

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
State Board of Education**
(DLS Control No. 15-173)

Overview and Legal and Fiscal Impact

The regulations update the guidelines and requirements for career and technology education (CTE) programs at the secondary school level in order to conform to State and federal law and State policy.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

State Board of Education:

Specific Subjects: Secondary School Career and Technology Education:
COMAR 13A.04.02.01, .02, and .03

Legal Analysis

Background

The federal Carl D. Perkins Vocational and Technical Education Act (Perkins Act) was first enacted in 1984 with the purpose of increasing the number and quality of technical education programs in the United States. In 2006, Congress passed an updated version of the Perkins Act named the Carl D. Perkins Career and Technical Education Act. The new Perkins Act substitutes all references to “vocational education” with “career and technical education” to reflect an updated understanding of the type of education that needs to be addressed. The new Perkins Act also includes new requirements for “programs of study” that link academic and technical content across secondary and postsecondary education, and strengthens local accountability provisions that will ensure continuous program improvement. The Perkins Act, through the Perkins Basic State Grant, provides almost \$1.3 billion in federal funds for CTE programs in all 50 States. In fiscal 2015, Maryland received approximately \$14.9 million in Perkins funds – approximately 65% of which went to secondary schools and approximately 35% of which went to postsecondary schools.

In Maryland, CTE programs prepare both youth and adults for a wide range of careers. These careers require varying levels of education, from high school and postsecondary certificates, to apprenticeships or two- and four-year college degrees. According to the Maryland State Department of Education, students can add value to their overall education by

completing CTE programs of study that provide opportunities to earn industry recognized credentials and college credit while in high school.

The department contends that the current COMAR regulations that govern CTE programs are no longer current due to changes in both State and federal law as well as State policies. For example, the current regulations provide for the use of earmarked State funds that are no longer set aside. Additionally, the current regulations do not contain the requirements for CTE programs.

Summary of Regulations

The regulations update the guidelines and requirements for career and technical education programs. More specifically, the regulations:

- repeal the provisions pertaining to State funds that are earmarked for career and technical education programs;
- describe the education development standards that must be used when developing a CTE program;
- require each local school system and each community college that is eligible for Perkins funds to include a description of how the local school system or the community college will ensure that all students have equal access to CTE programs in their required annual local application to the department;
- recodify COMAR 13A.04.02.01B and .03 to COMAR 13A.04.02.05 and .06, respectively;
- require an eligible recipient requesting federal funds to provide certain information in their annual application to the department;
- state that the maintenance of fiscal effort reported in the annual financial report of expenditures represents the official maintenance of effort figure for the eligible recipient;
- authorize the department to withhold CTE payments if an eligible recipient does not submit certain reports;
- increase the threshold for when an equipment inventory and record keeping system must be kept, from equipment with an initial cost of \$1,000 to equipment with an initial cost of \$5,000;
- state the deadlines for interim reports, final reports, and other required reports; and
- specify when spending authority becomes effective.

Legal Issue

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The State Board of Education cites §§ 2-205(h), 21-201, 21-202, and 21-203 of the Education Article as statutory authority for the regulations. Section 2-205(h)(3) requires the State board to “require the establishment of criteria in each county for the selection of applicants for enrollment in public secondary school career and technology education programs.” Section 2-205(h)(3) also requires that the corresponding enrollment criteria ensure equal access to programs. Section 21-202(d) states that the State board is responsible for the administration of the Perkins Act. Section 21-203 specifically requires CTE programs to offer a certain sequence of occupational courses and to integrate academic knowledge and occupational competence.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulations have no impact on State or local governments. The regulations reflect current practice regarding CTE and CTE funding in the State; thus, there is no fiscal impact.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

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