

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	08/05/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 9/18/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

13A 04 02 01, .02, and .03

3. Name of Promulgating Authority

Maryland State Department of Education

4. Name of Regulations Coordinator

Charlene L Necessary

Telephone Number

410-767-0467

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200 W. Baltimore Street

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5. Name of Person to Call About this Document

Jeanne-Marie S. Holly

Telephone No.

410-767-0182

Email Address

jeanne-marie.holly@maryland.gov

6. Check applicable items:

- New Regulations

- Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: July 1, 2015.

- Repeal of Existing Regulations

- Recodification

- Incorporation by Reference of Documents Requiring DSD Approval

- Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes - No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

- OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Elizabeth M. Kameen, Assistant Attorney General, (telephone #410-576-6465) on August 4, 2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Lillian M. Lowery, Ed.D.

Title

State Superintendent of Schools

Date

August 4, 2015

Telephone No.

410-767-0467

Title 13A
A STATE BOARD OF EDUCATION

Subtitle 04 SPECIFIC SUBJECTS

13A.04.02 Secondary School Career and Technology Education

Authority: Education Article, §§2-205(h) and 21-201—21-203, Annotated Code of Maryland

Notice of Proposed Action

[]

The Maryland State Board of Education proposes to amend: Regulation .01; repeal Regulation .02; amend and recodify Regulation .03; and propose new Regulations .02 through .05 under COMAR 13A.04.02 Secondary School Career and Technology Education.

This action was considered at the July 28, 2015 meeting of the Maryland State Board of Education.

Statement of Purpose

The purpose of this action is to reflect the current development and implementation of career and technology education programs at the secondary school level.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jeanne-Marie S. Holly, Program Manager, Career and Technology Education Systems Branch, Division of Career and College Readiness, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0182(TTY:410-333-6442), or email to jeanne-marie.holly@maryland.gov, or fax to 410-333-2084. Comments will be accepted through October 19, 2015. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on December 8, 2015, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

Economic Impact Statement Part C

- A. Fiscal Year in which regulations will become effective: FY 2016
- B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?
- No
- C. If 'yes', state whether general, special (exact name), or federal funds will be used:
- D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:
- No additional funds are needed. Amendments represent changes in existing regulations to comply with state and federal laws, as well as state policies. The current regulations do not contain the existing requirements for career and technology education programs.
- E. If these regulations have no economic impact under Part A, indicate reason briefly:
- F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.
- G. Small Business Worksheet:

Attached Document:

Title 13A STATE BOARD OF EDUCATION

Subtitle 04 SPECIFIC SUBJECTS

Chapter 02 Secondary School Career and Technology Education

Authority: Education Article, §§2-205(h), [5-202(f),] and 21-201—21-203, Annotated Code of Maryland

.01 [Enrollment Criteria] Scope.

A. [Policy.] Each local school system shall assure that students have equal access to career and technology education programs without regard to sex, race, national origin, physical or mental disability, socioeconomic status, academic disadvantages, economic disadvantages, or limited English-speaking ability. Each local school system shall further

assure that career and technology education programs are readily available to students from all geographic sections of the local school system.

B. [Selection Criteria. Local school systems shall establish criteria for the selection of applicants for enrollment in public secondary school career and technology education programs in accordance with §A of this regulation. Priority shall be given to enrolling students who intend to seek employment in a related occupation upon completion of the programs. Students who are concurrently preparing for employment in a related occupation and further education may not be excluded] *Each local school system shall make career awareness, exploratory activities, and unbiased program information equally available to students in accordance with §A of this regulation.*

C. [Program Information.] Each local school system [shall make career awareness, exploratory activities, and unbiased program information equally available to students in accordance with §A of this regulation] *that develops career and technology education programs shall do so in accordance with the Career and Technology Education Development Standards in Regulation .03A of this chapter.*

[.02 State Funds.

A. Program Requirements. Education Article, § 5-202(f), Annotated Code of Maryland, requires that a specified amount of each local school system's share of basic current expense aid be set aside each fiscal year for career and technology education programs. A local school system may not use the funds to supplant local contributions for career and technology education programs and shall maintain its fiscal effort to be eligible to receive the funds.

B. Local School System Application. Each local school system shall submit an application annually to the State Department of Education for approval on a form prescribed by the State Superintendent of Schools. The application shall:

(1) Contain assurances that both the requirements of Education Article, § 5-202(f), Annotated Code of Maryland, and this regulation are met;

(2) Identify the programs to receive State funds for career and technology education, which shall be restricted to occupational programs which are:

(a) Approved by the State Department of Education;

(b) Consistent with State career and technology education school improvement goals; and

(c) Related to local employment and economic development needs;

(3) Set forth a plan that targets funds to address priority needs identified in local plans for school improvement;

(4) Identify the number of students to be served by each program;

(5) Identify the proposed expenditures for each program, which shall be restricted to:

(a) Updating occupational program laboratories through:

(i) Acquisition, repair, or replacement of equipment (exclusive of capital improvements),

(ii) Acquisition of tools, supplies, and instructional materials, and

(iii) Technical upgrade of instructional staff;

(b) Extended day or extended year programs;

(6) Include a brief description of expected outcomes resulting from proposed expenditures.

