

**PRE-APPRENTICESHIP PROGRAM
MEMORANDUM OF AGREEMENT**

Between _____ (INDUSTRY PROVIDER)
and
_____ (SCHOOL DISTRICT)

TERMS OF AGREEMENT

PART I – GENERAL PROVISIONS OF AGREEMENT

A. SCOPE

Pre-apprenticeship programs shall be provided in accordance with the terms and conditions of this uniform Memorandum of Agreement (hereafter MOA), which supersedes all previous agreements, versions and addenda. This MOA applies to public school districts, including a charter school or charter school district, a state supported educational institution and a state-chartered school (*hereafter* district), high school students who attend public school districts, and Pre-apprenticeship providers (*hereafter* providers) in New Mexico. School districts and charter schools may complete MOAs with multiple providers. Refer to 3.33.3.8 NMAC for definitions.

B. PARTIES

This Memorandum of Agreement is entered into by and between _____ hereinafter known as the provider and _____ known as the district.

C. DEFINITION OF PRE-APPRENTICESHIP

"PRE-APPRENTICESHIP PROGRAM" means a local school board-approved course of instruction offered through a provider that results, upon satisfactory completion of the program, in a certificate of completion that is acceptable to an apprenticeship training program registered with the apprenticeship council.

D. AUTHORIZATION

Pre-apprenticeship programs are authorized by Laws 2009, Chapter 22-14-1 et seq. (SB 46).

E. PURPOSES

The primary purposes of the pre-apprenticeship program are to allow school districts to provide for industry-taught or –guided pre-apprenticeship programs for qualified high school students. The pre-apprenticeship program will allow for the local school board to approve providers and pre-apprenticeship programs, including courses of instruction and industry instructors that meet apprenticeship requirements of the state apprenticeship council or the apprenticeship requirements of an appropriate nationally recognized trade organization. Pre-apprenticeship programs shall meet department content and performance standards and shall be provided at no cost to students, with the exception of course-specific fees that may apply. The pre-apprenticeship program is designed so that pre-apprentices may earn elective credits toward high school graduation and meet requirements for apprenticeship-related supplemental instruction or post-secondary education course credits. The pre-apprenticeship program makes available licensure exemptions for the provider’s industry instructor(s). Pre-apprenticeship programs may be offered during the school day whenever possible, may be conducted at industry locations, including union halls or other industry training facilities; at existing school facilities, if available; or at any other location approved by the local school board.

F. ELIGIBILITY AND APPROVAL

The following general eligibility and approval requirements shall apply to all MOAs. The MOA specifies the means by which the state will provide equal opportunities to all qualified high school students who wish to participate in the pre-apprenticeship program.

PART 2 – SPECIFIC PROVISIONS OF MOA

The following provisions outline the specific responsibilities and duties that apply to the industry provider and district participating in the pre-apprenticeship program to ensure adequate participation by each party.

A. DUTIES AND RESPONSIBILITIES OF THE INDUSTRY PROVIDER

THE INDUSTRY PROVIDER SHALL:

1. Provide an Industry Provider Application Form that addresses the name of pre-apprenticeship course of instruction or program offered by provider; program start date; name of course to include the Student Teacher Accountability Reporting System (STARS) course code number, method of delivery, course alignment and if dual credit is offered; identification of tools needed for program; identification of supplies needed for program; identification of instructional materials needed for the program; describe evaluation process of program; describe method of grade reporting; describe method of attendance recording; how students are recruited; how students are accepted into program, retained and dismissed; circumstances under which the program may terminate; continuation plan for the pre-apprenticeship program that provides the student the opportunity to complete coursework that will bear the previously agreed upon semester credit;

2. Provide CTWEB/Pre-app: P-3 Industry Instructor's Application Form to include the name of pre-apprenticeship course of instruction for program; instructor's identifying information to include name, address, phone, gender, date of birth, approving industry entity, instructor resume and a completed character and fitness questionnaire to include the following:

- (a) have you ever been disciplined, reprimanded, suspended or discharged, from any employment because of allegations of misconduct?
- (b) have you ever resigned, entered into a settlement agreement, or otherwise left employment following an allegation of misconduct?
- (c) is any action now pending against you for alleged misconduct, including application discrepancies?
- (d) have you ever failed to fulfill the terms of a contract?
- (e) do you currently have any outstanding criminal charges, warrants of arrest, or conditions of probation pending against you in New Mexico or in any other state?
- (f) have you ever been fingerprinted as a result of any arrest or detention for any crime or violation of the law?
- (g) have you ever pled guilty to, or been convicted of, any crime or violation of law, including entering a plea of no contest or receiving a deferred or suspended sentence?
- (h) are you currently delinquent in payment of court-ordered child support?
- (i) have you ever had a court-ordered screening for alcohol or drug dependence?

3. Employ a method of qualifying the industry instructor that includes the following requirements:

- (a) background checks;
 - (i) Industry instructors shall be required to undergo a background check as provided for licensed school employees in Section 22-10A-5 NMSA 1978;
 - (ii) The school district or charter school may act on the information received from the background check and refuse to approve a person as an industry instructor; and
- (b) licensure;
 - (i) Licensure requirements shall not apply to industry instructors;
 - (ii) An expert verified by experience, license or certification may qualify as an industry instructor; and
 - (iii) A department licensed teacher may qualify as an industry instructor.
- (c) adhere to the district confidentiality guidelines.

