

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
State Board of Education**
(DLS Control No. 20-158)

Overview and Legal and Fiscal Impact

These regulations define certain requirements for state and local school systems to receive federal funds for career and technical education programs to reflect changes in federal law enacted as part of the Strengthening Career and Technical Education for the 21st Century Act, signed into law in 2018.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

State Board of Education:

Specific Subjects: Program of Instruction in the World of Work Competencies:
COMAR 13A.04.10.01 and .02

Legal Analysis

Background

Federal law provides for funding to states and other entities for the creation and administration of career and technical education (CTE) programs. The relevant laws governing the provision of such funds have been amended a number of times, most recently in 2018 by the Strengthening Career and Technical Education for the 21st Century Act (“Perkins V”). Perkins V amended the requirements for the CTE plans that states are required to submit to the Secretary of Education for each four year period in order to be deemed eligible to receive federal funding. Maryland’s most recent plan was approved by the Secretary in May 2020. These regulations update existing provisions to reflect the requirements of Perkins V and the State plan.

Summary of Regulations

The regulations update COMAR 13A.04.10.01 and .02, which require local school systems to provide a systematic instructional program in career development and decision making. Specifically, the regulations add requirements that local school systems provide equal access and equitable support in implementing the program in accordance with the Maryland Career and

Technical Education State Plan and that, every five years, the local superintendent provide a description of the program to the State Superintendent of Schools. These new requirements reflect provisions of Perkins V. 20 U.S.C. § 2342(d)(4)(C)(iv) and (v).

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The board cites § 2-205 of the Education Article as legal authority for the regulations. More specifically, § 2-205(c)(1) authorizes the board to adopt regulations for the administration of public schools. Although not cited by the board, § 21-202(d) of the Education Article additionally designates the board as the sole agency responsible for administering federal Perkins career and technical education programs.

With the addition of § 21-202(d), 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 fiscal impact. The Department of Legislative Services concurs because the regulations are conforming to the federal Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education for the 21st Century Act of 2018 (Perkins V); thus, any impact from the revisions to the career and technical education (CTE) program are due to the federal law and not the regulations.

In May 2020, the U.S. Department of Education approved the Maryland CTE Four-Year Plan for fiscal 2020 through 2023. The U.S. Department of Education also required states to submit a Methods of Administration (MOA) Plan that details strategies the State will implement to ensure that all students have equal access to high-quality CTE programs. Stakeholders were convened to develop the MOA plan. In October 2020, the U.S. Department of Education approved the Maryland MOA Plan. The Maryland CTE Four-Year State Plan and MOA Plan describe the revised direction for CTE in Maryland. The State receives annual Perkins funds from the federal government to implement CTE programs, the majority of which is distributed to the local school systems. The State is estimated to receive a total of \$18.2 million in Perkins funds in federal fiscal 2020.

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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