



March 18, 2024

Brent Parton  
Principal Deputy Assistant Secretary for Employment and Training, Labor  
U.S. Department of Labor  
Employment and Training Administration  
200 Constitution Avenue NW  
Washington, D.C. 20210

***In re: National Apprenticeship System Enhancements; Notice of Proposed Rulemaking; Docket No. ETA-2023-0004; RIN 1205-AC13***

Dear Deputy Assistant Secretary Parton,

On behalf of Advance CTE, the nation's longest-standing not-for-profit that represents State Directors and leaders responsible for secondary, postsecondary and adult Career Technical Education (CTE) across all 50 states and U.S. territories, and the Association for Career and Technical Education (ACTE), the nation's largest not-for-profit association committed to the advancement of education that prepares youth and adults for career success, we are writing in response to the U.S. Department of Labor's (USDOL) Notice of Proposed Rulemaking (NPRM), entitled "National Apprenticeship System Enhancements." Our organizations have had a longstanding interest in the national apprenticeship system and have worked for many years to help identify and elevate best practices and promising approaches for thoughtfully connecting CTE and apprenticeship programs. We, therefore, commend the wider objectives laid out within this rulemaking, which aims to improve apprenticeship program quality, broaden access to and diversity within apprenticeship programs, improve alignment with education systems, and modernize apprenticeships to better meet the needs of existing and emerging occupational sectors within our shared economy.

These are goals that our organizations share and hope to realize as federal apprenticeship policy continues to evolve. However, while the wider vision for the NPRM is an important step toward these goals, we write to share several areas of significant concern, as outlined throughout this comment, regarding the proposed rule's structure, content, and broader feasibility for implementation. From the perspective of our members, one of the most significant challenges of the current apprenticeship system is the significant administrative burden required for employers to sponsor registered apprenticeships, and for other various stakeholders to participate. We have also consistently heard that there is no "one-size-fits-all" approach to high-quality apprenticeships and that significant flexibility is needed to improve and expand the current system. This is especially important to realize one of the core goals of the NPRM— encouraging stronger alignment with and connections to state CTE systems. In both of these areas, unfortunately, the NPRM seems to be moving in the opposite direction, imposing significant new, specific requirements on the entire system, which could further discourage the participation of employers and education providers.

Overall, our most significant concerns relate to the newly proposed "CTE Apprenticeships (CTEAs). At this time we do not recommend that the Department move forward with CTEAs as part of a final rule. If the Department decides to move forward with a proposal separate from registered

apprenticeship programs, as currently envisioned in this NPRM, we believe major revisions and much more extensive engagement with the CTE community is needed. Our comments primarily focus on the CTEA component of the NPRM given the profound ways in which the Department envisions connecting to and leveraging state and local CTE programs and related systems, along with our organizations' deep expertise in what it takes to design and implement high-quality school-based, CTE programs of study. As such, the comments that follow focus on this component of the rulemaking unless otherwise specified.

### **Clarifying System's Purpose and Program's Design Goals**

CTE and Registered Apprenticeship Programs (RAPs) share many important characteristics. Yet, significantly, CTE and RAPs are distinct in critical ways that are not reflected in the NPRM or the broader premises on which it is based. This is because CTE programs and apprenticeships were conceived and designed for complementary but ultimately separate purposes. Fundamentally, apprenticeships are jobs. Apprenticeship programs immediately place an apprentice into paid employment on the first day of a program as an apprentice gradually grows the skills and knowledge they need for longer-term career success. Because apprenticeship programs have such a strong focus on occupationally specific training and employment, these models require immense and ongoing cooperation with employers who largely bear the primary financial costs of a program. On the other hand, CTE programs are designed so that learners, starting within K-12 systems and as early as the middle grades, can begin to broadly explore the world of work, cultivate career interests, and gradually advance through a sequence of courses that, over time and across the secondary and postsecondary learner levels, become more occupationally specific.

As structured, the NPRM does not reflect an understanding of how CTE programs are currently delivered, including in terms of classroom-based instruction and the role work-based learning has within these programs. This is particularly true for CTE programs at the secondary level which differ considerably from those offered at the postsecondary level. As proposed, CTEAs seek to leverage existing CTE programs and related state system infrastructure in ways that are incompatible with the nature of an apprenticeship program. This is because apprenticeship programs are occupationally specific while CTE programs are intended to prepare learners for a broader array of career opportunities. We recognize that the CTEAs attempt to address this through the use of Industry Skills Frameworks (ISFs) but the way in which these concepts are proposed to be connected— via a rigid regulatory framework that largely applies expectations more appropriate for and aligned with RAPs onto CTE programs— is unlikely to work and significantly diminishes the value proposition for prospective employers to engage as explored in more detail throughout these comments.

