



Karen B. Salmon, Ph.D.
State Superintendent of Schools

TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: October 27, 2020

SUBJECT: Code of Maryland Regulation (COMAR) 13A.04.02
Secondary School Career and Technology Education
PERMISSION TO PUBLISH

PURPOSE:

The purpose of this item is to request that the Maryland State Board of Education grant permission to publish amendments to COMAR 13A.04.02 *Secondary School Career and Technology Education*.

REGULATION PROMULGATION PROCESS

Under Maryland law, a state agency, such as the State Board, may propose a new regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Administrative, Executive, and Legislative Review (AELR) Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, the Maryland State Department of Education (MSDE) staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

BACKGROUND/HISTORICAL PERSPECTIVE:

COMAR 13A.04.02 defines requirements for secondary career and technical education (CTE). The regulation defines standards, enrollment criteria, selection criteria, and use of federal funds. In 2018, the *Strengthening Career and Technical Education for the 21st Century Act* (Perkins V) was signed into law. The law expanded opportunities for students to participate in CTE programs that align to high-skill, high-wage, or in-demand occupations and culminate in earning industry-recognized credentials or postsecondary credits. Each state was required to develop and implement a revised CTE plan. For over a year, the Division of Career and College Readiness convened stakeholders to revise the vision and direction for CTE. Input from stakeholders informed the development of the Maryland CTE Four-Year State Plan. In May 2020, the U.S. Department of Education approved the Maryland CTE Four-Year State Plan.

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.

EXECUTIVE SUMMARY:

The proposed amendments to COMAR 13A.04.02 reflect the revised direction for CTE and align with the Maryland CTE Four-Year and MOA State Plans. The following revisions are proposed:

1. Changing the definition of CTE from *Career and Technology Education* to *Career and Technical Education*, which is in alignment with the federal definition for CTE.
2. Requiring CTE programs to
 - a. align to high-skill, high-wage, or in-demand occupations;
 - b. provide the opportunity for students to earn industry-recognized credentials or postsecondary credits;
 - c. include state-approved Career and Technical Student Organizations as co-curricular learning experiences for CTE students; and
 - d. provide the opportunity for students to engage in work-based learning experiences.
3. Requiring the completion of a needs assessment to evaluate access, equity, and student performance.
4. Requiring federal funds to be used for the development, coordination, implementation, or improvement of CTE as it relates to labor market, workforce, and economic development needs and outcomes from the CTE needs assessment.

ACTION:

Request permission to publish amendments to COMAR 13A.04.02 *Secondary School Career and Technology Education*.

ATTACHMENT:

Amendments to COMAR 13A.04.02 *Secondary School Career and Technology Education*.

Title 13A STATE BOARD OF EDUCATION

Subtitle 04 SPECIFIC SUBJECTS

Chapter 02 Secondary School Career and [Technology] *Technical* Education

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

.01 Scope.

A. Each local school system shall assure that students have equal access to career and [technology] *technical* education programs without regard to sex, race, *color*, national origin, physical or mental disability, *age*, socioeconomic status, academic disadvantages, economic disadvantages, or limited English-speaking ability. Each local school system shall further assure that career and [technology] *technical* education programs are readily available to students from all geographic sections of the local school system.

B. Each local school system shall make career awareness, exploratory *career experiences* [activities], *Career and Technical Student Organizations*, and unbiased program information equally available to students in accordance with §A of this regulation.

C. Each local school system that develops career and [technology] *technical* education programs shall do so in accordance with the Career and [Technology] *Technical* Education Development Standards in Regulation .03A of this chapter.

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] *Technical* Education (CTE) enrollee” means a student who is enrolled in at least one course which is part of an identified CTE completer program.

(3) *Career and Technical Student Organizations are organizations for individuals enrolled in CTE programs of study that engage students in co-curricular CTE learning experiences as an integral part of the instructional program. All Career and Technical Student Organizations must be approved by the Maryland State Department of Education and adhere to Policies and Procedures for Implementing Career and Technical Student Organizations in Maryland.*

(4)(3) “CTE Concentrator” *at the secondary level are defined as students who completed two courses in a single CTE program of study and have enrolled in the third sequential course in a single CTE program of study* [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].

