workforce investment board, and the depart-
42 ment of labor shall establish professional skill and occupational train-
43 ing designations that may be attached to an enhanced regents profes-
44 sional diploma that shall denote the professional skills a student has
45 obtained throughout the course of his or her studies.

46 3. The commissioner, in conjunction with the state apprenticeship and
47 training council, the state workforce investment board, and the depart-
48 ment of labor shall design a series of technical assessments to test the
49 skills and knowledge students have obtained in their work-based learning
50 experience. The commissioner shall be authorized to include any person
51 or entity that is part of a local partnership of the youth apprentice-
52 ship program, as defined in section eight hundred thirty-two of the
53 labor law, in any and all efforts to design technical assessments.

1 4. The commissioner, in conjunction with the state apprenticeship and
2 training council, the state workforce investment board, and the depart-
3 ment of labor shall create a work-skill employability profile for use by
4 employers and/or educators to document a student's professional skills
5 and specific occupational training.

6 5. The board of regents shall promulgate such regulations of the
7 commissioner as may be necessary to establish an enhanced regents
8 professional diploma, implement the requirements herein, and establish
9 standards for work-based learning experiences including requirements for
10 verification and eligibility.

11 6. The youth apprenticeship program as defined in article
12 twenty-three-C of the labor law shall be considered an eligible work-
13 based learning experience.

14 7. Students first entering ninth grade in the two thousand twenty-
15 three--two thousand twenty-four school year and thereafter shall be
16 eligible to earn an enhanced regents professional diploma.

17 § 2. This act shall take effect immediately.

18 PART C

19 Section 1. Section 210-B of the tax law is amended by adding a new
20 subdivision 59 to read as follows:

21 59. Youth apprenticeship tax credit. (a) Allowance of credit. A
22 taxpayer shall be allowed a credit against the tax imposed by this arti-
23 cle provided that such taxpayer takes part in the youth apprenticeship
24 program, pursuant to article twenty-three-C of the labor law.

25 (b) Amount of credit. The amount of the credit shall be equal to one
26 thousand five hundred dollars for each apprentice the participating
27 employer sponsors.

28 (c) Application of credit. The credit allowed under this subdivision
29 for any taxable year shall not reduce the tax due for that year to less
30 than the higher of the amounts prescribed in paragraph (d) of subdivi-
31 sion one of section two hundred ten of this article.

32 § 2. Section 606 of the tax law is amended by adding a new subsection
33 (ooo) to read as follows:

34 (ooo) Youth apprenticeship tax credit. (1) Allowance of credit. A
35 taxpayer shall be allowed a credit against the tax imposed by this arti-
36 cle provided that such taxpayer takes part in the youth apprenticeship
37 program, pursuant to article twenty-three-C of the labor law.

38 (2) Amount of credit. The amount of the credit shall be equal to one
39 thousand five hundred dollars for each apprentice the participating
40 employer sponsors.

41 (3) Application of credit. If the amount of credit allowed under this
42 subsection for any taxable year exceeds the taxpayer's tax for such
43 year, the excess will not be treated as an overpayment of tax and will
44 not be credited or refunded in accordance with the provisions of section
45 six hundred eighty-six of this article.

46 § 3. This act shall take effect immediately and shall apply to taxable
47 years beginning on and after January 1, 2024.

48 PART D

49 Section 1. The education law is amended by adding a new section 669-i
50 to read as follows:

51 § 669-i. The community college merit and mobility scholarship. 1.
52 Purpose. The community college merit and mobility scholarship is hereby

1 established for the purpose of granting merit based scholarships to
2 students who attend a New York state community college and are enrolled
3 in career education as defined in subdivision twenty-four of section two
4 of this chapter.

5 2. Eligibility. To be eligible for such awards, an applicant must have
6 graduated from a New York state high school within the top forty percent
7 of his or her high school class and achieve the following:

8 a. remain in good academic standing, and

9 b. maintain a grade point average of 3.0 or above.