A significant reason for this is because of the NPRM's wider lack of state and local flexibility for program implementation. State and local flexibility for determining program content, structure, partnerships, and broader approaches for implementation is a hallmark of what makes CTE programs so successful today. Such flexibility allows CTE stakeholders to establish goals and define programmatic characteristics of CTE programs that will necessarily look different as they are calibrated to reflect the needs of secondary, postsecondary, and adult learners, as well as the broader state and local contexts for their education systems. Fundamentally, CTE is a form of education that is anchored in the context of careers. While CTE offers and, in some cases, requires opportunities to engage in work-based learning experiences and other aspects required of RAPs, these similarities do not neatly or completely overlap. As structured, the NPRM fails to recognize these important distinctions and, consequently, proposes an inflexible programmatic structure that is not feasible in most state and local contexts.

### **Proposal Risks Deepening Systems Misalignment and Overlooks Diversity of CTE Delivery**

As noted, the wider vision and state objectives of this NPRM are commendable. However, there remain fundamental issues within its design and broader proposed approach that are likely to make implementation unworkable in most state and local contexts. This is reflected in the Department’s estimates regarding CTEA implementation within the first year of a final rule, which estimates roughly one percent of current CTE programs would pursue this programmatic framework and that only a single state would be able to obtain SAA recognition status to implement CTEAs.<sup>1</sup>

While the proposed rule seeks to more closely align CTE systems and apprenticeship programs—a goal our organizations strongly support—the NPRM is likely to exacerbate alignment issues rather than solve them. For instance, rather than leveraging CTE’s historic and more traditional role within the apprenticeship space as a provider of related technical instruction, the NPRM envisions CTE stakeholders serving multiple and oftentimes overlapping functions, including as the primary sponsors for these programs, and does not address changes or issues that could make it easier for CTE program providers to partner in the existing registered apprenticeship system. For instance, the additional qualification requirements for related instruction providers, along with broader regulatory requirements found throughout, will make it far more challenging to leverage current CTE infrastructure in the ways envisioned by this NPRM. This further underscores the critical need for funding to be attached to this proposal given that these functions go far beyond the existing capacity of many state and local CTE entities with existing resources.

Research that Advance CTE conducted in partnership with the U.S. Department of Education in recent years highlighted a wide range of instructional and programmatic alignment strategies employed by states and local communities to align secondary CTE and RAPs.<sup>2</sup> These efforts ranged considerably in approach and configuration regarding the degree of instructional alignment and program articulation. As noted in the report, “States have many strategies and levers at their disposal to connect secondary CTE students with apprenticeship, including establishing a state framework to connect historically disconnected systems, creating a supportive policy environment, and removing barriers to participation.”<sup>3</sup> At the time, this ED-funded research noted effective program design must include buy-in from all relevant stakeholders within CTE and apprenticeship; that employers must be a primary catalyst of alignment efforts; and that there is no one-size-fits all approach for designing effective program partnerships. Taken together, the CTEA component of the NPRM remains incongruent with these key findings of ED’s own research.

Instead of proposing a one-size-fits all approach to connecting CTE and apprenticeship, the Department must recognize that there are many approaches to ensuring alignment, including youth- (YA) and pre-apprenticeship (PA) models. In particular, these existing apprenticeship models are explicitly intended to prepare individuals for entry into a RAP. Because CTEAs make use of completely different underlying standards, derived from forthcoming ISFs, this proposed model risks creating significantly more distance between CTE and RAPs rather than connecting these systems and programs more tightly together. If implemented as structured, employers and other stakeholders conceivably would be required to navigate three sets of program standards—for

---

<sup>1</sup> See “Regulatory Analysis and Review,” Exhibits 8 and 9.

<sup>2</sup>

[https://cte.ed.gov/reports/Opportunities for Connecting Secondary CTE Students and Apprenticeship Programs.pdf](https://cte.ed.gov/reports/Opportunities_for_Connecting_Secondary_CTE_Students_and_Apprenticeship_Programs.pdf)

<sup>3</sup> Ibid.

apprenticeship, CTE, and the ISF, in addition to standards that may exist for other models like YA and PA.

The NPRM also fails to build upon efforts that are already working. For example, it largely avoids formalizing expectations and related definitions for existing efforts to achieve greater alignment across the education and apprenticeship programs, like youth- and pre-apprenticeships. While the NPRM makes modest efforts to put forward a more consistent definition for pre-apprenticeship, comparable efforts for YA programs are notably absent. There has been a clear need for such federal definitional efforts for quite some time.<sup>4</sup> At the same time, this rulemaking proposes a new, far more rigid programmatic structure that does not account for the wide range and diversity with which CTE is currently delivered in state and local contexts as described further in this comment. CTE has flourished in the last few decades and undergone dramatic transformations during this period due in large part to flexibility which is lacking throughout the NPRM as discussed earlier.

