

Report on Related Instruction
Meeting of the New York State Apprenticeship Council
September 30, 2009

With the elimination of funding for the Apprenticeship Related and Supplemental Instruction Program (ARSIP) this fiscal year, there have been several inquiries regarding the responsibilities of State Education Department (SED) and the Designated Local Educational Agencies (DLEAs) regarding related instruction for apprentices. Attorneys for both the SED and the State Department of Labor (DOL) have discussed the issue over the past several weeks.

Labor Law §812 states:

“Related and supplemental instruction for apprentices, coordination of instruction with job experience, and the selection of teachers and coordinators for such instruction shall be the responsibility of state and local boards responsible for career education.

As provided other statutes, the department of education shall be responsible for and provide related training as required by apprenticeship programs set up under this article.”

In 1986 the Legislature passed the Apprenticeship Related and Supplemental Instruction Program (ARSIP), which provided funding for related instruction at the rate of \$1 per contact hour. Since the administration of ARSIP was given to the State Education Department, the Board of Regents, in September 1986, promulgated CR 160 (attached) which called for a network of Designated Local Educational Agencies (DLEAs) that were responsible for overseeing related instruction in their county or counties of designation. The responsibilities include processing apprentices, reporting to the Commissioner of Labor on the availability of related instruction programs for apprentices, distribution of ARSIP aid to sponsors of apprenticeship programs, monitoring related instruction programs in its area of jurisdiction and annually reporting to the State Education Department the number of apprentices processed, the number of related instruction hours provided by the DLEA and other programs, and the total cost of the instruction.

DLEAs, which processed 150 or more apprentices, were allocated \$3 per apprentice to cover the administrative costs of providing the aforementioned services.

The Governor eliminated ARSIP in his FY 2010 budget and the Legislature failed to restore it, making CR160.5, CR 160.6 and CR 160.7 irrelevant. However, when Part 160 was adopted, Labor Law §812 was cited as part of the statutory authority for the regulations, **so those portions of the regulations that are not linked to the apportionment, such as sections 160.3 and 160.4 are, in the opinion of SED and DOL attorneys, in effect and remain binding.**

SED's Adult Education and Workforce Development (AEWD) Team will, therefore, continue to review and approve any Appendix B submitted by DOL for new trades and review revised Appendix Bs for existing trades. AEWD will also review curricula, qualifications of instructors and facilities of new related instruction providers.

A memo from Jean Stevens, Associate Commissioner of the Office of Curriculum and Instructional Development and the State Director of Adult, Career and Technical Education, has been drafted which advises the DLEAs to continue to receive and maintain a file of AT-401, Apprenticeship Documentation Forms, and to sign AT-401s for each apprentice who has completed the related instruction component of the apprenticeship. DLEAs will also continue to report of the availability of related instruction on the AT-8 form. DLEAs will not be responsible for the reporting requirements described in CR 160.7.

Finally, it has been brought to my attention that due the elimination of ARSIP funds the New York City Department of Education's Office of Adult and Continuing Education, which housed the DLEA, can no longer facilitate the use of New York City public school buildings to house classroom related instruction. I am willing to try to assist any sponsor, who is in this situation, to find housing for related instruction. I can be reached at torsini@mail.nysed.gov or (518) 474-8940.

Respectfully submitted,



Thomas A. Orsini

PART 160

RELATED AND SUPPLEMENTAL INSTRUCTION FOR APPRENTICES

(Statutory authority: Education Law, § 207; Labor Law, § 812; L. 1986, ch. 50, § 1, as amended by L. 1986, ch. 886, § 1)

Sec.	
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Historical Note

Part (§ 160.1) repealed, filed Sept. 25, 1978; new (§§ 160.1-160.7) filed: Sept. 8, 1986 as emergency measure, expired 60 days after filing; Sept. 30, 1986 as emergency measure; made permanent by order filed Nov. 25, 1986 eff. Nov. 26, 1986.

§ 160.1 Scope of Part.

The purpose of this Part is to establish standards and application and reporting requirements for agencies administering and providing related and supplemental instruction for apprentices pursuant to section 1 of chapter 50 of the Laws of 1986; pages 214-215 as amended by section 1 of chapter 886 of the Laws of 1986, pages 8-10 and section 812 of the Labor Law.

Historical Note

Sec. repealed, new filed May 20, 1968; repealed, filed Sept. 25, 1978; now filed: Sept. 8, 1986 as emergency measure, expired 60 days after filing; Sept. 30, 1986 as emergency measure; made permanent by order filed Nov. 25, 1986 eff. Nov. 26, 1986.

§ 160.2 Definitions.

As used in this Part and in section 1 of chapter 50 of the Laws of 1986, at pages 214-215 as amended by section 1 of chapter 886 of the Laws of 1986, pages 8-10:

(a) *Hour of instruction* means 60 minutes of participation in an approved related and supplemental instructional program for apprentices, including supervised correspondence courses or supervised home study activities.

(b) *Cost of the program* means the total value of funds and services from private, local, State and Federal sources used to support the related and supplemental instructional program for apprentices during the current year.

(c) *Current year* means the school year during which the apportionment is to be paid.

(d) *Base year* means the school year immediately preceding the current year.

(e) *Local education agencies* means school districts, boards of cooperative educational services and postsecondary institutions which are eligible for funding under the *New York State Plan for the Administration of Occupational Education under the Carl D. Perkins Vocational Education Act of 1984 for Fiscal Years 1986 through 1988* (The University of the State of New York, the State Education Department, Albany, NY 12234; available at the Office of Occupational and Continuing Education, Room 1624, One Commerce Plaza, Albany, NY 12234; filed with the Department of State on January 27, 1986, file number 00228).