10 3. Awards. One thousand scholarships shall be awarded in the two thou-
11 sand twenty-three--two thousand twenty-four academic year, and thereaft-
12 er. The annual scholarship shall be awarded to eligible applicants in
13 the amount of three thousand dollars per year for not more than two
14 academic years. The maximum scholarship award shall not exceed six thou-
15 sand dollars. The president shall promulgate rules and regulations
16 necessary to make such scholarship available on an annual basis to full-
17 time recipients or per credit basis to part-time recipients. Part-time
18 students shall not be impacted by the two-year academic year award limi-
19 tation. Up to one thousand scholarships may be granted to new recipients
20 annually. The receipt of such scholarships shall not affect tuition
21 assistance eligibility. In no event shall the amount of the annual
22 award exceed the recipient's cost of attendance at the institution
23 attended. Cost of attendance shall mean tuition, required fees, labora-
24 tory and other instruction related to expenses, books, transportation,
25 and room and board.

26 4. Priority. In the event that there are more applicants who have the
27 same priority than there are remaining scholarships, the president shall
28 distribute the remaining number of such scholarships by means of a
29 lottery or other form of random selection.

30 5. Rules. The corporation is authorized to promulgate rules and regu-
31 lations, and may promulgate emergency regulations, for the necessary
32 implementation of the provisions of this section.

33 § 2. This act shall take effect on the one hundred eightieth day after
34 it shall have become a law.

35 PART E

36 Section 1. Section 1950 of the education law is amended by adding a
37 new subdivision 1-a to read as follows:

38 1-a. On and after the effective date of this subdivision all educa-
39 tional programs provided or operated by a board of cooperative educa-
40 tional services shall be known as "career prep centers". Upon applica-
41 tion by a board of cooperative educational services, there shall be paid
42 to each qualifying board of cooperative educational services an amount
43 up to ten thousand dollars for the purposes of marketing of such schools
44 as career prep centers and for the replacement of signs and other print-
45 ed materials. A board of cooperative educational services shall be
46 required to expend one thousand dollars from existing funds toward such
47 marketing or sign replacement to be eligible for a grant under this
48 subdivision. Signs and materials developed pursuant to the provisions of
49 this subdivision shall bear the phrase "Career Prep Centers: Foundation
50 for Your Future".

51 § 2. The sum of three hundred eighty thousand dollars (\$380,000), or
52 so much thereof as may be necessary, is hereby appropriated to the
53 department of education out of any moneys in the state treasury in the
54 general fund to the credit of the local assistance account, not other-

1 wise appropriated, and made immediately available, for the purpose of
2 carrying out the provisions of this act. Such moneys shall be payable on
3 the audit and warrant of the comptroller on vouchers certified or
4 approved by the commissioner of education in the manner prescribed by
5 law.

6 § 3. By January first of each year, the commissioner of education
7 shall issue a report to the governor and the legislature concerning the
8 effectiveness of marketing education programs provided by boards of
9 cooperative educational services pursuant to the provision of subdivi-
10 sion 1-a of section 1950 of the education law as added by section one of
11 this act.

12 § 4. This act shall take effect on the first of July next succeeding
13 the date on which it shall have become a law.

14 PART F

15 Section 1. Paragraph b of subdivision 5 of section 1950 of the educa-
16 tion law, as amended by chapter 130 of the laws of 2022, is amended to
17 read as follows:

