

116TH CONGRESS
1ST SESSION

S. 2899

To amend the Higher Education Act of 1965 to support apprenticeship programs.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 19, 2019

Mr. BENNET introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Higher Education Act of 1965 to support apprenticeship programs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Student Apprentice-
5 ship Act of 2019”.

6 **SEC. 2. APPRENTICESHIP PROGRAMS.**

7 Title VII of the Higher Education Act of 1965 (20
8 U.S.C. 1133 et seq.) is amended by adding at the end
9 the following:

1 **“PART F—APPRENTICESHIP PROGRAMS**

2 **“SEC. 791. GRANTS TO SUPPORT APPRENTICESHIP PRO-**
3 **GRAMS.**

4 “(a) DEFINITIONS.—In this section:

5 “(1) APPRENTICESHIP PROGRAM.—The term
6 ‘apprenticeship program’ means a program that is
7 registered under the Act of August 16, 1937 (com-
8 monly known as the ‘National Apprenticeship Act’;
9 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) on
10 November 7, 2019, and is in compliance with the
11 regulations promulgated to carry out such Act under
12 part 29 of title 29, Code of Federal Regulations, as
13 in effect on the date of introduction of this Act in
14 the Senate.

15 “(2) POSTSECONDARY APPRENTICESHIP PRO-
16 GRAM.—The term ‘postsecondary apprenticeship
17 program’ means an apprenticeship program that
18 meets the requirements of a recognized postsec-
19 ondary credential conferred by an institution of
20 higher education as established by the relevant State
21 agency in the State where the program is delivered.

22 “(3) RECOGNIZED POSTSECONDARY CREDEN-
23 TIAL.—The term ‘recognized postsecondary creden-
24 tial’ means a credential consisting of an industry-
25 recognized certificate, that is credit-bearing at the

1 institution of higher education from which it is con-
 2 ferred, or an associate or baccalaureate degree.

3 “(4) STUDENT APPRENTICE.—The term ‘stu-
 4 dent apprentice’ means an individual who is—

5 “(A) enrolled or accepted for enrollment at
 6 an institution of higher education for the pur-
 7 pose of obtaining a recognized postsecondary
 8 credential (which provides credit toward a post-
 9 secondary degree) offered by that institution
 10 and is a participant in a postsecondary appren-
 11 ticeship program; and

12 “(B) a worker at least 16 years of age, ex-
 13 cept where a higher minimum age standard is
 14 otherwise fixed by law, who is employed to learn
 15 an apprenticeable occupation, as described in
 16 section 29.4 of title 29, Code of Federal Regu-
 17 lations (as in effect on November 7, 2019),
 18 under standards of apprenticeship fulfilling the
 19 requirements of section 29.5 of title 29, Code of
 20 Federal Regulations (as in effect on November
 21 7, 2019).

22 “(5) WORKFORCE INTERMEDIARY.—The term
 23 ‘workforce intermediary’—

24 “(A) means an entity, which may be part
 25 of an industry or sector partnership, that dem-

1 onstrates expertise in building, connecting, sus-
2 taining, and measuring the performance of
3 partnerships in order for the entity to broker
4 services, resources, and supports for develop-
5 ment, delivery, expansion, or improvement of
6 postsecondary apprenticeship programs, and of
7 the organizations and systems that are designed
8 to serve covered student apprentices and em-
9 ployer partners, including—

10 “(i) connecting employers to appren-
11 ticeship opportunities;

12 “(ii) assisting in the design and imple-
13 mentation of postsecondary apprenticeship
14 programs, including curriculum develop-
15 ment and delivery for related instruction;

16 “(iii) supporting entities, and spon-
17 sors or program administrators, in meeting
18 the registration and reporting require-
19 ments;

20 “(iv) providing professional develop-
21 ment activities such as training to men-
22 tors;

23 “(v) connecting students or workers to
24 apprenticeship opportunities; and

1 “(vi) developing and providing person-
2 alized covered apprentice supports, includ-
3 ing supportive services and financial advis-
4 ing; and

5 “(B) includes a State workforce develop-
6 ment board or local workforce development
7 board, as established under title I of the Work-
8 force Innovation and Opportunity Act, or State
9 workforce agency.

10 “(b) GRANT PROGRAM.—

11 “(1) IN GENERAL.—The Secretary, in collabo-
12 ration with the Secretary of Labor, shall award
13 grants to eligible partnerships to enable the partner-
14 ships to develop and implement a postsecondary ap-
15 prenticeship program.

16 “(2) DURATION.—Grants awarded under this
17 section shall be 4 or 5 years in duration.

18 “(3) ELIGIBLE PARTNERSHIP.—

19 “(A) IN GENERAL.—In this section, the
20 term ‘eligible partnership’ means a partnership
21 that—

22 “(i) shall include—

23 “(I) an institution of higher edu-
24 cation or a consortium of such institu-
25 tions;

1 “(II) an individual employer or
2 consortium of employers; and

3 “(III) a workforce intermediary,
4 unless waived by the Secretary be-
5 cause the partnership demonstrates
6 that a high-quality program is in
7 place or it would be a hardship to in-
8 clude a workforce intermediary; and

9 “(ii) may include—

10 “(I) a State agency responsible
11 for the administration of career and
12 technical education in the State or for
13 the supervision of the administration
14 of career and technical education in
15 the State;

16 “(II) a labor organization;

17 “(III) an economic development
18 agency or organization, such as a
19 chamber of commerce, business alli-
20 ance, or industry association;

21 “(IV) a community-based organi-
22 zation;

23 “(V) a State educational agency;

24 or

25 “(VI) a local educational agency.