Critically, the proposed rulemaking argues that “[The CTEA] model, in conjunction with an existing infrastructure that supports the capacity and expertise to administer and provide quality CTE curricula and program offerings, could help to close a widening divide . . .” Leveraging existing state and local CTE infrastructure is a commendable objective and one that we broadly support. However, the NPRM instead proposes to create a new, additional layer of infrastructure to support the implementation of CTEAs rather than thoughtfully making use of state and local CTE systems and related programs as they currently exist and are used. For instance, the proposed rulemaking seeks to add new requirements, like the development and subsequent use of ISFs to define program content, new related instruction qualifications, and other inflexible requirements that remain at odds with how most states and local areas implement CTE programs.

Put more plainly, the central notion of CTEAs is to connect CTE programs and apprenticeship models by leveraging existing CTE systems and program infrastructure. Yet, as proposed, this NPRM largely ignores the underlying aspects and characteristics that make these systems and programs successful. Instead, it proposes the creation of a new, overly rigid model that states, and local stakeholders, would have to adopt if they chose to implement CTEAs. The creation of this parallel system, rather than leveraging existing CTE infrastructure, will create confusion in the field and drive misalignment between systems of education and workforce development rather than connecting them more closely together.

### **Value Proposition Lacking for Employers**

As noted previously, apprenticeships by their design require immense cooperation and engagement with employers of all shapes, sizes, and structures. Employers provide the worksite, pay apprentice wages, and fulfill other critical functions for RAPs and other apprenticeship models. Without an employer, an apprenticeship does not exist. Indeed, this fact was noted in previous research examining several local examples of efforts to connect secondary CTE and RAPs which found that primary, “. . . impetus for program formation came from employers and/or labor associations with a need to bolster their pipeline of workers and the initiative, commitment, and resources to create and maintain programs.”<sup>5</sup>

As will be discussed in more detail throughout this comment, our organizations are concerned that the CTEA component of this proposal in particular lacks a coherent value proposition for employers

---

<sup>4</sup> <https://www.newamerica.org/education-policy/edcentral/youth-apprenticeship-needs-a-federal-definition/>

<sup>5</sup> Ibid.

to engage. Focusing on broad, industry-wide skills development experiences for in-school youth populations in high school and postsecondary settings, is not likely to provide sufficient near-term or long-term value for participating employers to justify financing 900 hours of on-the-job training along with significant additional regulatory requirements. While a lack of actual funding tied to this rulemaking remains a broad concern and challenge for the NPRM's future success, the occupational specificity required by RAPs is one of the few compelling reasons for employers to currently engage with this model.

Further, the NPRM notes that the ISFs that CTEAs would be premised on would be "... inclusive of all the requisite skills and competencies that an industry would both recognize and find valuable for employment in a number of occupations that are predominantly found within a single industry or across an industry sector." This inherently means that small- and medium-sized employers are likely to be deprioritized and, potentially, completely excluded from the national apprenticeship system moving forward due to their size and limited scope relative to and within a wider industry.

Equally as important, should an employer or other sponsoring entity choose to engage in RAPs, CTEAs, and CTE programs in the future, they would essentially be required to navigate three wholly separate systems creating significant new burdens and related disincentives for engagement. The state and local CTE leaders and practitioners we represent have long worked with employers to meaningfully collaborate in many ways to provide high-quality CTE programs. As structured, the proposed CTEA framework makes it difficult to convey a compelling reason for employers to engage given many of the other associated requirements DOL is currently proposing in this rulemaking. While not specific to the CTEA component, the requirement that employer program sponsors disclose sensitive financial information to the Department is a clear example of this issue, found throughout the NPRM, which will further dissuade employers from engaging with education and workforce development systems.

Finally, we have concerns that the use of the terminology "CTE" within this rulemaking will ultimately lead to further confusion in the field and may have the unintended consequence of making employers less likely or willing to otherwise engage with existing CTE systems and programs due to perceptions about the potential for new regulatory obligations being created by this NPRM.

### **Fundamental Revisions and Additional Engagement Needed to Make CTEAs Viable**

Our organizations do not believe that the Department should move forward with this NPRM in its current form, especially with regards to the CTEA component, which we believe should be removed from any final rule promulgated by the Department in the future based on the proposed design and requirements. If the Department does move forward with CTEAs as part of this rulemaking effort, we believe a much more extensive and thoughtful engagement with the CTE community is warranted beforehand. The NPRM highlights numerous ways in which other critical stakeholders in the apprenticeship space were engaged and the ways in which these entities subsequently provided feedback to the Department in the lead-up to the publication of this NPRM. Indeed, the NPRM acknowledges this lack of engagement with CTE stating that "After working and consulting with registered apprenticeship stakeholders, workforce development analysts and experts, and Federal partners at ED, the Department is proposing a new and emergent type of registered apprenticeship—registered CTE apprenticeship . . ."

