



# Recommendations from Jobs for the Future on Proposed Rule Changes to the National Apprenticeship System

Jobs for the Future (JFF) applauds the U.S. Department of Labor's (USDOL) commitment to bolstering quality and driving diversity, equity, inclusion, and accessibility within the National Apprenticeship System that is demonstrated within the ["National Apprenticeship System Enhancements" proposed rule 1205-AC13](#). The proposed changes reflect a deep investment of time and energy that illustrates the desire to be responsive to the diverse needs of stakeholders and to codify best practices already happening in the system. The establishment of stronger wage scale guidelines that ensure pay equity for apprentices, requirements for reciprocity across states for national programs, more uniform data processes across USDOL's Office of Apprenticeship and State Apprenticeship Agency (SAA) states, and the emphasis on design practices that center apprentices all serve to make apprenticeship a more equitable and accessible model. The proposed career and technical education (CTE) Registered Apprenticeship model also has the potential to create a more equitable and permeable model that brings together apprenticeship and postsecondary education.

JFF believes that to meet this intention of a modern apprenticeship system that addresses the needs of apprentices and employers alike, several of the proposed rule changes must be reconsidered. Unintended consequences of the extensive changes could threaten the innovations and progress made in the growth and modernization of apprenticeship over the last decade, particularly around quality, equity, and accessibility. What's more, the immense scope and complexity of the proposed changes has resulted in varied interpretations of the future vision for the National Apprenticeship System as well as the rules themselves, making it difficult to provide thoughtful public comment and inspire the field.

Drawing on JFF's extensive work and partnership with employers, sponsors, apprentices, intermediaries, training providers, education systems, and governments across the United States, this public comment provides recommendations for addressing JFF's specific concerns: the system's ability to withstand the amount, complexity, and opaqueness of the rule changes; decreased equity and accessibility for apprentices and employers; and the lack of definition and codification of pre-apprenticeship and youth apprenticeship.

## **The proposed rules are immense, complex, and lack clarity.**

The sheer volume of rule changes being proposed across more than 300 pages of text is challenging for the apprenticeship system to absorb. Furthermore, despite the enormity of the proposal, the overall vision for the future of the National Apprenticeship System is unclear. This makes it difficult to understand what the rules are building toward.

In addition, the complexity of the proposed rule changes makes it tough to provide thoughtful comments. While the changes are highly prescriptive in terms of *what* will change, the *how* of implementation remains largely up for interpretation, resulting in a fractured understanding of what is being proposed. This confusion is compounded by the fact that the changes raise many questions that are left unanswered and, in some places, even contradict themselves. For example:

- Proposed changes in Subpart C would establish reciprocity for national Registered Apprenticeship programs so that they could be more easily adopted within SAA states. While this would certainly be a tremendous benefit to the system, the process for how this happens is not clear. For this to be effective, all statute, licensing, and regulation requirements of any state must be met by all programs seeking reciprocity. This has been an issue in the past with national programs seeking registration in SAA states but not requiring the programs to meet the state requirements.
- In Subpart B, an employer's ability to sponsor a CTE Registered Apprenticeship is unclear and contradicted in certain places.

Finally, JFF is concerned about the ability and capacity for these rules to be effectively implemented. The USDOL will need to invest in the right partners and stakeholders to ensure that employers and apprentices are properly supported.

### **Recommendations**

- **Take an iterative and phased approach.** Rather than overwhelming the system by implementing the rules in their entirety at once, JFF recommends a more iterative approach

that prioritizes a small set of changes and scaffolds additional rules over time. This will create more opportunities for continuous improvement and collaboration with the field and will support greater adoption of apprenticeship. To do this, JFF recommends developing a clear vision for the ideal state of apprenticeship and how it should operate, complemented by a change management framework with a timeline and milestones. Then, stakeholders across the field can design paths forward within their organizations that align with the broader vision. The initial rules should be those easiest to adopt to build a foundation and supported by USDOL's training for apprenticeship staff across the field. An initial rule rollout may be to require SAA states that currently do not participate in the Registered Apprenticeship Partners Information Database System (RAPIDS) to upload data quarterly. The next change could include a landscape scan of apprenticeable occupations across the field and the development of national reciprocity standards. During this time, USDOL could use apprenticeship to increase its staff capacity to familiarize themselves with the implementation practices required to adopt this model across a complex and dynamic ecosystem.

- **Allow for additional time for public comment and hold listening sessions with stakeholders to provide additional clarity on USDOL's vision of apprenticeship.** If possible, JFF encourages USDOL to extend the public comment period so that stakeholders in the system have more time to process the volume of changes being proposed. To support a clearer understanding of the proposed rules and the new system they are building toward, JFF also encourages USDOL to host listening sessions or otherwise engage with stakeholders to answer questions and provide more clarity on the vision they have for apprenticeship. This will help ensure that stakeholders can effectively provide public comment and address concerns that this new system is not for them.