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

(6)(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 federal amendments of the law*, and Education Article, §§2-205(h) and 21-203, Annotated Code of Maryland, which are incorporated by reference.

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

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

.03 Career and [Technology] *Technical* Education Development Standards.

CTE Programs shall be:

A. 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;

B. *Aligned to high-skill, high-wage, or in-demand occupations;*

C. *Developed to provide opportunities for students to earn industry-recognized credentials or postsecondary credits;*

D. *Developed to provide opportunities for students to engage in work-based learning experiences that require the application of academic and technical knowledge and skills in a work setting;*

E. [B] Developed in [conjunction] *collaboration* with all relevant stakeholder groups, including industry and postsecondary partners *to meet state or local workforce needs;*

F [C]. Organized under broad career clusters, based on all aspects of an industry and designed to help students make informed decisions regarding career pathways;

G. *Developed to include opportunities for students to participate in state-approved, co-curricular Career and Technical Student Organizations aligned with career and technical education programs of study;*

H [D]. Developed to include value-added opportunities based on current and projected economic market demands;

I. [E]. 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;

J. [F]. 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;

K [G]. 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

L [H]. 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.

M. Developed to meet federal requirements defined by the Carl D. Perkins Career and Technical Education Act, Public Law 109-270 (2006) and federal amendments of the law and the federal Methods of Administration Program.

.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] technical** education programs without regard to sex, race, **color**, national origin, physical or mental disability, **age**, 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] technical** education programs are readily available to students from all geographic sections of the local school system and community college area.

.05 Selection Criteria.

Each local school system:

A. Shall establish criteria for the selection of applicants for enrollment in career and **[technology] technical** education programs in accordance with Regulation .01A of this chapter;

B. Shall give priority to enrolling students who intend to seek employment in a related career upon completion of the programs;

C. May not exclude students who are concurrently preparing for employment in a related career and further education; and

D. Shall make *Career and Technical Student Organizations*, career awareness, exploratory *career experiences* [activities], and program information equally available to students in accordance with Regulation .01B of this chapter

.06 Federal Funds.

A. Requirements. The State Board of Education shall implement the requirements of the Carl D. Perkins Career and Technical Education Act, Public Law 109-270 (2006). Each eligible recipient, as defined by the Carl D. Perkins 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] *technical* education programs shall submit an application annually to the State Department of Education on a form prescribed by the State Superintendent of Schools. 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) *Include a completed CTE Comprehensive Local Needs Assessment evaluating access, equity, and student performance.*

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

(i) Approved by the State Department of Education;

(ii) Focused on *the development, coordination, implementation, or improvement of CTE [program upgrades and improvement]*; and

(iii) Related to *access, equity, student performance*, labor market, workforce, and economic development needs, particularly in high-wage, high-skill, and *in-[high] demand occupations [careers] as identified in the CTE Comprehensive Local Needs Assessment*;

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

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

(f) [(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 *technical* [technology] education. These groups include, but are not limited to, the local advisory

council, program advisory committees, 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, and Workforce Innovation and Opportunity Act programs.

(3) Maintenance of Fiscal Effort.

(a) Payments may not be made to any eligible recipient unless the State determines that its expenditures of general funds per student or aggregate fiscal effort for career and **technical [technology]** education in the fiscal year preceding the fiscal year for which the determination is made equaled or exceeded its effort for career and **technical [technology]** education for the second preceding fiscal year.

(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 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) Financial reports shall be submitted according to the forms and procedures in the "Financial Reporting Manual for Maryland Public Schools **[Revised 2009]**", which is incorporated by reference in COMAR 13A.02.01.02C.

(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, 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) 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 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 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 \$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, pregraduate 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 **required [this]** reports by the specified date.

(f) For grants, applications, and other related items, spending authority becomes effective the first day of the month in which 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 and College Readiness, as requested, to demonstrate compliance.