As the Department notes, CTE stakeholders, including our organizations and the CTE leaders and practitioners we represent, were never meaningfully or specifically engaged in this same way despite the significant implications this has for the CTE community. We believe this lack of specific

outreach to the CTE community is a key reason why the CTEA component of this rulemaking especially appears to be unworkable as currently structured. The Department's response to requests to extend the NPRM comment period further highlights this lack of direct engagement with the CTE community. This response further highlights the limited opportunity our members had to provide feedback, earlier in this rulemaking process, as the Department considered a proposal with such significant implications for systems it does not oversee or directly administer.<sup>6</sup> We would welcome the opportunity to engage with your Department in the future to determine workable policy solutions that more effectively connect to and align with state and local CTE systems in ways that can benefit learners and apprentices alike.

Despite these significant reservations with the NPRM as currently structured, we provide the following feedback, recommendations, and suggested improvements for this wider proposal should the Department choose to move forward with this proposed programmatic framework:

- **§ 29.24(c)(4)—Clarify the Purpose of CTEAs:** The NPRM envisions CTEAs serving multiple and often overlapping purposes. It both references CTEAs as an alternative to the RAP system, but also as a tool for preparing learners for further postsecondary education, entry into a RAP, direct employment, or some combination of these post-program outcomes. It should be clarified whether CTEAs are truly designed to be a new type of apprenticeship appealing to different audiences and employers, or if they are merely another type of pathway program. In the first case, concerns related to employer incentives and specific job skills are even more critical to address. If the latter is the preferred purpose, these objectives are all already areas of focus for current CTE programs. It therefore remains unclear what purpose CTEAs serve beyond what existing CTE programs already provide. At the same time, youth- and pre-apprenticeship programs have, traditionally, been used as a strategy to place learners into RAPs in an accelerated fashion and with additional benefits such as advanced standing after program completion, and expanding on these existing structures is likely to be more successful.

Despite this overarching lack of clarity regarding their purpose, CTEAs must further align to “industry skills frameworks” (ISFs) which are broad-based and not occupationally specific. This appears at odds with other aspects of the NPRM indicating that a key motivation for CTEA is entry into a RAP. This means that participation in a CTEA is not likely to provide a seamless transition to a RAP given these programs make use of occupationally specific standards as part of their development. This proposed alignment structure also means that the ability of a learner to receive advanced standing within a RAP remains questionable—another reason why we believe it would be more advantageous to focus on building on existing approaches, like youth- and pre-apprenticeship, and better aligning CTE with these programs, rather than proposing this wholly separate structure. Further, and as mentioned elsewhere in this comment, the requirement that CTEAs be wholly aligned to ISFs—program content standards that would be defined by DOL—is at odds with how CTE programs are currently implemented by states and local communities.

While this misalignment is likely intentional to some degree given the proposed structure of CTEAs and the wide range of subsequent outcomes for learners it envisions, it underscores a broader issue concerning this newly proposed program model. Specifically, it remains unclear to our organizations and members what challenges CTEAs are intended to address that are not already accounted for by existing CTE programs, youth- or pre-apprenticeship

---

<sup>6</sup> <https://www.regulations.gov/document/ETA-2023-0004-0082>

models, or RAPs. If the purpose is to create a stronger pipeline of learners into apprenticeships, the CTEA should be eliminated or fundamentally revised to reflect a clearer set of objectives that are not duplicative of these existing efforts.

- **§ 29.24(a)—Required State Approval and Autonomy Over Perkins:** If a CTEA program framework is carried forward in a final rule, we strongly recommend that the proposed requirement that a registration agency and the State CTE agency, as currently defined, must enter into a formal written agreement before a CTEA can be offered in the state be retained. This is a critical recognition that CTEAs should be provided at the discretion of each State. Further, this requirement recognizes that there must be buy-in regarding this concept on the front end, given the significant implications for CTE systems and related programs state CTE agencies administer and oversee. Finally, proposed language clarifying that these proposed and any future apprenticeship regulations do not alter existing authority and oversight responsibilities for Perkins V must also be retained given existing statutory requirements contained in this legislation.<sup>7</sup>
- **§ 29.27—State Apprenticeship Plan Requirement:** The NPRM makes clear that the Department is seeking to promote greater consistency in the implementation of RAPs by making significant changes to the process for recognizing State Apprenticeship Agencies (SAAs). Among these changes is a new requirement that states seeking SAA recognition must submit four-year apprenticeship plans that, to the extent applicable, align to the Carl D. Perkins Career and Technical Education Act (Perkins V) if a State voluntarily elects to implement CTEAs. We support the requirement that a state’s CTEA component of its apprenticeship plan must align with existing federal plan activities authorized by Perkins V, including and especially a State’s wider vision for CTE. However, Perkins V provides states with the resources necessary to engage relevant stakeholders and undertake a planning process to develop a formal state Perkins V plan. As previously noted, the NPRM provides no new financial support or resources for states to comply with this requirement.

