

#### **IC 22-4.1-8**

##### **Chapter 8. Certified School to Career Programs and Grants**

#### **IC 22-4.1-8-1**

##### **"Certified program" defined**

Sec. 1. As used in this chapter, "certified program" means a school to career program approved by the department, in conjunction with the department of education, that is conducted under an agreement under this chapter and that:

- (1) integrates a secondary school curriculum with private sector job training;
- (2) places students in job internships; and
- (3) is designed to continue into postsecondary education and to result in teaching new skills, adding value to the wage earning potential of participants and increasing their long term employability in Indiana.

*As added by P.L.96-2004, SEC.25.*

#### **IC 22-4.1-8-2**

##### **"Approved postsecondary educational institution" defined**

Sec. 2. As used in this chapter, "approved postsecondary educational institution" has the meaning set forth in IC 21-12-1-6(b).

*As added by P.L.96-2004, SEC.25. Amended by P.L.2-2007, SEC.299.*

#### **IC 22-4.1-8-3**

##### **"Participant" defined**

Sec. 3. As used in this chapter, "participant" means an individual who:

- (1) is at least sixteen (16) years of age and less than twenty-four (24) years of age;
- (2) is enrolled in a public or private secondary school or postsecondary educational institution; and
- (3) participates in a certified program as part of the individual's secondary school or postsecondary educational institution education.

*As added by P.L.96-2004, SEC.25. Amended by P.L.2-2007, SEC.300.*

#### **IC 22-4.1-8-4**

##### **"Sponsor" defined**

Sec. 4. As used in this chapter, "sponsor" means an individual, a person, an association, a committee, an organization, or other entity operating a certified program and in whose name the certified program is registered or approved.

*As added by P.L.96-2004, SEC.25.*

#### **IC 22-4.1-8-5**

**Duties of department of workforce development; applications; fees; rules**

Sec. 5. (a) The department shall do the following:

- (1) Accept applications from entities interested in sponsoring certified programs on forms prescribed by the department.
- (2) Investigate each applicant to determine the suitability of the applicant to sponsor a certified program.
- (3) Impose an application fee in an amount sufficient to pay the costs incurred in processing the application and investigating the applicant.

(b) The department may adopt rules under IC 4-22-2 to administer this chapter.

*As added by P.L.96-2004, SEC.25.*

#### **IC 22-4.1-8-6**

##### **Duties of department of education**

Sec. 6. (a) The department of education shall review the secondary school curriculum component of each proposed certified program. The department may not approve a proposed certified program unless the department of education approves the applicant's proposed secondary school curriculum.

(b) Upon the request of the department, the department of education shall:

- (1) consult with the department before the adoption of rules under section 5 of this chapter; and
- (2) provide any other assistance to the department.

*As added by P.L.96-2004, SEC.25.*

#### **IC 22-4.1-8-7**

##### **Approval of programs**

Sec. 7. The department may not approve a certified program unless the following requirements are met:

- (1) The program must be conducted under a written plan embodying the terms and conditions of employment, job training, classroom instruction, and supervision of one (1) or more participants, subscribed to by a sponsor who has undertaken to carry out the certified program.
- (2) The program must comply with all state and federal laws pertaining to the workplace.
- (3) The certified program agreement must provide that the sponsor or an employer participating in the program in cooperation with the sponsor agrees to assign an employee to serve as a mentor for a participant. The mentor's occupation must be in the same career pathway as the career interests of the participant.
- (4) The program must comply with any other requirement adopted by rule by the department.

*As added by P.L.96-2004, SEC.25.*

#### **IC 22-4.1-8-8**

##### **Written agreement required; required terms**

Sec. 8. (a) A certified program must comply with the terms of a

written agreement among the sponsor, each participant, and each cooperating employer. Except as provided in sections 9 and 10 of this chapter, each agreement must contain the following:

- (1) The names and signatures of:
  - (A) the sponsor;
  - (B) the employer (if the employer is an entity other than the sponsor); and
  - (C) the participant and the participant's parent or guardian if the participant is a minor.
- (2) A description of the career field in which the participant is to be trained and the beginning date and duration of the training.
- (3) The employer's agreement to provide paid employment for the participant at a base wage that may not be less than the minimum wage prescribed by the federal Fair Labor Standards Act during the participant's junior and senior years in high school.
- (4) The employer's agreement to assign an employee to serve as a mentor for a participant. The mentor's occupation must be in the same career pathway as the career interests of the participant.
- (5) An agreement between the participant and employer concerning specified minimum academic standards that must be maintained throughout the participant's secondary education.
- (6) The participant's agreement to work for the employer for at least two (2) years following the completion of the participant's secondary education.

