

CHAPTER 120
REGULATIONS GOVERNING CAREER AND TECHNICAL EDUCATION

Part I
General Provisions

8VAC20-120-10. Authority to promulgate; requirements for compliance with state and federal regulations.

These regulations are promulgated by the Board of Education pursuant to § 22.1-16 of the Code of Virginia for career and technical education programs funded in whole or in part with state funds. Federal laws pertaining to such programs permit state regulations in addition to federal requirements (see Carl D. Perkins Act of 2006 (Perkins Act of 2006), § 121 (20 USC § 2341)).

Local education agencies operating career and technical education programs shall comply with these regulations of the Board of Education and requirements of applicable federal legislation, including the Education Department General Administrative Regulations (EDGAR) (34 CFR 74.2) and the Perkins Act of 2006.

Statutory Authority

§§ 22.1-16 and 22.1-227 of the Code of Virginia.

Historical Notes

Derived from VR270-01-0011 § 1.1, eff. August 19, 1987; amended, Virginia Register Volume 18, Issue 8, eff. January 31, 2002; Volume 29, Issue 6, eff. December 19, 2012.

8VAC20-120-20. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Academic and career plan" means the student's program of study for high school graduation and postsecondary career pathway based on the student's academic and career interests. The academic and career plan shall be developed in accordance with guidelines established by the Board of Education. (Also see the definition of "program of study.")

"All aspects of an industry" means strong experience in, and comprehensive understanding of, the industry that the individual is preparing to enter.

"Board" means that the Board of Education is designated as the State Board for Career and Technical Education to carry out the provisions of the federal Perkins Act of 2006 and any new amendments or acts, and as such shall promote and administer the provisions of agricultural education, business and information technology, marketing, family and consumer sciences, health and medical services, technology education, and trade and industrial education in the public middle and high schools, regional schools established pursuant to § 22.1-26 of the Code of Virginia, postsecondary institutions, and other eligible institutions for youth and adults.

"Career clusters and pathways" means a grouping of occupations and industries based on commonalities. Sixteen career clusters provide an organizing tool for schools, small learning communities, academies, and magnet schools. Within each career cluster, there are multiple career pathways that represent a common set of skills and knowledge, both academic and technical, necessary to pursue a full range of career opportunities within that pathway, ranging from entry level to management and including technical and professional career specialties. Based on the skills sets taught, all CTE courses are aligned with one or more career clusters and career pathways. The states' career clusters refers to a clearinghouse for career clusters research, products, services and technical assistance for implementation of the states' career cluster framework for lifelong learning.

"Career and technical student organization" means an organization for individuals enrolled in a career and technical education program that engages in career and technical activities as an integral part of the instructional program. These organizations may have state and national units that aggregate the work and purposes of instruction in career and technical education at the local level; if so, these organizations shall be (i) National FFA Organization, formerly known as Future Farmers of America; (ii) Future Business Leaders of America (FBLA); (iii) Future Educators Association (FEA); (iv) Health Occupations Students of America (HOSA); (v) Family, Career and Community Leaders of America (FCCLA); (vi) DECA, formerly known as DECA: An Association of Marketing Students; (vii) Technology Student Association (TSA); (viii) Skills USA; and (ix) other student organizations that may be approved at the state and national levels.

"Categorical entitlement" means the amount of funding a local education agency is eligible to receive for a specific purpose, subject to state or federal regulations and the availability of funds.

"Competency-based education" means relevant learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, workplace readiness skills, technical skills, and occupation-specific skills, and knowledge of all aspects of an industry, including entrepreneurship, of an individual. Evaluation of student progress is based on standards of the occupation or field and the maintenance of student records of achievement in skill development.

"Cooperative education" means a method of education for individuals who, through written cooperative arrangements between a school and employers, receive instruction, including required rigorous and challenging academic courses and related career and technical education instruction, by alternation of study in school with paid employment in any occupation field, which alternation (i) shall be planned and supervised by the school and employer so that each contributes to the education, employability, and career objective of the individual; and (ii) may include an arrangement in which work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program.

"Data" means information, both written and verbal, concerning career and technical education programs, activities, and students. Data include financial, administrative, demographic, student performance, and programmatic information and statistics.

"Department" means the Virginia Department of Education.

"Disability" means, with respect to an individual (i) a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (ii) a record of such impairment; or (iii) being regarded as having such an impairment.