## **The proposed rules would impact employer participation, and in turn affect equity and access to potential apprentices.**

Employers in the field have expressed to JFF a concern that there is no place for them in the future of apprenticeship. They have shared that they find the existing apprenticeship system to be confusing and cumbersome already. Requiring such significant change all at once will further exacerbate these concerns and impact employer participation, shrinking the system and undermining the model's intended purpose: to grow and strengthen our nation's workforce.

These changes would create significant capacity constraints, make the apprenticeship *sell* to employers even harder, reduce the number of apprenticeship opportunities available, and limit the flexibility that has made it possible for so many more people to participate. JFF believes these specific rule changes may contribute to these undesired outcomes:

- **The elimination of competency-based models.** Rules in Subpart A recommend no longer accepting the popular competency-based model of Registered Apprenticeship and would require, rather than recommend, 144 hours of related technical instruction per 2,000 hours of on-the-job training. This proposed change does not fit the needs of many growing and nontraditional occupations in the Registered Apprenticeship system, including those in IT, agriculture, and climate. With this requirement in place, employers that do not need this level of training will likely choose not to leverage apprenticeship to meet their training needs. JFF has seen that workers and learners who face systemic barriers to participation, including young adults and individuals with disabilities, often benefit from shorter, self-paced training programs. Eliminating this flexibility will roll back a decade's worth of work to make the apprenticeship system more equitable and accessible. JFF has observed that through competency-based programs, apprentices can better manage the demands of work, school, and life; accelerate along a pathway more quickly; and spend the appropriate amount of time in training based on their existing skills and development or learning needs.
- **Increased reporting and data requirements.** The increased reporting requirements for employers and sponsors outlined in Subpart A and the data requirements outlined in Subpart B will create significant capacity constraints, disproportionately impacting small and micro employers. While the gathering of additional data to assess the quality and impact of programming can be beneficial, the proposed requirements do not fully address how to more effectively connect data systems, especially across SAA states and USDOL Office of Apprenticeship systems. JFF is especially concerned about what this means for the growth and access to apprenticeship in rural and Indigenous communities where small businesses make up most of the local employer base. This will impact USDOL's growing investments and efforts to make apprenticeship more equitable and accessible to these communities and limit access to these workers and learners. Additionally, in expanding data requirements, it is unclear who will be responsible for calculating the quality metrics described in Subpart C or what strides USDOL is making to define success beyond traditional metrics. Currently, success is often defined as reaching a high number of apprentices or completers, metrics that are challenging for smaller employers and rural and Indigenous programs to attain.

## Recommendations

- **Retain and scale the competency-based model.** Competency-based models support employer adoption and are a faster, more responsive method of workforce training. They focus more on the apprentice's ability to demonstrate competencies in an observable and measurable way and provide an employer with a way to determine whether the apprentice is gaining competency.
- **Invest and support data infrastructure that is accessible and more unified.** Rules regarding data infrastructure should include processes to collect data on pre-apprenticeship

and connections to state longitudinal data systems where possible. This allows barriers to be identified, supporting real-time decisions that would improve equity and access. USDOL should also prioritize gathering data that focuses on results and the experiences of apprentices during their training. Analyzing process and experience data will help USDOL better understand where gaps and barriers exist, why they exist, and how to address and mitigate them.

## **The proposed rules do not address the need for definitions and codifications of pre-apprenticeship and youth apprenticeship.**

As investments in the National Apprenticeship System continue to demonstrate an increased focus on pre-apprenticeship and youth apprenticeship, there is a clear need to better define and codify these models.

For pre-apprenticeship, states must currently recognize and approve programs themselves. Without a federal definition and process for approving pre-apprenticeships, there is a risk of creating yet another bifurcated system as quality and registration look different from state to state, and data on the effectiveness of the model is inconsistently gathered. This will also create challenges for investments operating across multiple states where different guidelines for pre-apprenticeship development and expansion will be required.

The proposed rules also do not address an ongoing challenge in the field: youth apprenticeship remains disjointed from the National Apprenticeship System. The lack of a clear definition for youth apprenticeship, especially given the tremendous growth in interest and in youth participation, hinders many of the national and state efforts to expand access to this training. As with pre-apprenticeship, many states are taking on this effort to codify youth apprenticeship and provide much needed clarity to stakeholders in the system, unfortunately introducing challenges of misalignment across borders.

Of utmost consideration is the ability for youth who are disconnected from school and work to access the promise of Registered Apprenticeship. JFF fundamentally believes in the importance of a system that serves all young people, regardless of their connections to secondary and postsecondary education.

### **Recommendation**

- **More intentionally and holistically define youth apprenticeship.** JFF believes that it is paramount that any rule changes more effectively include young people who are not working

or in school and other young adults not connected to secondary and postsecondary education. Rather than creating an entirely new system to serve only some young people, JFF strongly urges USDOL to better define and codify youth apprenticeship. This definition should be inclusive of all young adults and should outline how programs can bridge work and learning. Within these there can be efforts made to more intentionally integrate CTE systems and education partners.