18 b. The cost of services herein referred to shall be the amount allo-
19 cated to each component school district by the board of cooperative
20 educational services to defray expenses of such board, including
21 approved expenses from the testing of potable water systems of occupied
22 school buildings under the board's jurisdiction as required pursuant to
23 section eleven hundred ten of the public health law provided that such
24 expenses for testing of potable water systems are not reimbursable from
25 another state or federal source, except that that part of the salary
26 paid any teacher, supervisor or other employee of the board of cooper-
27 ative educational services which is in excess of thirty thousand dollars
28 shall not be such an approved expense, and except also that administra-
29 tive and clerical expenses shall not exceed ten percent of the total
30 expenses for purposes of this computation. Provided however, that
31 beginning in the two thousand twenty-three--two thousand twenty-four
32 school year, that part of the salary paid to any career and technical
33 education teacher, supervisor or other employee of the board of cooper-
34 ative educational services which is in excess of thirty-six thousand
35 dollars shall not be such an approved expense; beginning in the two
36 thousand twenty-four--two thousand twenty-five school year, that part of
37 the salary paid to any career and technical education teacher, supervi-
38 sor or other employee of a board of cooperative educational services
39 which is in excess of forty-two thousand dollars shall not be such an
40 approved expense; beginning in the two thousand twenty-five--two thou-
41 sand twenty-six school year, that part of the salary paid any career and
42 technical education teacher, supervisor or other employee of the board
43 of cooperative educational services which is in excess of forty-eight
44 thousand dollars shall not be such an approved expense; beginning in the
45 two thousand twenty-six--two thousand twenty-seven school year, that
46 part of the salary paid any career and technical education teacher,
47 supervisor or other employee of the board of cooperative educational
48 services which is in excess of fifty-four thousand dollars shall not be
49 such an approved expense and provided further beginning in the two thou-
50 sand twenty-seven--two thousand twenty-eight school year and thereafter,
51 the actual salary or the average statewide salary as established by the
52 commissioner, whichever is less, shall be paid for any career and tech-
53 anical education teacher, supervisor or other employee of the board of
54 cooperative educational services; provided further that beginning in the

1 two thousand twenty-two--two thousand twenty-three school year and every
2 year thereafter, the cost of services provided by any career and techni-
3 cal education teacher, supervisor or other employee of the board of
4 cooperative educational services that is certified by the commissioner
5 to be of sufficient rigor to meet national standards shall be one
6 hundred percent of such salary or the average statewide salary, whichev-
7 er is less as determined by the commissioner. Any gifts, donations or
8 interest earned by the board of cooperative educational services or on
9 behalf of the board of cooperative educational services by the dormitory
10 authority or any other source shall not be deducted in determining the
11 cost of services allocated to each component school district. Any
12 payments made to a component school district by the board of cooperative
13 educational services pursuant to subdivision eleven of section six-p of
14 the general municipal law attributable to an approved cost of service
15 computed pursuant to this subdivision shall be deducted from the cost of
16 services allocated to such component school district. The expense of
17 transportation provided by the board of cooperative educational services
18 pursuant to paragraph q of subdivision four of this section shall be
19 eligible for aid apportioned pursuant to subdivision seven of section
20 thirty-six hundred two of this chapter and no board of cooperative
21 educational services transportation expense shall be an approved cost of
22 services for the computation of aid under this subdivision. Transporta-
23 tion expense pursuant to paragraph q of subdivision four of this section
24 shall be included in the computation of the ten percent limitation on
25 administrative and clerical expenses.

26 § 2. This act shall take effect immediately.

27 PART G

28 Section 1. The education law is amended by adding a new section 319 to
29 read as follows:

30 § 319. Learning for work program. The commissioner, in consultation
31 with the commissioner of labor, shall establish and implement a learning
32 for work program to address the "middle-skills" gap in this state by the
33 two thousand twenty-five--two thousand twenty-six school year. To imple-
34 ment such program, the commissioner shall:

35 1. implement a "learning for work K-12 information initiative" to
36 introduce age-appropriate career and technical education programs, and
37 their benefits, to students and parents beginning in elementary school;

38 2. develop career open house programs with local businesses to intro-
39 duce students and parents to the benefits of BOCES, career and technical
40 education programs, and the correlation to future employment opportu-
41 nities in their communities;

42 3. ensure all school districts within a BOCES region accept credits in
43 order to satisfy graduation requirements;