"Displaced homemaker" means an individual who (i) has worked primarily without remuneration to care for a home and family, and for that reason has diminished marketable skills; has been dependent on the income of another family member but is no longer supported by that income; or is a parent whose youngest dependent child will become ineligible to receive assistance under Part A of Title IV of the Social Security Act (42 USC § 601 et seq.) not later than

two years after the date on which the parent applies for assistance under such title; and (ii) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

"Entitlement" means the amount of funding a local education agency is eligible to receive, subject to state or federal regulations and the availability of funds.

"Equipment" means tangible nonexpendable personal property including exempt property charged directly to the award having a useful life of more than one year.

"Extended contract" means a period of time provided to instructors for employment beyond the regular contractual period.

"Federal program monitoring" means monitoring and evaluation program effectiveness and ensuring compliance with all applicable state and federal laws.

"Follow-up survey" means the collection of information regarding the status of students following completion of a career and technical education program.

"Individualized education program" or "IEP" means a written statement for a child with a disability that is developed, reviewed, and revised in a team meeting in accordance with this chapter. The IEP specifies the individual educational needs of the child and what special education and related services are necessary to meet the child's educational needs (34 CFR 300.22).

"Individual with limited English proficiency" means a secondary school student, an adult, or an out-of-school youth who has limited ability in speaking, reading, writing, or understanding the English language and (i) whose native language is a language other than English and (ii) who lives in a family or community environment in which a language other than English is the dominant language.

"Industry credential" means the successful completion of an industry certification examination or an occupational competency assessment in a career and technical education field that confers certification of skills and knowledge from a recognized industry or trade or professional association or the acquiring of a professional license in a career and technical education field from the Commonwealth of Virginia. The certification examination or occupational competency assessment used to verify student achievement must be approved by the Board of Education.

"Local career and technical education plan" means a document submitted by a local education agency as prescribed by the Board of Education describing how the career and technical education programs required for funding will be maintained and how career and technical education activities will be carried out with respect to meeting state and local adjusted levels of performance established under Perkins Act of 2006, Accountability, § 113 (20 USC § 2323).

"Local education agency" means a public board of education or other public authority legally constituted within a state for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a state, or for a combination of school divisions or counties that is recognized in a state as an administrative agency for its public elementary schools or secondary schools.

"Maintenance of effort" means the assurance that localities continue to provide funding for career and technical education (CTE) programs at least at the level of support of the previous year.

"Nontraditional fields" means occupations or fields of work, including careers in computer science, technology, and other current and emerging high skill occupations, for which individuals from one gender comprise less than 25% of the individuals employed in each such occupation or field of work.

"Performance measures" means core indicators of performance for careers and technical education students at the secondary level that are valid and reliable and that include measures identified in the accountability section of the Perkins Act of 2006 (20 USC § 2323).

"Program of study" or "plan of study" means planning a sequence of academic, career and technical, or other elective courses that (i) incorporate secondary education and postsecondary education elements; (ii) include coherent and rigorous content aligned with challenging academic standards and relevant career and technical content in a coordinated, nonduplicative progression of courses that align secondary education with postsecondary education to adequately prepare students to succeed in postsecondary education; (iii) may include opportunity for secondary students to participate in dual or concurrent enrollment programs or other ways to acquire postsecondary education credits; and (iv) lead to an industry-recognized credential, license, or certificate or an associate degree at

the secondary or postsecondary level or a baccalaureate or higher degree at the postsecondary level. (Also see the definition of "academic and career plan.")

"Section 504" means that section of the Rehabilitation Act of 1973 (29 USC § 791 et seq.), as amended, that is designed to eliminate discrimination on the basis of a disability in any program or activity receiving federal financial assistance.

"Special populations" means (i) individuals with disabilities; (ii) individuals from economically disadvantaged families, including foster children; (iii) individuals preparing for nontraditional fields; (iv) single parents, including single pregnant women; (v) displaced homemakers; or (vi) individuals with limited English proficiency.

"Training agreement" means a written statement of commitment from the student, the parent, the training station, and the teacher-coordinator. It is a required formal document that spells out the responsibilities of all involved parties in the cooperative education method of instruction.

"Training plan" means a required formal document that identifies classroom and on-the-job instruction that contributes to the employability and on-going development of each cooperative education student. (A recommended format is available from the Department of Education.)

