MISSISSIPPI LEGISLATURE

REGULAR SESSION 2020

By: Representatives McCarty, Owen, Kinkade, Paden

To: Education

HOUSE BILL NO. 1336

AN ACT TO ESTABLISH THE "MISSISSIPPI LEARN TO EARN ACT"; TO PROVIDE FOR LEGISLATIVE FINDINGS; TO DEFINE TERMS; TO REQUIRE THE STATE BOARD OF EDUCATION, IN CONJUNCTION WITH THE DEPARTMENT OF EMPLOYMENT SECURITY, THE STATE WORKFORCE INVESTMENT BOARD AND THE MISSISSIPPI COMMUNITY COLLEGE BOARD, TO IDENTIFY HIGH SCHOOL-TO-WORK APPRENTICESHIPS AND OTHER STUDENT INTERNSHIP PROGRAMS THAT MAY BE ELIGIBLE FOR EXEMPTIONS FROM FEDERAL AND STATE LABOR LAWS AND REGULATIONS FOR WHICH EXEMPTIONS ARE AVAILABLE FOR STUDENT APPRENTICESHIP PROGRAMS, AND ESTABLISH PROCEDURES BY WHICH SUCH EXEMPTIONS MAY BE OBTAINED BY SUCH PROGRAMS; TO AUTHORIZE THE STATE BOARD OF EDUCATION TO SUBSTITUTE INDUSTRY CERTIFICATION AND STATE LICENSURE EXAMINATIONS FOR ANY OTHER STATE ASSESSMENTS FOR THE PURPOSE OF AWARDING ELECTIVE CREDIT FOR CAREER AND TECHNICAL EDUCATION COURSES; TO ALLOW STUDENT WHO EARNS CREDIT UPON COMPLETION OF A REGISTERED APPRENTICESHIP PROGRAM TO USE SUCH CREDIT TO SATISFY HIGH SCHOOL GRADUATION REQUIREMENTS; TO REQUIRE STATE BOARD OF EDUCATION TO DEVELOP GUIDELINES FOR THE ESTABLISHMENT OF HIGH SCHOOL-TO-WORK APPRENTICESHIPS BETWEEN PUBLIC HIGH SCHOOLS AND LOCAL BUSINESSES; TO REQUIRE THE STATE BOARD OF EDUCATION TO AUTHORIZE LOCAL SCHOOL BOARDS TO DEVELOP AN EXTENDED LEARNING OPPORTUNITY TO INCLUDE ALTERNATIVE EDUCATIONAL OPPORTUNITIES AVAILABLE TO STUDENTS IN GRADE 7 THROUGH GRADE 12 AND TO ADOPT A POLICY TO INCLUDE ALTERNATIVE EDUCATIONAL OPPORTUNITIES FOR COURSE CREDIT THAT RECOGNIZES LEARNING OPPORTUNITIES OUTSIDE OF THE TRADITIONAL CLASSROOM; TO PROVIDE FOR A TWO-TIERED APPLICATION PROCESS FOR THE IMPLEMENTATION OF ALTERNATIVE LEARNING COURSES, PROGRAM OR OPPORTUNITIES AND APPRENTICESHIPS IN LOCAL SCHOOLS DISTRICTS; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO PROVIDE AN ANNUAL REPORT ON DISTRICTS PROVIDING ALTERNATIVE COURSES, PROGRAMS AND OPPORTUNITIES OR APPRENTICESHIPS; TO REQUIRE STATE LICENSING AUTHORITIES TO GRANT A LICENSE TO ANY STUDENT APPLICANT WHO PARTICIPATES IN AN ALTERNATIVE LEARNING COURSE, PROGRAM OR OPPORTUNITY OR APPRENTICESHIP PROGRAM AND SATISFIES THE LICENSING
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act shall be known, and may be cited as the "Mississippi Learn to Earn Act."

SECTION 2. (1) The Legislature finds and declares that:

(a) Students are involved in many programs outside of the traditional classroom and that these programs have educational value;

(b) Many entities including, but not limited to, nonprofits, after-school programs, businesses and trade associations may have an interest in offering programs outside of the traditional classroom that are attractive to students and contain educational value;

(c) Learning opportunities that are designed to address the interests and aptitudes of each student have the potential to allow every student to discover, develop and apply their talents to realize their full potential;

(d) There exist policies that multiply educational opportunities outside of the traditional classroom in other states, in the form of apprenticeships, pre-apprenticeships and internships; and

(e) Providing credit for alternative educational opportunities and apprenticeships will enrich the learning environment of students and develop well rounded individuals ready for a life of learning, productive work and community involvement.
SECTION 3. As used in this act the following terms shall have the meaning ascribed in this section, unless context otherwise:

(a) "Alternative learning course" or "alternative course, program or opportunity" means a sequence of instruction over a period of time that meets reasonably equivalent requirements or competencies of a subject or subjects included in the career and technical education curriculum included in the College and Career Readiness Standards, which result in the granting of a credit leading to high school graduation.

(b) "Apprenticeship" means

(i) A program that meets the federal guidelines set out in 29 CFR Part 29, including Industry Programs; or

(ii) An apprenticeship program that already exists or created by a Mississippi statute, rule or licensing authority.

(c) "Board" means the State Board of Education.

(d) "Department" means the State Department of Education.

(e) "Licensing" means any required training, education, or fee to work in a specific profession.