(b) An agreement described in subsection (a)(6) may be modified to defer the participant's employment with the employer until after the participant completes an appropriate amount of postsecondary education as agreed to by the participant and the employer.

*As added by P.L.96-2004, SEC.25.*

#### **IC 22-4.1-8-9**

##### **Modification of agreements**

Sec. 9. (a) If a participant's desired career pathway requires postsecondary education, an agreement required under section 8 of this chapter may be modified to include the following:

- (1) The employer's agreement to provide paid employment for the participant at a base wage that may not be less than the minimum wage prescribed by the federal Fair Labor Standards Act during the participant's postsecondary education.
  - (2) An agreement that, in addition to the base wage paid to the participant, the employer shall pay an additional sum to be held in trust to be applied toward the participant's postsecondary education.
  - (3) The participant's agreement to work for the employer for at least two (2) years following the completion of the participant's postsecondary education.
- (b) The additional amount described in subsection (a)(2) must not

be less than an amount determined by the department to be sufficient to provide payment of tuition expenses toward completion of not more than two (2) academic years at an approved postsecondary educational institution. The amount shall be held in trust for the benefit of the participant under rules adopted by the department. Payment into a fund approved under the federal Employee Retirement Income Security Act of 1974 for the benefit of the participant satisfies this requirement. The approved fund must be specified in the agreement.

*As added by P.L.96-2004, SEC.25. Amended by P.L.2-2007, SEC.301.*

#### **IC 22-4.1-8-10**

##### **Modification of agreements after completion of secondary education**

Sec. 10. (a) If a participant enters a certified program following the completion of the participant's secondary education, an agreement required under section 8 of this chapter must be modified to include the following:

(1) The employer's agreement to provide paid employment for the participant at a base wage that may not be less than the minimum wage prescribed by the federal Fair Labor Standards Act during the participant's postsecondary education.

(2) An agreement that, in addition to the base wage paid to the participant, the employer shall pay an additional sum to be applied toward the participant's postsecondary education. This amount may be paid directly to the participant's approved postsecondary educational institution on behalf of the participant.

(3) The participant's agreement to work for the employer for at least two (2) years following the completion of the participant's postsecondary education.

(b) The additional amount described in subsection (a)(2) must not be less than an amount determined by the department to be sufficient to provide payment of tuition expenses toward completion of not more than two (2) academic years at an approved postsecondary educational institution.

*As added by P.L.96-2004, SEC.25. Amended by P.L.2-2007, SEC.302.*

#### **IC 22-4.1-8-11**

##### **Repayment of money if participant does not complete program before postsecondary education**

Sec. 11. If a participant does not complete the certified program contemplated by the agreement before entering a postsecondary education program, the money being held in trust for the participant's postsecondary education must be paid back to the employer.

*As added by P.L.96-2004, SEC.25.*

#### **IC 22-4.1-8-12**

**Repayment of money after participant begins postsecondary education**

Sec. 12. If a participant does not complete the certified program contemplated by an agreement described in section 8, 9, or 10 of this chapter after entering a postsecondary education program, any unexpended funds being held in trust for the participant's postsecondary education must be paid back to the employer. In addition, the participant shall repay to the employer amounts paid from the trust that were expended on the participant's behalf for the participant's postsecondary education.

*As added by P.L.96-2004, SEC.25.*

**IC 22-4.1-8-13**

**Repayment of money if employment obligation not fulfilled**

Sec. 13. If a participant does not complete the two (2) year employment obligation required under an agreement described in section 8, 9, or 10 of this chapter, the participant shall repay to the employer the amount paid by the employer toward the participant's postsecondary education expenses under this chapter.

*As added by P.L.96-2004, SEC.25.*

**IC 22-4.1-8-14**

**Grants; adoption of rules**

Sec. 14. (a) The department may issue a grant from the state technology advancement and retention account established by IC 4-12-12-1 to an employer (as defined in IC 22-8-1.1-1) in an amount determined by the department.

(b) A grant issued under this section is subject to approval by the budget agency.

(c) The department shall adopt rules to implement this section.

*As added by P.L.96-2004, SEC.25.*