Given this disincentive on the front end, we are concerned that this requirement, in addition to several other newly introduced conditions that must be met for SAA recognition, may significantly reduce the number of states interested in and able to acquire SAA recognition. Provisions in the rulemaking greatly diminishing the role state apprenticeship councils would have in the national apprenticeship system moving forward further underscore this issue and are likely to be most disruptive in states that do not currently use OA to implement RAPs.

With fewer states having SAA recognition, the administration and oversight of RAPs and CTEAs will increasingly be centralized within the Office of Apprenticeship (OA). Yet, OA remains far removed from the day-to-day activities of the state and local CTE systems that this NPRM is seeking greater alignment with. This has the potential to further silo federally administered apprenticeship activities from CTE systems. We therefore call on the Department to consider the totality of requirements needed to gain SAA recognition and greatly streamline these provisions to ensure adequate state flexibility and autonomy.

- **§ 29.7—Occupational Suitability Determinations:** A main objective of the NPRM is to increase the use of RAPs for new and “nontraditional” occupational fields that currently do not use or underuse RAPs. Determining the suitability of an occupation to provide a RAP has

---

<sup>7</sup> 20 USC § 2398.

long been a determination made between multiple federal, state, and local stakeholders. Yet, similar to the state apprenticeship plan requirement noted earlier in this comment, the NPRM proposes to centralize this decisionmaking authority to USDOL's Office of Apprenticeship (OA) while also proposing additional new and far-reaching criteria to base this determination upon. We are also concerned that the NPRM makes use of vague language regarding a requirement that occupations "lead to a sustainable career" which remains undefined in the proposal. We assume the Department would have the authority to establish wage standards as part of this process which we believe is an inappropriate metric given the significant variability in wages among and across states, regions, and local communities.

If RAPs are to be expanded into new and emerging sectors of the shared economy, we recommend providing additional flexibility for SAAs to make this determination and significantly streamline this aspect of the NPRM. As structured, the process outlined for making this determination will likely take substantial time and administrative resources—making the national apprenticeship system less nimble and responsive to the needs of employers and the wider economy.

- **§ 29.24(c)(6)—Graduated Wage Requirements for CTEA OJT:** As proposed, CTEAs would be required to incorporate 900 hours of on-the-job training (OJT). This is less than half of the 2,000 hours of OJT required by RAPs. Yet, both OJT requirements for these models require progressively increasing wages over the course of a program. This model for graduated wages makes sense for some RAPs given the apprentice is gradually more productive for employers during the course of a program. The nature of CTEAs, on the other hand, appears to be much broader and is intended to afford opportunities to explore career options and cultivate skills and knowledge relevant to entire industries rather than a single career. Given these important differences, as well as the overall proposed length of CTEAs, similar wage requirements are likely to serve as yet another disincentive for employers to engage with this model. We recommend that paid OJT be retained in a final rule for CTEAs but that the requirement for progressively increasing wages be eliminated if this program model is to move forward in some form.
- **§ 29.24(c)(5)(i) & 29.8(a)(4)(i)— Competency and Hybrid Apprenticeship Approaches:** A significant reform and improvement made in the 2008 apprenticeship rulemaking was the introduction of competency-based and hybrid-based approaches to apprenticeship. These models provide an important way for individuals to accelerate time to completion within a program beyond more rigid time-based approaches that have traditionally been used to deliver RAPs and other forms of training. We oppose the elimination of competency-based approaches to apprenticeship and call on the Department to reinstate both competency and hybrid approaches within a final rule. The NPRM does not provide a compelling justification for this dramatic change, especially when many RAPs currently make use of these models. Indeed, the NPRM acknowledges this and extensively factors in a lengthy period of transition for these existing programs to come into compliance with a more rigid time-based approach.

In addition, the NPRM makes note of the importance of using valid and reliable strategies for assessing competency attainment during a program, including using new end-point assessments for RAPs. This further contradicts the need for rigid time-based requirements given that the use of assessments implicitly acknowledges and rewards the demonstration of competency. We therefore support the inclusion of language in § 29.24(c)(14), which



outlines general requirements for recognizing and assessing a learner's prior learning or wider occupational proficiency as a way to preserve these existing approaches to apprenticeship. We believe that such language should be mirrored in the standards for RAPs as a means to improve this aspect of the NPRM.

- **§ 29.12—Qualifications for Providers of Related Instruction:** The NPRM proposes significant new qualification requirements for providers of Related Instruction (RI), which impact both RAPs and CTEAs. These new prerequisites for RI providers go far beyond current requirements and outline a set of qualifications that we believe the incumbent CTE instructional workforce would find challenging to meet. Rather than improving program quality, these broad-based qualifications required of RI providers are likely to serve as a significant barrier to developing program opportunities at a scale necessary to meet current needs. In addition, new end-point assessment requirements already serve as a quality control mechanism to measure apprentice learning and competency. New qualification standards at the front end, in addition to these back-end assessment requirements, are therefore redundant.