(f) "Licensing authority" means an agency, examining board, credentialing board, or other office with the authority to impose occupational fees or licensing requirements on any profession.
(g) "Sponsoring organization" means any business, industry, whether public or private, nonprofit organization, for-profit organization or other appropriate entities that partner with a local school district or multiple districts to provide alternative learning courses through apprenticeships, internships or pre-apprenticeships, subject to guidelines prescribed by the State Board of Education.

SECTION 4. The State Board of Education, in conjunction with the Department of Employment Security, the State Workforce Investment Board and the Mississippi Community College Board, shall identify high school-to-work apprenticeships and other student internship programs that may be eligible for exemptions from those federal and state labor laws and regulations for which exemptions are available for student apprenticeship programs. The State Board of Education, the Department of Employment Security, the State Workforce Investment Board and the Mississippi Community College Board shall also establish procedures by which such exemptions may be obtained for high school-to-work apprenticeships and other student internship programs.

SECTION 5. (1) For the 2020-2021 school term, the State Board of Education shall promulgate a rule authorizing local school boards in their discretion, to develop an Extended Learning Opportunity to include alternative educational opportunities available to students in Grade 7 through Grade 12, which are
provided through apprenticeships, internships or pre-apprenticeships for elective course credit.

(2) Each local school board may adopt an Extended Learning Opportunities policy to include alternative educational opportunities for course credit that recognizes learning opportunities outside of the traditional classroom through apprenticeships, internships or pre-apprenticeships, and grants elective credit for those alternative learning opportunities. If adopted the policy shall:

(a) Provide for an application process for entities to submit proposals for alternative educational opportunities that will qualify for elective course credit;

(b) Define which entities are eligible to submit applications for alternative educational opportunities, which such entities shall include, but not be limited to:

(i) Nonprofit organizations;

(ii) Businesses with established locations in the state;

(iii) Trade associations;

(iv) Parents of students involved in programs that may otherwise qualify for alternative educational opportunities;

(v) Teachers involved in programs outside of the traditional classroom; and

(vi) School personnel involved in programs outside of the traditional classroom.
(c) Provide for the criteria used to evaluate the alternative educational opportunity;

(d) Describe any communication and collaboration needed with local school districts to implement alternative educational opportunities approved by the State Board of Education;

(e) Place requirements on the entity such as background checks for key personnel and minimum accountability standards; and

(f) Provide a process for student credit transfer.

(3) The local school board is authorized to approve or deny an application for an alternative educational opportunity. If an application is denied, the school board shall provide a detailed explanation of the reasons for its denial and recommendations to improve the application that will assist in obtaining a more favorable review by the school board. If an application is approved by the school board, the application shall be submitted to the State Board of Education for review as provided in Section 7 of this act, prior to the implementation of the program within the local school district.

(4) The State Department of Education shall have the authority to audit approved alternative educational programs at any time. If the audit results in findings that an approved program is not meeting the provisions of this act or the policy outlined in subsection (2) of this section, then the local school board may disqualify the program immediately.
SECTION 6. (1) (a) The department shall accept applications from local school districts for the implementation of alternative courses, programs and opportunities or apprenticeship programs no later than sixty (60) days from the passage of this act. The department shall require an application for each alternative course, program or opportunity or apprenticeship program approved by a local school board to be implemented in its school district.

(b) Upon receipt of an application by certified mail, email or hand delivery, the department shall have forty-five (45) days to approve or deny the application. Any denied application shall be returned to the submitting local school board and shall include a detailed explanation of the reasons for denial of the application, with stated benchmarks that must be met for a future application to be approved. Any application not approved or denied within forty-five (45) days of receipt by the department shall be automatically approved.

(2) The State Department of Education shall provide an annual report detailing the progress that has been made in each local education agency or school district in providing alternative courses, programs and opportunities or apprenticeships. The report shall be provided to the Chairmen of the Senate and House Education Committees no later than December 1 of each year. The report also shall be provided to the other members of the
SECTION 7. (1) Beginning with the effective date of this act, a licensing authority must grant a license to any student applicant who participates in an alternative learning course, program or opportunity or apprenticeship program, and who meets the following criteria:

(a) Completed an apprenticeship in the licensed occupation or profession;

(b) Attained a satisfactory industry certification score on the WorkKeys assessment, if such assessment is a required component of the alternative course or apprenticeship;

(c) Passed an examination, if one (1) is deemed to be necessary by the licensing authority; and

(d) Paid any fees deemed necessary by the licensing authority.

(2) Licensing authorities shall establish a passing score for their respective examinations which shall not exceed the passing score that is required under the standard licensing processes. If the relevant licensing authority or provision of law does not require an examination for the standard licensing process for an occupation, no examination may be required for applicants who complete an apprenticeship in that occupation.

(3) Licensing authorities shall establish a licensing fee, which shall not exceed the licensing fee that is required under
the standard licensing processes. If the relevant licensing
authority or state does not require a fee for the standard
licensing process for an occupation, no fee can be required for
applicants who complete an apprenticeship in that occupation.

(4) Except as otherwise required by federal law,
apprenticeships for an occupation shall not be required to exceed
the number of hours required by the relevant licensing authority
or statute for that occupation.

(5) Licensing authorities shall adopt necessary rules for
the implementation of this section.

SECTION 8. This act shall take effect and be in force from
and after its passage.