"Work station" means an area in a classroom/laboratory that includes the necessary environment, instructional and consumable materials, and equipment to enable each student to accomplish competencies within a career and technical education course.

"Workplace readiness skills" means a list of personal qualities and people skills, professional knowledge and skills, and technology knowledge and skills identified by Virginia employers that are essential for individual workplace success and critical to Virginia's economic competitiveness. These skills will be updated as required.

"Verified unit of credit" or "verified credit" means credit awarded for a course in which a student earns a standard unit of credit and achieves a passing score on a corresponding end-of-course Standards of Learning (SOL) test or an additional test approved by the Board of Education as part of the Virginia assessment program.

Statutory Authority

§§ 22.1-16 and 22.1-227 of the Code of Virginia.

Historical Notes

Derived from VR270-01-0011 § 1.2, eff. August 19, 1987; amended, Virginia Register Volume 18, Issue 8, eff. January 31, 2002; Volume 29, Issue 6, eff. December 19, 2012.

Part II

Administration of Career and Technical Education Programs

8VAC20-120-30. State/federal financial assistance.

Financial assistance shall be provided to support the operation, improvement, and expansion of career and technical education.

1. Financial assistance provided through entitlements resulting from full-time equivalent student enrollments shall be used to support career and technical education program operation.
2. Financial assistance provided through categorical entitlements shall be used to support the following:
 - a. Principals and assistant principals of technical education centers if at least 50% of their time is spent in career and technical education program administration or supervision;
 - b. Extended contracts of instructors for activities related to the coordination, development, or improvement of career and technical education programs;
 - c. Equipment included on the Recommended Equipment Approved for Career and Technical Education Programs lists by the Department of Education or local option approved by the Department of Education;
 - d. Adult occupational career and technical education to provide opportunities for adults to prepare for initial employment, retraining, or career advancement; and
 - e. Funding for industry credentials appearing on the Virginia Board of Education approved list.
3. No less than 60% of federal funds may be expended on required expenditures and up to 40% may be spent on permissive uses of funds as identified in the Perkins Act of 2006. If a school division does not meet

the Perkins Act of 2006 performance measures, then the department may direct local expenditures toward uses of funds to improve the division's performance.

Statutory Authority

§§ 22.1-16, and 22.1-227 of the Code of Virginia.

Historical Notes

Derived from VR270-01-0011 § 2.1, eff. August 19, 1987; amended, Virginia Register Volume 18, Issue 8, eff. January 31, 2002; Volume 29, Issue 6, eff. December 19, 2012.

8VAC20-120-40. Local career and technical education plan.

Each eligible participant shall submit to the Department of Education a local career and technical education plan for review and approval. The local plan will be submitted as specified in federal legislation. An annual budget funding application shall be submitted to the department for review and approval.

Statutory Authority

§§ 22.1-16 and 22.1-227 of the Code of Virginia.

Historical Notes

Derived from VR270-01-0011 § 2.2, eff. August 19, 1987; amended, Virginia Register Volume 18, Issue 8, eff. January 31, 2002; Volume 29, Issue 6, eff. December 19, 2012.

8VAC20-120-50. Career and Technical Education Advisory Committee.

Each local education agency or region shall establish a general career and technical education advisory committee to provide recommendations to the local educational agency (or board) on current job needs and the relevancy of career and technical education programs offered and to assist in the development, implementation, and evaluation of the local plan and application.

1. Committees shall be composed of members of the public, including students, teachers, parents, and representatives from business, industry, and labor, with appropriate representation of both sexes and racial and ethnic groups found in the school, community, or region served by the committee.

2. The committee shall meet at regular intervals during the year to assist in the planning, implementing, and assessing of career and technical education programs.

Statutory Authority

§§ 22.1-16 and 22.1-227 of the Code of Virginia.

Historical Notes

Derived from VR270-01-0011 § 2.3, eff. August 19, 1987; amended, Virginia Register Volume 18, Issue 8, eff. January 31, 2002; Volume 29, Issue 6, eff. December 19, 2012.

8VAC20-120-60. [Repealed]

Historical Notes

Derived from VR270-01-0011 § 2.4, eff. August 19, 1987; repealed, Virginia Register Volume 18, Issue 8, eff. January 31, 2002.

8VAC20-120-70. Reporting requirements.