Specifically in the context of CTEAs, new RI qualification requirements will serve as a significant barrier to implementation given the wider CTE field already faces significant shortages of qualified instructional staff. Many states make use of alternative routes to certification which are not adequately accounted for in this proposal. For example, many CTE programs engage with mid-career and post-career professionals to bring their expertise to bear within classrooms. These individuals are often certified to teach CTE through state-defined certification routes. Further complicating matters, some states allow local districts to set their own instructional hiring requirements which are also not accounted for in this regulatory proposal.

In light of this, the requirement that pedagogical training must first be completed before instruction can be provided will serve as yet another barrier to entry and limit program adoption. We, therefore, recommend the elimination of qualification requirements for RI providers and instead believe these will best be determined by program sponsors via the registration process.

- **§ 29.24(b)—Industry Skills Frameworks:** We remain uncertain regarding the value of an apprenticeship program model that is not occupationally specific as described elsewhere in this comment. The primary value of apprenticeship programs is the direct connection to employment and we remain concerned that employers will not be receptive to broad-based skills instruction that aims to be relevant across entire industries in exchange for significantly new and burdensome regulatory requirements. This approach to skills instruction, anchored in the context of a career, is a core function of CTE programs currently without such regulatory burden. The proposal is therefore duplicative of CTE programs, and it remains unclear for what other purpose CTEAs would serve.

The Department estimates and envisions creating 16 ISFs broadly aligned with the National Career Clusters<sup>(R)</sup> Framework—an organizational tool that Advance CTE has overseen and administered for several decades. The Career Cluster framework is an important tool that assists state and local CTE leaders in conceptualizing and implementing CTE programs. This framework also serves as a foundation to engage with the employer community to develop program standards and related curricula. However, the Career Clusters framework is not intended to serve as actual program standards and instructional curriculum needed to

implement a CTEA. Importantly, Advance CTE and partners are currently in the process of comprehensively revising and updating the Career Clusters framework, which will no longer be supported by aligned end-of-program knowledge and skills statements or standards.

All states make use of this framework and, given its inherent flexibility, states often contextualize how Career Clusters are implemented and are used within their states and communities as a means to develop and implement CTE programs that align with the unique needs of their economies. This degree of flexibility to facilitate state and local implementation is lacking in the current proposal, which envisions OA leading a process to develop one-size-fits-all ISFs that could subsequently be required for adoption as part of CTEA implementation. The use of ISFs introduces a new layer for program implementation that is likely to create more confusion in the field and create new barriers that will inhibit program adoption.

The wider proposed process for developing ISFs also appears to be cumbersome and time-consuming. To wit, the Department estimates that only eight ISFs would be created in the first year of a final rule. We remain skeptical that given the lengthy process needed to engage stakeholders and gather wider input, this estimation would be met. The level of engagement needed from the employer community to sufficiently inform the development of ISFs is also likely to be significant and may create challenges regarding what voices are or are not heard as part of the development process. As noted elsewhere, a federally led process to develop national program standards for CTEAs is not likely to meaningfully reflect perspectives from small and medium-sized employers that are critical to the development of underlying standards that meet the needs of industry given they are not likely to be applicable across an entire industry.

With these limitations and challenges in mind, we call for the ISF requirement to be eliminated entirely from a final rule. Instead, we recommend that state-approved CTE program standards be used to serve the functions currently envisioned for ISFs in this NPRM. This would allow states and local entities to crosswalk existing CTE programs of study and related RAP standards and develop policy solutions that ensure greater alignment between education and apprenticeships, as well as between the secondary and postsecondary learner levels. Such crosswalks would also enable entry and/or advanced standing from CTEAs into RAPs, as appropriate. This change would resolve a significant number of fundamental challenges identified elsewhere throughout this comment.

- **§ 29.24(c)(2)—CTEA Related Instruction**: As structured, the NPRM proposes a requirement of 540 hours of related instruction (RI) and that this component of a CTEA be aligned with an “approved CTE program” as determined by the state CTE agency. However, the NPRM also refers to “Perkins-funded CTE programs” throughout other sections of the proposal creating confusion as these are distinct concepts. Given the efforts within the NPRM to clarify that these regulations do not impact the ongoing administration and implementation of Perkins V, which we wholly support and call to be retained, we recommend that the verbiage “state-approved CTE program of study” be used in the context of CTEA RI alignment.