44 4. provide additional transportation options for students interested
45 in BOCES, including expanding programs within a student's own school to
46 ensure greater access to work-based learning programs;

47 5. explore creating regional advisory boards between BOCES districts
48 to allow for greater cohesiveness and partnerships;

49 6. consider implementing full-day BOCES programs;

50 7. utilize the "learning for work K-12 information initiative" to
51 provide information via tours, seminars, advertising, parent involve-
52 ment, and other avenues to students at an earlier age to ensure they are
53 aware of the pathways in technology program (P-TECH) and the options
54 available to them regarding such program;

1 8. expand awareness of P-TECH to students prior to ninth grade, and
2 increase the number of available openings for students interested in
3 attending P-TECH;

4 9. incorporate professional/soft-skills education as a major component
5 in both P-TECH and general public school education;

6 10. create additional graduation pathways with specific endorsements
7 to assist students in finding gainful employment;

8 11. continue to support the recognition of workforce-identified
9 credentials and certifications for students enrolled in P-TECH and other
10 educational programs;

11 12. continue to support and promote P-TECH to provide students with
12 opportunities including, but not limited to, career training, hands-on
13 work, and employment upon completion of the program;

14 13. increase the number of technology education baccalaureate programs
15 offered by state university of New York and city university of New York
16 institutions;

17 14. create more career and technical education teacher programs at
18 state university of New York and city university of New York insti-
19 tutions to expand specialized instruction in schools;

20 15. clarify department of labor rules regarding youth apprenticeship
21 programs in the workplace;

22 16. consolidate the operations of the department and the department of
23 labor with relation to career and technical education and apprenticeship
24 programs into one entity that includes apprenticeship navigators to help
25 businesses and aspiring apprentices successfully implement or complete
26 work-based learning programs;

27 17. create an easy-to-navigate, centralized website that would include
28 all information related to apprenticeship programs in New York state,
29 specifically information for: New Yorkers interested in becoming appren-
30 tices; employers looking for information to start a program; educational
31 institutions looking to start a program; and any other relevant informa-
32 tion;

33 18. ease and standardize the certification process to allow greater
34 flexibility for local school districts interested in creating their own
35 programs;

36 19. create grants or scholarship programs for career and technical
37 education students who need physical equipment for their apprenticeships
38 and/or work-based learning experiences;

39 20. adopt a nationally-recognized standardized assessment of skills;

40 21. automatically grant college credits to a student in their specific
41 apprenticeship discipline;

42 22. specify the expectations for teaching professional/soft-skills in
43 any youth apprenticeship program;

44 23. add BOCES to entities eligible to take part in a local partner-
45 ship;

46 24. ensure students of all socioeconomic backgrounds are able to
47 participate in the local youth apprenticeship program by providing fund-
48 ing for transportation, equipment, or any other materials;

49 25. allow for participation in programs beginning in a student's ninth
50 grade year; and

51 26. specify employer obligations for hiring students upon successful
52 completion of a youth apprenticeship program.

53 § 2. The department of education and the department of labor shall
54 promulgate any rules and regulations necessary for the implementation of
55 the learning for work program by the two thousand twenty-five--two thou-
56 sand twenty-six school year.

1 § 3. This act shall take effect immediately.

2 § 4. Severability clause. If any clause, sentence, paragraph, subdivi-
3 sion, section or part of this act shall be adjudged by any court of
4 competent jurisdiction to be invalid, such judgment shall not affect,
5 impair, or invalidate the remainder thereof, but shall be confined in
6 its operation to the clause, sentence, paragraph, subdivision, section
7 or part thereof directly involved in the controversy in which such judg-
8 ment shall have been rendered. It is hereby declared to be the intent of
9 the legislature that this act would have been enacted even if such
10 invalid provisions had not been included herein.

11 § 5. This act shall take effect immediately; provided, however, that
12 the applicable effective dates of Parts A through G of this act shall be
13 as specifically set forth in the last section of such Parts.