Local education agencies shall provide data on career and technical education for federal and state accountability requirements, planning, and evaluation as prescribed by federal legislation and the Department of Education.

Local education agencies (LEAs) shall participate in the federal program monitoring as prescribed by the Department of Education and as required by the Perkins Act of 2006.

Statutory Authority

§§ 22.1-16 and 22.1-227 of the Code of Virginia.

Historical Notes

Derived from VR270-01-0011 § 2.5, eff. August 19, 1987; amended, Virginia Register Volume 18, Issue 8, eff. January 31, 2002; Volume 29, Issue 6, eff. December 19, 2012.

8VAC20-120-80. Management of equipment inventory.

Local education agencies shall maintain a current inventory of all equipment items purchased in whole or in part with federal or state funds. Equipment purchased with state funds must:

1. Be acquired in accordance with state procurement laws and regulations;
2. Include local funding that would provide maintenance of effort; and
3. Be itemized on the Recommended Equipment Approved for Career and Technical Education Programs list provided by the Department of Education or local option approved by the Department of Education.

Equipment purchased with combined state and federal funds must be used in accordance with provisions of the Carl D. Perkins Career and Technical Education Act of 2006, and acquired and disposed of in accordance with federal Education Department General Administrative Regulations (EDGAR) and appropriate state procurement laws and regulations.

Statutory Authority

§§ 22.1-16 and 22.1-227 of the Code of Virginia.

Historical Notes

Derived from VR270-01-0011 § 2.6, eff. August 19, 1987; amended, Virginia Register Volume 18, Issue 8, eff. January 31, 2002; Volume 29, Issue 6, eff. December 19, 2012.

8VAC20-120-90. Construction of facilities.

Construction of career and technical facilities shall comply with all federal and state regulations. Federal guidelines pertaining to construction of educational facilities are provided by Education Department General Administrative Regulations (EDGAR).

Statutory Authority

§§ 22.1-16 and 22.1-227 of the Code of Virginia.

Historical Notes

Derived from VR270-01-0011 § 2.7, eff. August 19, 1987; amended, Virginia Register Volume 18, Issue 8, eff. January 31, 2002.

Part III

Operation of Career and Technical Education Programs

8VAC20-120-100. Access to career and technical education programs.

Career and technical education programs administered by local education agencies receiving federal or state education funds shall be made equally available and accessible to all persons and specifically prohibits discrimination on the basis of sex, race, color, national origin , religion, age, political affiliation, or veteran status, or against otherwise qualified persons with disabilities.

Statutory Authority

§§ 22.1-16 and 22.1-227 of the Code of Virginia.

Historical Notes

Derived from VR270-01-0011 § 3.1, eff. August 19, 1987; amended, Virginia Register Volume 18, Issue 8, eff. January 31, 2002; Volume 29, Issue 6, eff. December 19, 2012.

8VAC20-120-110. New career and technical education programs.

The need for new career and technical preparation programs shall be based on student interests and labor market needs.

Statutory Authority

§§ 22.1-16 and 22.1-227 of the Code of Virginia.

Historical Notes

Derived from VR270-01-0011 § 3.2, eff. August 19, 1987; amended, Virginia Register Volume 18, Issue 8, eff. January 31, 2002; Volume 29, Issue 6, eff. December 19, 2012.

8VAC20-120-120. Program requirements.

A. Career and technical education programs shall be competency based and meet the following criteria:

1. Career and technical education programs are aligned with states' career clusters and career pathways that allow for utilization with academic and career plans;
2. State-established, industry-validated competencies are identified and stated;

3. Competencies are specified to students prior to instruction;
4. Measures for successful performance of individual competencies are identified, stated, and used to evaluate achievement of competencies;
5. A system exists for rating and documenting the competency performance of each student; and
6. Competencies shall address all aspects of an industry and workplace readiness skills.

B. Performance measures, as determined by the Department of Education, will be achieved annually.

C. Career and technical education programs must be provided in middle and secondary schools. The middle school must include a minimum of one career and technical offering. Each secondary school shall provide a minimum of three career and technical program areas to include a minimum of 11 course offerings.

D. Career and technical education programs must provide industry credentialing, certification, and licensure as approved by the Board of Education to meet requirements for verified credit.

Statutory Authority

§§ 22.1-16 and 22.1-227 of the Code of Virginia.