C. Consultation. When developing the application under §B of this regulation, the local school system shall consult with the local advisory council on career and technology education and with the Job Training Partnership Act (JTPA) service delivery area administrators.

D. Records and Reports. Each local school system shall maintain financial records which identify the expenditure of funds from all sources in each program receiving State career and technology education funds. Within 90 calendar days after the end of the fiscal year, each local school system shall submit financial and program reports to the State Department of Education on the forms prescribed by the State Superintendent of Schools.

E. Maintenance of Fiscal Effort. Maintenance of fiscal effort shall be determined by comparing for the fiscal year ended and the preceding fiscal year either the total expenditure of local and State:

(1) General funds on a per student basis for students enrolled in one or more career and technology education programs; or

(2) Funds for all career and technology education programs.

F. Repayment of Funds. If a local school system has not maintained its fiscal effort or has not expended State career and technology education funds in accordance with its approved local application, the local school system shall repay to the State Department of Education an amount in proportion to the percentage by which fiscal effort was not maintained or the amount of the unapproved expenditure.]

.02 Definitions.

A. *In this chapter, the following terms have the meanings indicated.*

B. *Terms Defined.*

(1) *"Articulation agreement" means a written commitment as described in the Carl D. Perkins Career and Technical Education Act, Public Law 109-270 (2006).*

(2) *"Career and Technology Education (CTE) enrollee" means a student who is enrolled in at least one course which is part of an identified CTE completer program.*

(3) “CTE Concentrator” means a student who is sequentially enrolled in an upper level CTE course which is considered to be in the second half of the program course sequence.

(4) “CTE Completer” means a student who meets all requirements outlined in the State approved proposal for a CTE Completer program.

(5) “Eligible recipient” means an entity that meets the requirements of the Carl D. Perkins Career and Technical Education Act, Public Law 109-270 (2006), and Education Article, §§2-205(h) and 21-203, Annotated Code of Maryland, which are incorporated by reference.

(6) “Liquidation” means the elimination of financial obligations.

(7) “Value added opportunities” means advanced standing at the postsecondary level, industry certification, or guaranteed apprenticeship or employment placement.

.03 Career and Technology Education Development Standards.

A. CTE Programs shall be:

(1) Developed by the Maryland State Department of Education (MSDE) and/or local school system and implemented to increase the academic, career, and technical skills of students in order to prepare them for careers and further education;

(2) Developed in conjunction with all relevant stakeholder groups, including industry and postsecondary partners;

(3) Organized under broad career clusters, based on all aspects of an industry and designed to help students make informed decisions regarding career pathways;

(4) Developed to include value-added opportunities based on current and projected economic market demands;

(5) Developed to prepare students for both college and careers through the completion of a planned sequential program of study that blends academic, technical, and workplace skills;

(6) Developed to include a coherent set of academic, employability and technical skills, based on national and state standards that provide students moving directly to employment with a value-added competitive advantage;

(7) Developed to provide multiple options for students as they prepare for entry into careers and further education through articulation agreements, supervised work-based learning opportunities, and industry-mentored or capstone projects; and

(8) Based upon the reporting and use of outcome data such as, academic and technical skill attainment, placement and retention in employment, the military or postsecondary programs, for a means of upgrading programs and increasing student performance.

.04 Enrollment Criteria.

A. Each local school system and each community college shall describe in the annual local application how it assures that students have equal access to career and technology education programs without regard to sex, race, national origin, physical or mental disability, socioeconomic status, academic disadvantages, economic disadvantages, or limited English-speaking ability.

B. Each local school system and community college shall further assure that career and technology education programs are readily available to students from all geographic sections of the local school system and community college area.

.05 Selection Criteria.

A. Each local school system shall:

(1) Establish criteria for the selection of applicants for enrollment in career and technology education programs in accordance with Regulation .01A of this chapter;

(2) Give priority to enrolling students who intend to seek employment in a related career upon completion of the programs;

(3) Not exclude students who are concurrently preparing for employment in a related career and further education; and

(4) Make career awareness, exploratory activities, and program information equally available to students in accordance with Regulation .01B of this chapter.

[.03].06 Federal Funds.

A. Requirements. The State Board of Education shall implement the requirements of the Carl D. Perkins [Vocational and Applied Technology] Career and Technical Education Act, Public Law 109-270 (2006) [and amendments to it, 34 CFR 400—401, and Education Article, §§2-205(h), and 5-202(f), Annotated Code of Maryland, which are incorporated by reference]. Each eligible recipient, as defined by the Carl D. Perkins [Vocational and Applied Technology] Career and Technical Education Act, shall comply with these requirements in order to receive and expend federal funds.