## **There is a need to further clarify CTE Registered Apprenticeship and better connect this model to existing systems.**

The proposed rules for a new CTE Registered Apprenticeship system do not include how it would be connected to the career pathways approaches supported by the Workforce Innovation and Opportunity Act (WIOA) and the Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act (Perkins V), as well as initiatives such as the U.S. Department of Education's Unlocking Career Success framework. While the outcomes of CTE Registered Apprenticeship are expected to include employment, enrollment in a postsecondary educational program, or placement in a Registered Apprenticeship program under Subpart A, the rules do not put in place clear mechanisms to support these outcomes.

Additionally, there needs to be clearer definitions and distinctions between CTE Registered Apprenticeships and youth apprenticeships, with attention to clear on- and off-ramps from CTE Registered Apprenticeships into a variety of next step opportunities, including youth apprenticeship, Registered Apprenticeship, and two- or four-year degrees.

### **Recommendations**

- **Articulate the intended purpose and outcomes of CTE Registered Apprenticeship.** CTE Registered Apprenticeship is a promising opportunity to deliberately bridge academic and workforce programs and for apprentices to make progress toward postsecondary degrees and credentials. To fulfill this opportunity, JFF recommends first specifying the populations the model is intended to serve (such as youth, adults, secondary and postsecondary CTE students). USDOL should then consider how the model contributes to a fluid education and career experience by supporting multiple on- and off-ramps, including employment, postsecondary education, and other apprenticeship options.
- **More clearly identify and provide guidance on opportunities for systems alignment and integration, particularly across the National Apprenticeship System, WIOA, and Perkins V.** While there are some promising systems integration strategies included in the proposed rules, such as the offering of related technical instruction through CTE courses, the

proposed rules lack clarity on how the systems will all interact and integrate. For example, the development of industry skills frameworks—particularly the solicitation of industry feedback as part of the process—could be fully embedded and leverage existing processes for the development of CTE programs of study under Perkins V.

- **Require that both the state education agency and any state-level higher education system or office that oversees community and technical colleges participate in state-level coordination related to CTE Registered Apprenticeship.** Although including the state CTE agency is a promising direction, it is necessary to include both K-12 and higher education to drive full coordination and alignment across systems and to ensure that credits and credentials earned via CTE Registered Apprenticeship are stackable and transferable.
- **Embed opportunities to earn existing industry-recognized credentials instead of creating a certificate of completion for CTE Registered Apprenticeship.** The credential marketplace is crowded, and it is not clear that the proposed new credential would be valued by employers. CTE Registered Apprenticeship could instead embed industry-recognized and vetted credentials aligned with Perkins V requirements. Doing so would eliminate the burden of creating a new certificate; ensure apprentices earn credentials valued by employers; and further support systems alignment across apprenticeship and CTE.
- **Ensure that postsecondary credit requirements support rigor, quality, and improved postsecondary attainment.** JFF recommends further strengthening the requirement to have apprentices earn a minimum of 12 postsecondary credits by ensuring the credits are transferable at both high school and college levels. Additionally, USDOL should develop guidance to ensure that all dual enrollment is aligned to pathways and lead to degrees and credentials aligned to the industry focus of the apprenticeship. JFF recommends reviewing an approach to [strategic dual enrollment that leads to promising credentials](#) based on JFF's more than two decades of work in the space as well as a set of [resources](#) from the state of Illinois that show how dual enrollment and apprenticeship can be integrated and aligned within pathway programs of study. Last, JFF recommends that apprentices earn more than 12 postsecondary credits, which represent fewer than 25 percent of the credits needed to earn most associate's degrees. The number of credits should also not vary by industry, which risks making some programs more rigorous than others. While there should not be a ceiling on the number of postsecondary credits an apprentice can earn, the minimum number should remain consistent across industries.

# Conclusion

The journey towards a revitalized and inclusive National Apprenticeship System requires careful navigation and acknowledgment of the diverse landscape of apprenticeship stakeholders. Our collective efforts to modernize the system is critical for meeting the evolving needs of America's workforce and employers. We present these recommendations with deep appreciation of USDOL's intention to enhance the apprenticeship model in a way that ensures the system remains adaptable, equitable, and accessible to all, particularly for those underrepresented in apprenticeship.

By fostering a dialogue with all stakeholders, and prioritizing clarity and flexibility in the application of new rules, we can achieve a more responsive and dynamic apprenticeship ecosystem. Together, we can build a foundation for lifelong learning and career advancement that honors the diverse talents and aspirations of American workers and sets a global standard for apprenticeship excellence.

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## About Jobs for the Future

Jobs for the Future (JFF) drives transformation of the U.S. education and workforce systems to achieve equitable economic advancement for all. Visit [www.jff.org](http://www.jff.org) for more information.