4. Designate a representative to review and sign the completed application forms with the understanding that only forms endorsed by all parties on this MOA shall constitute a pre-apprenticeship program;

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

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

7. Provide information and orientation, in collaboration with the district, to the student and parent or guardian regarding the responsibilities of pre-apprenticeship including academic rigor, time commitments, and behavioral expectations associated with taking pre-apprenticeship courses and the importance of satisfactorily completing the pre-apprenticeship credits attempted in order for credit to be awarded;
8. Inform students of course requirement information which includes course content, grading policy, attendance requirements, course completion requirements, performance standards, and other related course information;
9. In the event of scheduling changes, the pre-apprenticeship provider may change course information.
10. Evaluate progress of pre-apprenticeship students on the issue of academic performance and provide reports, as needed, to the district;
11. Retain the official grade report of the pre-apprenticeship student that records the term of enrollment, courses/credits attempted, courses/credits completed, grades and grade point average earned;
12. Provide final grades to the district for each pre-apprenticeship student;
13. Deliver final grades for all pre-apprenticeship students to the district with sufficient time to be included with final grades; this schedule shall be defined by the parties in the MOA and shall address the time frame appropriate for determining student graduation from high school;
14. Issue to student a certificate of completion acceptable to an apprenticeship training program. The certificate shall identify:
 - (a) coursework showing industry standards and benchmarks completed;
 - (b) competency level of skills attained; and
 - (c) certifying signature from district and instructor verifying student level of completion.
15. Comply with data collection and reporting.

B. DUTIES AND RESPONSIBILITIES OF THE DISTRICT

THE DISTRICT SHALL:

1. Work collaboratively with approved provider to recruit students;
2. Make available its faculty for recruitment;
3. Ensure adequate information is available to students regarding participation in a pre-apprenticeship program;

4. Ensure the pre-apprenticeship course of instruction is identified in the Next Step Plan and shows that the student has committed or intends to commit necessary electives;
5. Not allow persons who have not been vetted through the background check process to have unsupervised contact with students.
6. Allow that upon successful completion of coursework designated as elective coursework, the student may be awarded elective credit toward high school graduation;
7. Allow that upon successful completion of coursework designated as core coursework, the student shall be awarded core credit toward high school graduation;
8. Employ a method of qualifying the student for pre-apprenticeship based on factors which may include academic performance review, use of next step plan, assessments, advisement and career guidance, and recommend enrollment in the pre-apprenticeship program with evidence that the student has the appropriate skills and maturity to benefit from the instruction requested;
9. Provide information and orientation to students about career opportunities within the apprenticeable occupation during student advisement and formulation of annual next step plans;
10. Provide that counselors or advisors to pre-apprenticeship students shall have working knowledge about pre-apprentice programs;
11. Identify the location for delivery of the pre-apprenticeship program;
12. Designate a representative to collaborate with the provider to reach agreement on student participation in the pre-apprenticeship program;
13. Approve student participation in the pre-apprenticeship program on a semester by semester basis;
14. Provide information and orientation, in collaboration with the pre-apprenticeship industry provider, to the student and student's family regarding the responsibilities of pre-apprenticeship enrollment including academic rigor, time commitments, and behavioral expectations associated with taking pre-apprenticeship courses and the importance of satisfactorily completing the credits attempted in order for pre-apprenticeship to be awarded;
15. Inform students of course requirement information which includes course content, grading policy, attendance requirements, course completion requirements, performance standards, and other related course information;
16. Make clear to students that if they fail or withdraw from pre-apprenticeship classes that they were intending to use for elective high school credit that they will have to make up those credits in order to graduate; the pre-apprenticeship course grade will appear on the student high school transcript; and

17. Record, unchanged, the grade given to the pre-apprenticeship student by the pre-apprenticeship provider on each student high school transcript.

18. Comply with data collection and reporting:

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

(b) Each district and pre-apprenticeship provider shall use the completed form to report pre-apprenticeship student data.

(c) Data and reporting will be tracked with STARS codes by assigning a numeric identifier to a pre-apprenticeship course.

(d) Each district and pre-apprenticeship provider shall devise procedures for reporting pre-apprenticeship data from the both the provider application and student application forms.

(e) Each pre-apprenticeship provider shall capture the public school student identification number retrieved from the completed form for each pre-apprenticeship high school student.

(f) The district shall modify student transcripts to include the student identification number.

PART 3 - TERM AND LIMITATIONS OF MOA

TERM

1. This Agreement will become affective with approving signatures by the parties herein. It shall terminate on _____. Upon termination, all obligations incurred under this Agreement shall terminate.

2. Program cessation. A provider wishing to cease its pre-apprenticeship program shall notify the local school board, the superintendent and the principals of the pre-apprentices' high school according to the agreed upon timeframe in the provider's application form.

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

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

THE FOREGOING being clearly understood and agreed to, the parties hereto have set their hands and seals.

(District Representative Signature)

Date

Print District Representative Name

Print District Representative Title

(Industry Provider Signature)

Date

Print Industry Provider Name

Print Industry Provider Title

PUBLIC HEARING 04/07/10