B. Application for Funds.

(1) An eligible recipient requesting federal funds for career and technology education programs shall submit an application annually to the State Department of Education on a form prescribed by the State Superintendent of Schools [and shall ensure that the State requirements in §B(2)—(6) of this regulation are met]. *The application shall:*

(a) Contain assurances that both the requirements of Education Article, §2-205(h), Annotated Code of Maryland and this regulation are met;

(b) Identify the programs to receive federal funds for Career and Technology Education, which shall be restricted to career and technical programs which are:

(i) Approved by the State Department of Education;

(ii) Focused on program upgrades and improvement; and

(iii) Related to labor market, workforce and economic development needs, particularly in high wage, high skill and high demand careers;

(c) Set forth a plan that targets funds to address eligible recipients priority needs identified through data and analysis;

(d) Identify the proposed expenditures for each program; and

(e) Include the expected and measurable outcomes resulting from proposed expenditures.

(2) Collaborative Planning. An eligible recipient shall use a collaborative planning process to ensure the participation of all groups involved in local planning and assessment for career and technology education. These groups include, but are not limited to, the local advisory council, program[craft] advisory committees, [private industry councils] local workforce investment boards and local economic development personnel, as well as representatives from secondary and postsecondary instructional areas, guidance and counseling, special education, student support services, [Job Training Partnership] and Workforce Innovation and Opportunity Act programs [and Welfare-to-Work].

(3) Maintenance of Fiscal Effort.

(a) (text unchanged)

(b) If fiscal effort cannot be maintained, the eligible recipient may request a waiver in writing. The request for waiver shall be submitted to the Assistant State Superintendent, Division of Career [Technology and Adult Learning] and College Readiness, Maryland State Department of Education, not later than June 30 of the fiscal year in which effort cannot be maintained. The Assistant State Superintendent may grant a request for waiver of maintenance of effort for good cause.

(4) Financial Reporting Requirements.

(a) (text unchanged)

(b) An eligible recipient shall submit an Annual Financial Report of Expenditures to the State Department of Education not later than September 30 of each year. The report shall include expenditures [by parts of the Act], source year of funds, and State, local, and federal expenditures during the fiscal year. *The Maintenance of Fiscal Effort figure is also reported and it represents the official Maintenance of Effort figure for the eligible recipient.* The State Department of Education may withhold CTE payments from an eligible recipient that does not submit this report by the specified date.

(5) Liquidation of Financial Obligations.

[(a) For the purposes of this subsection, the term "liquidation" means the elimination of financial obligations.]

[(b)] (a) The liquidation of financial obligations incurred in a given fiscal year shall be completed within 90 calendar days after the end of the grant period.

(b) The unused balance of funds granted to the eligible recipient which is remaining after the 90 calendar day liquidation period shall be refunded immediately to the State Department of Education.

(c) If obligations cannot be eliminated within the 90 calendar day liquidation period, the eligible recipient may request, in writing, an extension of the liquidation period *as follows*:

(i) The request for extension shall be submitted to the Assistant State Superintendent, Division of Career [Technology and Adult Learning] and College Readiness, Maryland State Department of Education, at least 15 calendar days before the end of the liquidation period[.]; and

(ii) The Assistant State Superintendent may approve a request for extension for good cause.

(6) Equipment Management and Inventory. The Division of Career [Technology and Adult Learning] and College Readiness and each eligible recipient shall establish and maintain equipment inventories and appropriate record-keeping systems for equipment with an initial cost of [\$1,000] \$5,000 or more that was purchased with federal funds.

(7) Program Reports.

(a) Program reports shall be submitted by the eligible recipient according to a form prescribed by the Maryland State Department of Education and as identified on the Notice of Grant Award.

(b) Interim program reports are due no later than January 15 of each year.

(c) Final program reports are due July 31 of each year.

(d) Other required reports such as outcome data, enrollment files, work-based learning questionnaires, pre-graduate surveys, verification of eligible programs, Pell grant recipients including justification of greater or less than 5 percent variance if needed, local agreed upon performance levels, and others as may be required are due by the date identified and provided to eligible recipients by the Maryland State Department of Education.

(e) The State Department of Education may withhold CTE payments from an eligible recipient that does not submit this report by the specified date.

(f) For grants, applications, and other related items, spending authority becomes effective the first day of the month that all required items have been submitted in approvable form.

C. Equity. An eligible recipient receiving federal funds shall comply with the provisions of Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973, and shall provide information to the Division of Career [Technology and Adult Learning] and *College Readiness*, as requested, to demonstrate compliance.

LILLIAN M. LOWERY, Ed.D.
State Superintendent of Schools