1 “(B) FISCAL AGENT.—The lead fiscal
2 agent of an eligible partnership shall be any of
3 the following:

4 “(i) An institution of higher edu-
5 cation.

6 “(ii) An industry association.

7 “(iii) A workforce intermediary that is
8 an entity that is described in section
9 501(c)(3) of the Internal Revenue Code of
10 1986 and exempt from taxation under sec-
11 tion 501(a) of such Code.

12 “(4) APPLICATION.—

13 “(A) IN GENERAL.—An eligible partner-
14 ship that desires to receive a grant under this
15 section shall submit an application to the Sec-
16 retary at such time, in such manner, and ac-
17 companied by such information as the Secretary
18 may require.

19 “(B) INCLUSIONS.—An application sub-
20 mitted under subparagraph (A) shall include—

21 “(i) a plan to recruit and retain a
22 high number or high percentage of partici-
23 pants who are from nontraditional appren-
24 ticeship populations, including women, mi-
25 norities, individuals with disabilities, vet-

1 erans, and individuals with barriers to em-
2 ployment, such as opportunity youth, low-
3 income youth and adults, young adults and
4 adults of color, and individuals who have
5 been impacted by the criminal justice sys-
6 tem;

7 “(ii) letters of support and a labor
8 market analysis that demonstrate that the
9 occupation for which the program prepares
10 participants—

11 “(I) is feasible and in demand;

12 “(II) is a high growth, high wage
13 occupation; and

14 “(III) is a response to in-demand
15 industry sectors or occupations as de-
16 termined by the State or local work-
17 force boards;

18 “(iii) a plan for reaching desired out-
19 comes, as described in paragraph (7);

20 “(iv) a plan for ensuring that the
21 partnership has the capacity to access data
22 to measure desired outcomes and the out-
23 comes described in clause (v); and

24 “(v) a plan for—

1 “(I) increasing associate or bac-
2 calaureate degree and credential at-
3 tainment;

4 “(II) how tuition and mandatory
5 fees expenses will be covered with the
6 goal of the program being tuition free
7 and debt free for students;

8 “(III) the employer of the part-
9 nership to cover not less than 25 per-
10 cent of the tuition and mandatory
11 fees;

12 “(IV) sustaining the program for
13 at least 20 months beyond the grant
14 period; and

15 “(V) including a provider of sup-
16 port or specialized services, such as fi-
17 nancial counseling.

18 “(C) DESCRIPTION OF INSTRUCTION.—In
19 addition to the information described in sub-
20 paragraph (B), an application submitted under
21 subparagraph (A) shall include a description of
22 the organized, related instruction the apprentice
23 will receive in technical subjects related to the
24 occupation for which the program prepares par-
25 ticipants, which—

1 “(i) shall include not less than 2000
2 hours of on the job learning and a rec-
3 ommended 144 hours for each year (with
4 an allowance for a student to spread it out
5 over 2 years) of related technical instruc-
6 tion unless an alternative requirement is
7 put forth by the employer and sponsor that
8 reflects industry standards and is accepted
9 by the Secretary;

10 “(ii) may be accomplished through
11 credit-bearing classroom instruction, occu-
12 pational or industry courses, instruction
13 provided through electronic media, or other
14 instruction approved by the registration
15 agency;

16 “(iii) shall be provided by one or more
17 qualified instructors who—

18 “(I)(aa) meet the career technical
19 education instructor requirements of
20 the applicable education agency of the
21 State of registration; or

22 “(bb) are subject matter experts,
23 defined for purposes of this subpara-
24 graph as individuals (including
25 journeyworkers) recognized within an

1 industry as having expertise in a spe-
2 cific occupation; and

3 “(II) have training in teaching
4 techniques and learning styles or will
5 obtain such training before an in-
6 structor begins providing the related
7 technical instruction; and

8 “(iv) shall, to the maximum extent
9 practicable, be aligned to a career pathway,
10 as defined in section 3 of the Workforce
11 Innovation and Opportunity Act.

12 “(5) SELECTION.—The Secretary shall, in se-
13 lecting eligible partnerships to receive grants under
14 this section—

15 “(A) consider the equitable geographic dis-
16 tribution of grants among rural and urban
17 areas; and

18 “(B) leverage significant State, local, insti-
19 tutional, or private resources, including in-kind
20 contributions, to support the activities assisted
21 under this section.

22 “(6) USE OF GRANT FUNDS.—

23 “(A) IN GENERAL.—An eligible partner-
24 ship that receives a grant under this section
25 shall use the grant funds to develop and imple-

1 ment a postsecondary apprenticeship program
2 in high-skill, high-wage, and in-demand indus-
3 try sectors or occupations.