Historical Notes

Derived from VR270-01-0011 § 3.3, eff. August 19, 1987; amended, Virginia Register Volume 18, Issue 8, eff. January 31, 2002; Volume 29, Issue 6, eff. December 19, 2012.

8VAC20-120-130. Individualized programs for students with disabilities.

Essential competency profiles provided by the Department of Education for career and technical education courses may be modified for students with Individualized Education Programs (IEPs) or Section 504 Plans who are enrolled in career and technical education courses. Such modification shall be made in conformance with IEP requirements as stated in Regulations Governing Special Education Programs for Children with Disabilities in Virginia (8VAC20-81). The modified list of essential competencies must, as a group, be selected so that student attainment of the essential competencies prepares the student for a job or career.

Statutory Authority

§§ 22.1-16 and 22.1-227 of the Code of Virginia.

Historical Notes

Derived from VR270-01-0011 § 3.4, eff. August 19, 1987; amended, Virginia Register Volume 18, Issue 8, eff. January 31, 2002; Volume 29, Issue 6, eff. December 19, 2012.

8VAC20-120-140. Cooperative education.

Career and technical education programs using the cooperative education method of instruction shall:

1. Develop and follow a training plan and training agreement for each student receiving training through cooperative education.

Parties to the training agreement shall include the student, parent or guardian, instructor, employer, and a school administrator ; and

2. Specify provisions for instructor travel for on-the-job coordination.

Statutory Authority

§§ 22.1-16 and 22.1-227 of the Code of Virginia.

Historical Notes

Derived from VR270-01-0011 § 3.5, eff. August 19, 1987; amended, Virginia Register Volume 18, Issue 8, eff. January 31, 2002; Volume 29, Issue 6, eff. December 19, 2012.

8VAC20-120-150. Maximum class size.

Enrollments in career and technical education courses shall not exceed the number of individual work stations.

1. Career and technical education laboratory classes that use equipment that has been identified by the U.S. Department of Labor for hazardous occupations shall be limited to a maximum of 20 students per laboratory. The career and technical education courses that have this restriction are published annually by the Virginia Department of Education.

2. Career and technical education courses designed specifically and approved for students who are disadvantaged shall be limited to an average of 15 students per instructor per class period with no class being more than 18.

3. Career and technical education courses designed specifically and approved for students with disabilities shall be limited to an average of 10 students per instructor per class period with no class being more than 12 or up to an average of 12 students per class period with no class being more than 15 where an instructional aide is provided.

4. Career and technical education programs offering classes that require the cooperative education method of instruction shall:

a. Be limited to an average of 20 students per instructor per class period with no class being more than 24; and

b. Have a class period assigned to the instructor for on-the-job coordination for each 20 students participating in the on-the-job training.

Statutory Authority

§§ 22.1-16 and 22.1-227 of the Code of Virginia.

Historical Notes

Derived from VR270-01-0011 § 3.6, eff. August 19, 1987; amended, Virginia Register Volume 18, Issue 8, eff. January 31, 2002; Volume 29, Issue 6, eff. December 19, 2012.

8VAC20-120-160. Career and technical education student organizations.

A. All career and technical education students shall be provided opportunities to participate in instructional activities of the local organization.

B. A career and technical education student organization shall be an integral and active part of each secondary career and technical program (grades 9, 10, 11, 12) offered.

C. Each middle school career and technical education program (grades 6, 7, 8) offered shall include co-curricular instructional activities related to the respective career and technical education student organization.

D. Where dues are collected for membership in such organizations, payment of such dues shall not determine a student's participation in instructional activities of the local organization.

Statutory Authority

§§ 22.1-16 and 22.1-227 of the Code of Virginia.

Historical Notes

Derived from VR270-01-0011 § 3.7, eff. August 19, 1987; amended, Virginia Register Volume 18, Issue 8, eff. January 31, 2002; Volume 29, Issue 6, eff. December 19, 2012.

8VAC20-120-170. Student safety.

A. Each career and technical education program shall include health and safety standards, including protective eye devices, that are applicable to the operation of that program, that shall be made an integral part of program instruction.

B. Each career and technical education program shall comply with applicable federal and state laws and regulations related to health and safety.

Statutory Authority

§§ 22.1-16 and 22.1-227 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 18, Issue 8, eff. January 31, 2002; amended, Virginia Register Volume 29, Issue 6, eff. December 19, 2012.