



July 25, 2022

Dear Apprenticeship Program Sponsors,

It has come to our attention that some apprenticeship programs are inadequately protecting the interests of their apprentices and failing to fulfill the legal responsibilities required of apprenticeship programs. In some cases, programs labeled as apprenticeships are more accurately categorized as postsecondary educational programs under the law, but do not have approval to operate as one.

Apprentice program sponsors out of compliance with state requirements will be subject to disciplinary action and may lose their approval to operate an apprentice program.

On behalf of the Division of Apprenticeship Standards, the Bureau of Private Postsecondary Education, and Board of Barbering and Cosmetology, we write to remind program sponsors of important laws governing the treatment and oversight of training programs offered to prepare participants for employment.

Division of Apprenticeship Standards

- At any establishment where an apprentice is employed, the apprentice is an employee who must be covered by workers' compensation insurance (Lab. Code, §§ 3351, 3700) and paid at least the applicable wage package stated in the approved apprenticeship program standards. (Cal. Code of Regs, tit. 8, § 208.) Apprentices are being trained under a learn-and-earn model and their participation should not entail significant costs, because any costs incurred by an apprentice for their training must be "reasonable." (Lab. Code, § 3091.) Training programs for which participants must pay unreasonable sums are not apprenticeships as defined in the law.
 - See: Labor Code sections 3091, 3351, and 3700; and California Code of Regulations, title 8, sections 208-210.)
 - **Programs failing to meet these requirements will be subject to deregistration by the Division of Apprenticeship Standards.** (Labor Code section 3073.1; California Code of Regulations, title 8, section 212.4.)

Bureau of Private Postsecondary Education

- Private postsecondary education programs, as defined by Education Code section 94837, offering "education, training, skills, or experience, or a combination of these" are approved and regulated by the Bureau of Private Postsecondary Education (Bureau). Apprenticeship programs, operating in compliance with applicable laws, do not require approval by the Bureau. For example, approval by the Bureau is not required for an institution, such as an

apprenticeship program, “that does not award degrees and that solely provides educational programs for total charges of two thousand five hundred dollars (\$2,500) or less when no part of the total charges is paid from state or federal student financial aid programs.” (Ed. Code, § 94874, subd. (f).) However, programs charging fees over this amount must obtain Bureau approval to operate as a private postsecondary educational institution.

- See: Education Code sections 94837, 94874, subdivision (f), and 94930-94945.
- **Education providers operating without Bureau for Private Postsecondary Education approval may be subject to fines of up to \$100,000.** (Education Code section 94944.)

Board of Barbering and Cosmetology

- All laws and regulations of the Board of Barbering and Cosmetology (Board) pertaining to the conduct of an apprentice training program must be followed. In addition to other Board requirements, an apprenticeship training program must ensure that an apprentice is directly supervised by the licensed approved trainer at all times, that an apprentice must be employed by a licensed establishment and must work a minimum of 32 hours a week, that the apprentice training records must be maintained by the trainer and available to any Board representative, and that the full curriculum must be taught to every apprentice.
 - See: California Code of Regulations, title 16, sections 916, 918, 919, 920, 921, 921.1 and 921.2.
 - **Establishment owners, licensed trainers, apprentices and program sponsors who violate the laws and regulations of the Board of Barbering and Cosmetology are subject to fines ranging from \$100 to \$1,000 and are subject to disciplinary action and possible withdrawal from participation in apprenticeship programs.** (California Code of Regulations, title 16, section 974; Business and Professions Code sections 7403 et seq.)

If you have any questions about the laws and requirements outlined above, please contact the appropriate agency:

Board of Barbering and Cosmetology: bbcapprentice@dca.ca.gov

Bureau for Private Postsecondary Education: bppe.licensing@dca.ca.gov

Division of Apprenticeship Standards: DAS@dir.ca.gov

Sincerely,



Kristy Underwood
Executive Officer
Board of Barbering
and Cosmetology



Deborah Cochrane
Bureau Chief
Bureau for Private
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Eric Rood
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Division of
Apprenticeship Standards