Broadly, we believe that this change will better account for how states currently implement CTE, including programs that span and connect across secondary and postsecondary levels. Moreover, we believe that this change will clarify an important aspect of the CTEA

proposal—specifically whether non-CTE coursework, including academic courses, will count towards the RI requirement. High-quality CTE programs necessarily incorporate rigorous academic coursework in addition to CTE. We believe it is critical that the Department clarify this by aligning to the CTE program of study language noted above.

In addition, we believe the 540-hour RI requirement is far too high overall. For example, a typical school year is roughly 180 calendar days. To fulfill this requirement, a learner would need to have six CTE contact hours each school day in a given year—a threshold that is exceedingly out of step with how any secondary CTE program is currently structured. We estimate that this requirement would take a learner between 3-6 years to complete based on current CTE delivery models. We strongly recommend that the RI requirement for a CTEA, like any other standards used to underlie a program, be a state-level determination based on how CTE program offerings are organized and delivered in the state. One way this needed revision could be operationalized is by providing a suggested range for RI, rather than a specific hour requirement—one that is more aligned with existing state CTE systems and current practice. Such a range could be developed through future engagement with the CTE community and states, which we have noted elsewhere was lacking in the lead-up to the publication of this rulemaking.

Importantly, this suggested change would allow for greater state flexibility in implementation and would more effectively recognize the value of competency attainment rather than rigid seat time requirements—a key objective that is already outlined in the NPRM (§ 29.24(c)(2)(iii)). An allowable range for the RI component of a CTEA would also better account for the wide diversity of occupational fields that can be apprenticeable. Moreover, this modification would more effectively address potential equity concerns related to the proposed RI requirements within the NPRM given not all learners who may be interested in a CTEA will have access to a CTE program, as defined currently in this rulemaking, at their home school or institution.

While we agree with the broader premise of ensuring CTEA participants have the opportunity to earn at least 12 postsecondary credits as part of a program's RI, we have received numerous and broad-based concerns from both of our memberships regarding the feasibility of implementing this requirement. For instance, changes made by accrediting entities have increasingly required higher levels of teacher certification and education to provide dual credit opportunities. These requirements would also effectively prevent many existing secondary CTE programs from being viable options for CTEA implementation. This would eliminate program access for a major learner population the NPRM purportedly wants to prioritize.

The NPRM also does not adequately take into account how credit hours are translated between learner levels, nor does it reflect the wider diversity of occupational fields that may not have readily available postsecondary credit opportunities. This requirement will, as a consequence, further limit the ability to implement CTEAs and the occupational sectors where these opportunities could otherwise be provided.

To address these issues, we suggest lowering this 12-hour requirement and making this an allowable, rather than a mandatory, component of CTEA RI. Further, we recommend broadening this aspect of the NPRM to include opportunities for learners to earn interim credentials where possible or appropriate given postsecondary credit opportunities are not applicable or feasible in all occupational contexts. Greater flexibility on this issue could also

improve the broader value of completing a CTEA given that the culminating credential (examined elsewhere in this comment) of CTEAs remains another key drawback of the current proposal.

Finally, we recommend clarifying whether learners would need to qualify for articulated credit or actually receive postsecondary credit to fulfill this requirement. We believe it is critically important that a final rule explicitly allows for a range of strategies to fulfill this requirement such as articulated credit, credit for prior learning, prior learning assessment, or dual and concurrent enrollment opportunities. Such a change would give states and communities more flexibility, allow for better articulation with non-credit coursework and more readily align with how postsecondary CTE programs are currently structured. This would also allow such a model to more effectively leverage existing postsecondary CTE infrastructure—a stated aim of the NPRM— given that many of these programs are offered by institutions as part of noncredit offerings.

- **§ 29.24(d)(2)(A) / 29.24(d)(2)(G)— Recruitment Areas and Sources:** Both of our organizations are deeply committed to ensuring equitable access to and success in all forms of education and training, including apprenticeships. The nature of CTEAs necessarily requires leveraging existing CTE programs and related infrastructure to make this proposal successful. Yet, the NPRM makes use of an undefined term, “recruitment areas,” and requires prospective sponsors to provide detailed information regarding the geographic areas from which prospective learners and apprentices are recruited as well as wider methods for that recruitment.

As the Department is aware, CTE programs are housed within many educational entities including but not limited to comprehensive high schools, area technical centers, community and technical colleges, and much more. By their very nature, these entities have pre-defined boundaries, limitations, and restrictions for the student populations they are able to serve. These requirements are sometimes enshrined in state or local law or regulation and can even overlap making the wider feasibility of these requirements of enormous concern.

As written, the NPRM does not adequately account for this. Instead, it leaves key terminology like “recruitment areas” undefined and left up to subsequent interpretation by registration agencies. As discussed elsewhere, key components of this NPRM are likely to centralize these functions to OA. This change means that this interpretation will have wide-ranging implications for future implementation and be decided by a federal agency that will have little ability to understand or appreciate state and local CTE implementation practices as currently structured. We call on the Department to eliminate this requirement if a CTEA model is to move forward in some form.