(f) *Provider agency* means a school district, board of cooperative educational services, a postsecondary institution or a school licensed or registered pursuant to section 5001 or 5002 of the Education Law which provides related or supplemental instruction for apprentices.

(g) *Area served by a designated local education agency* means the county or counties for which such agency is designated pursuant to section 160.4 of this Part.

(h) *Processing apprentices* means reporting to the Commissioner of Labor on the status of all apprentices who participate in approved related and supplemental instructional programs offered by provider agencies and other organizations in a county.

Historical Note

Sec. filed: Sept. 8, 1986 as emergency measure, expired 60 days after filing; Sept. 30, 1986 as emergency measure; made permanent by order filed Nov. 25, 1986 eff. Nov. 26, 1986.

§ 160.3 Approval of related and supplemental instructional programs for apprentices.

All related and supplemental instructional programs for apprentices shall be approved by the commissioner. Related and supplemental instructional programs for apprentices which have not received approval prior to the effective date of this Part shall submit an application for such approval at least 60 days prior to the commencement of instruction. In order to obtain such approval, such programs shall meet the following requirements.

- (a) Related and supplemental instruction shall be appropriate for apprentices in the trade involved.
- (b) The instructional program shall have clearly stated instructional goals.
- (c) The instructional content shall be reasonably designed to achieve such instructional goals.
- (d) The curriculum shall be up-to-date and shall include current practices in the trade, provided that the curriculum may also include technological advances not currently in widespread use in the trade.

Historical Note

Sec. filed: Sept. 8, 1986 as emergency measure, expired 60 days after filing; Sept. 30, 1986 as emergency measure; made permanent by order filed Nov. 25, 1986 eff. Nov. 26, 1986.

§ 160.4 Designation of local education agencies.

The commissioner shall designate for each county of the State a local education agency which shall provide related and supplemental instruction for apprentices either directly or indirectly by contract with one or more other provider agencies. Each designated local education agency shall be responsible for processing apprentices in the county of designation and for reporting to the Commissioner of Labor on the availability of related and supplemental instructional programs for apprentices in such county. Each designated local education agency shall also be responsible for reviewing and monitoring all related and supplemental instructional programs for apprentices offered by provider agencies and other organizations in such county.

Historical Note

Sec. filed: Sept. 8, 1986 as emergency measure, expired 60 days after filing; Sept. 30, 1986 as emergency measure; made permanent by order filed Nov. 25, 1986 eff. Nov. 26, 1986.

§ 160.5 Computation of State aid.

- (a) For the purposes of computation of the apportionment, the total hours of instruction for a designated local education agency shall be the sum of the hours provided directly by such agency and the hours of instruction provided in approved programs within its area of service by provider agencies and other organizations.
- (b) The total number of hours of related and supplemental instruction for apprentices in approved apprenticeship training programs in the State shall be computed by adding the hours of instruction reported by all designated local education agencies in the State pursuant to section 160.7 of this Part.

Historical Note

Sec. filed: Sept. 8, 1986 as emergency measure, expired 60 days after filing; Sept. 30, 1986 as emergency measure; made permanent by order filed Nov. 25, 1986 eff. Nov. 26, 1986.

§ 160.6 Allowable uses of funds.

Designated local education agencies receiving an apportionment for services provided to apprentices shall use such funds for the costs of providing related and supplemental instruction, including salaries, benefits, administrative costs, equipment and materials and supplies. Priority shall be given to uses of funds which will increase the number of apprentices receiving related and supplemental instruction in the county.

Historical Note

Sec. filed: Sept. 8, 1986 as emergency measure, expired 60 days after filing; Sept. 30, 1986 as emergency measure; made permanent by order filed Nov. 25, 1986 eff. Nov. 26, 1986.

§ 160.7 Reporting requirements.

(a) By September first of the current year, each designated local education agency shall report to the commissioner the number of apprentices it processed during the base year, the total number of hours of related and supplemental instruction is provided directly to apprentices during the base year, the total number or hours of related and supplemental instruction which were provided to apprentices by provider agencies and other organizations in approved programs within its area of service during the base year, and the total cost of such instruction provided directly or by provider agencies and other organizations to apprentices during the base year.

(b) Beginning September 1, 1987, and each September first thereafter, the reports required by subdivisions (a) and (c) of this section shall also include a description of the actual uses made of the State funds appropriated for related and supplemental instruction for apprentices for the base year.

(c) Each designated local education agency shall also be responsible to submit such periodic reports of the results of its review and monitoring of approved related and supplemental instructional programs as the commissioner may require.

Historical Note

Sec. filed: Sept. 8, 1986 as emergency measure, expired 60 days after filing; Sept. 30, 1986 as emergency measure; made permanent by order filed Nov. 25, 1986 eff. Nov. 26, 1986.

PART 161**Historical Note**

Part (§§ 161.1-161.6) repealed, new (§ 161.1) filed July 23, 1986; repealed, filed June 25, 1986 as emergency measure; made permanent by order filed Aug. 1, 1986 eff. Aug. 25, 1986.

§ 161.1**Historical Note**

Sec. repealed, new filed July 23, 1986; repealed, filed June 25, 1986 as emergency measure; made permanent by order filed Aug. 1, 1986 eff. Aug. 25, 1986.

§ 161.2-161.6**Historical Note**

Secs. repealed, filed July 23, 1986.