4 “(B) PERMISSIBLE USE OF FUNDS.—An
5 eligible partnership that receives a grant under
6 this section to develop and implement a postsec-
7 ondary apprenticeship program may use the
8 grant funds for any of the following:

9 “(i) Program design and implementa-
10 tion costs, including—

11 “(I) development of curricula and
12 standards;

13 “(II) development of a com-
14 petency-based approach to awarding
15 credits; and

16 “(III) use of subject matter ex-
17 perts in instructional delivery or cur-
18 riculum design.

19 “(ii) Development of on-the-job learn-
20 ing, mentoring, and additional supervision
21 structures and professional development
22 for mentors and supervisors.

23 “(iii) Tuition for the related instruc-
24 tion of the apprenticeship.

1 “(iv) Development of articulation
2 agreements with institutions of higher edu-
3 cation that result in awarding an associ-
4 ate’s or higher degree.

5 “(v) Assessment of prior learning for
6 the purpose of awarding credit.

7 “(vi) Certifying examinations.

8 “(vii) Recruitment of student appren-
9 tices.

10 “(viii) Need-based supportive services,
11 including tutoring, transportation, child
12 care, and housing subsidies.

13 “(ix) Not more than 20 percent of
14 grant funds for the purchase of updated
15 equipment.

16 “(x) Not more than 10 percent of
17 grant funds for administrative functions,
18 such as program management and grant
19 reporting.

20 “(xi) Aligning data reporting for aca-
21 demic programs and apprenticeships.

22 “(C) PROHIBITED USE OF FUNDS.—An eli-
23 gible partnership that receives a grant under
24 this section may not use any of the grant funds
25 directly to pay wages to a student apprentice.

1 “(7) ASSESSMENT.—An eligible partnership
2 that receives a grant under this section shall monitor
3 and report on the following participant-level out-
4 comes:

5 “(A) With respect to interim outcomes—

6 “(i) the number of student appren-
7 tices in the program;

8 “(ii) the percentage of participants
9 who are from nontraditional apprenticeship
10 populations, including women, historically
11 underrepresented groups, individuals with
12 disabilities, veterans, and individuals with
13 barriers to employment;

14 “(iii) outcomes for the participants
15 described in clause (ii);

16 “(iv) the accumulation of postsec-
17 ondary credit;

18 “(v) the attainment of a recognized
19 postsecondary credential; and

20 “(vi) wage increases realized during
21 the course of the apprenticeship.

22 “(B) Completions—

23 “(i) that are on time, disaggregated
24 by credit, credential, or degree received;
25 and

1 “(ii) that are within 150 percent of
2 the expected time of completion,
3 disaggregated by credit, credential, or de-
4 gree received.

5 “(C) With respect to end-of-program out-
6 comes for both participants who complete the
7 program and participants who do not complete
8 the program each of the following:

9 “(i) The accumulation of postsec-
10 ondary credit toward a degree reported not
11 later than one year after the end of the
12 grant period.

13 “(ii) The share of enrolled students
14 who attain a postsecondary degree re-
15 ported not later than one year after the
16 end of the grant period.

17 “(iii) The share of enrolled students
18 who attain a recognized postsecondary cre-
19 dential reported not later than one year
20 after the end of the grant period.

21 “(iv) Subsequent enrollment in ad-
22 vanced education, disaggregated by level.

23 “(v) Whether the place of employment
24 for participants aligns with area of study
25 disaggregated by students who completed

1 the program and students who did not
2 complete the program reported not later
3 than one year after the end of the grant
4 period. Such data may be collected through
5 a survey.

6 “(vi) Unsubsidized employment rate
7 after the second quarter after exit from the
8 program.

9 “(vii) Unsubsidized employment rate
10 after the fourth quarter after exit from the
11 program.

12 “(viii) Median earnings after the sec-
13 ond and fourth quarters after exit from the
14 program.

15 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to carry out this section
17 such sums as may be necessary for fiscal year 2020 and
18 each of the 5 succeeding fiscal years.”.

19 **SEC. 3. FEDERAL WORK STUDY FUNDING.**

20 Section 442 of the Higher Education Act of 1965 (20
21 U.S.C. 1087–52) is amended by adding at the end the fol-
22 lowing:

23 “(f) FUNDING FOR STUDENT APPRENTICES.—

1 “(1) IN GENERAL.—Notwithstanding any other
2 provision of this part and subject to paragraph
3 (2)—

4 “(A) the apprenticeship program of a stu-
5 dent apprentice (as defined in section 791) shall
6 qualify as a work-study program that is eligible
7 for assistance under this part; and

8 “(B) funds appropriated to carry out this
9 part may be used by the Secretary to pay the
10 tuition of such student apprentices except that
11 Federal work study should not supplant the
12 wages of student apprentices.

13 “(2) EMPLOYER CONTRIBUTION.—An employer
14 of a student apprentice under an apprenticeship pro-
15 gram that qualifies as a work-study program that is
16 eligible for assistance under this part shall pay not
17 less than the non-Federal share equal to 25 percent
18 of the compensation of such student apprentice.”.

○