- **§ 29.24(c)(13)—Supportive Services:** Supportive and wraparound services are of critical importance to ensuring learner and apprentice success. We strongly believe that future apprenticeship policy should make clear that supportive services are an integral part of any future implementation effort. Yet, this is dependent on the availability of resources—a key limitation of this entire rulemaking. We also remain concerned regarding the level of detail required by the NPRM to exhaustively report supportive services that may be available through a CTEA. Instead, we suggest a lighter touch requirement that simply obliges the supportive service available through participating entities to be outlined during the initial program registration process as noted in several comments from states.

- **§ 29.24(f)—Certificate of Completion:** As examined throughout this comment, the lack of occupational specificity remains an ongoing challenge for nearly every aspect of the proposed CTEA framework. Given this issue, we question whether the culminating credential for a CTEA—a “Certificate of Completion of Registered CTE Apprenticeship”—will hold any real value in the labor market. Instead, we suggest that greater emphasis be placed on the attainment of interim credentials throughout a CTEA and that these be validated or otherwise formally recognized by participating employers. Further, we believe that the Department should go much further in providing substantial value for the attainment of a certificate of completion, such as preferential status for certain public sector hiring, related investments, or further education and training opportunities that receive federal funding.
- **§ 29.24(g)-- Reporting Requirements for CTE Stakeholders:** Given the unfunded nature of this proposal, our organizations are concerned about the significant reporting requirements envisioned for CTEAs. This is especially true regarding requirements that changes within a program be reported by a sponsor to a Registration Agency within 30 calendar days. Further, requirements that SAAs report data and information quarterly appear equally burdensome. Instead, we recommend that state-level reporting requirements be changed to an annual cadence to align with how reporting is already done under Perkins V and twice annually for local-level reporting.

Relatedly, we encourage the Department to consider additional ways to further align reporting and accountability requirements between this proposal and Perkins V to reduce administrative burdens on States and localities. To the greatest extent possible, we believe it’s important that reporting obligations be fulfilled by wage record data rather than post-program surveys which too often provide unreliable information about learner outcomes. We also believe that State Longitudinal Data Systems should be prioritized as the primary option for fulfilling reporting requirements, rather than using OA’s RAPIDS. These ideas are examined in more detail within the Data Champions Collaborative’s comments which we encourage you to consider.

### **Legislative Solution(s) Are Needed**

The publication of this NPRM underscores a fundamental challenge with regard to how apprenticeship policy has been established in the United States—it is predicated on a relatively short piece of federal legislation that has not been updated since before World War II. As a result, apprenticeship policy has been advanced almost exclusively via federal regulation rather than legislation. Because of this, a complex system of regulations and related compliance requirements for registered apprenticeship programs has been constructed over the last century. More importantly, this approach lacks a long-term or systemic approach to funding apprenticeship experiences. This exacerbates issues during implementation and efforts to connect apprenticeship to other education and workforce development systems, like CTE as outlined in this comment. Given the regulatory nature of this effort, the expansion of these requirements—along with the associated increase in administrative burden these new rules will inevitably create—is inherently unfunded through a regulatory proposal.

We strongly believe that comprehensive legislation updating and modernizing the National Apprenticeship Act (NAA) is the most effective and appropriate way of advancing many of the laudable goals contained in this rulemaking. The passage of new NAA legislation would provide for an opportunity to codify certain elements of apprenticeship regulation, establish more thoughtful on-ramps and points of connection with existing systems, such as CTE, and significantly streamline

what has become an overly bureaucratic system that is too focused on compliance rather than on program quality or scale.

As is apparent throughout the NPRM, many of the elements contained in this proposal would create significant new requirements and mandates for state and local CTE stakeholders. It is therefore critical that DOL and its partners work with Congress to enact new NAA legislation rather than greatly expanding upon a rigid and already significant regulatory framework through which RAPs are currently authorized. Doing so will create the conditions necessary, along with the financial resources, to implement the NPRM's vision for apprenticeship more effectively and holistically. Without new federal resources for apprenticeship programs and related efforts, our organizations remain significantly concerned that much of what is being proposed through this rulemaking will be unsuccessful at best and counterproductive at worst.

---

We appreciate your time and consideration of our comments and recommendations. Should you have any questions or would like to discuss the issues raised in this letter further, please do not hesitate to contact Advance CTE's Policy Advisor, Steve Voytek ([svoytek@careertech.org](mailto:svoytek@careertech.org)) or ACTE's Chief Policy, Research, and Content Officer, Alisha Hyslop ([ahyslop@acteonline.org](mailto:ahyslop@acteonline.org)).

Sincerely,



Kate Kreamer  
Executive Director  
Advance CTE



LeAnn Curry  
Executive Director  
ACTE