

# Board of Education Agenda Item

Item: I.

Date: April 28, 2011

**Topic:** Final Review of the Proposed Revisions to the Regulations Governing Career and Technical Education (8VAC 20-120-10 et seq.)

**Presenter:** Mr. Lan Neugent, Assistant Superintendent for Technology, Career and Adult Education

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## Origin:

Topic presented for information only (no board action required)

Board review required by  
 State or federal law or regulation  
 Board of Education regulation  
 Other: \_\_\_\_\_

Action requested at this meeting       Action requested at future meeting: \_\_\_\_\_ (date)

## Previous Review/Action:

No previous board review/action

Previous review/action  
date April 22, 2010  
action The Superintendent of Public Instruction recommended and the Board of Education accepted the proposed regulations for first review and authorized the Department of Education staff to proceed with the requirements of the Administrative Process Act.

The Attorney General Certification was completed on May 26, 2010.

The review by the Department of Planning and Budget was completed on June 21, 2010.

The review by the Secretary of Education was completed and approved on June 24, 2010.

The review by the Governor was completed and approved on January 3, 2011.

The proposed regulations were submitted to The Virginia Register of Regulations on January 5, 2011 and were published on January 31, 2011, Volume: 27 Issue 11.

A public hearing was offered on March 24, 2011, at 11 a.m. on the 22<sup>nd</sup> Floor of the James Monroe Building, 101 N. 14<sup>th</sup> Street, Richmond, Virginia.

The public comment period ended on April 4, 2011.

## **Background Information:**

Changes in both federal and state laws pertaining to career and technical education have made it necessary to revise the *Virginia Regulations Governing Career and Technical Education*. The regulations have been examined in their entirety, including the requirements for general provisions, administration of career and technical education programs, and operation of career and technical education programs.

The goals of this review are to: (i) update the regulations to comply with new state and federal laws, such as an identification and clarification of the U.S. Department of Education's approved Virginia requirements for meeting the performance standards of the Perkins Act of 2006; (ii) update definitions for consistency with other state and federal regulations dealing with similar issues such as a clarification of definition of terms impacted by the Perkins Act reauthorization of 2006, such as "career cluster," "career pathways," and "performance measures" and other terms impacted by the Perkins Act reauthorization of 2006; and (iii) eliminate any duplication of regulations.

The proposed regulations are the result of reviews (January through March 2010) from the following stakeholders: Local administrators representing each of the eight superintendents' regions; a representative from the Virginia Department of Corrections; a representative from the Virginia Department of Education (VDOE), Special Education Division; the administrative coordinator of the CTE Resource Center; all members of the Virginia CTE Advisory Committee; and all members of the VDOE Office of Career and Technical Education. These stakeholders indicated these revised regulations to be the least burdensome and intrusive process for achieving the essential purposes of the regulations' review process.

## **Summary of Major Elements**

The Carl D. Perkins Career and Technical Education Act of 2006 has expanded to include student attainment of career and technical skill proficiencies, including student achievement on technical assessments that are aligned with industry-recognized standards. Virginia has identified a combination of student competency achievement (existing requirement) with attainment of an industry credential as approved by the Virginia Board of Education. State and federal funds are available to assist school divisions in meeting this requirement. Another substantive addition is the infusion of Career Clusters and Pathways into CTE instructional programs and the use of Program/Plans of Study and/or the Academic and Career Plan to map out students' courses of study based on career assessment and career investigation. One other change to the regulations is one that has a positive fiscal impact on school divisions. That change is requiring maintenance of effort rather than a full equal match of funds when purchasing equipment.

All other proposed changes are an inclusion of regulations from other regulatory documents that had not been included in the past, clarifications of existing regulations, and updating wording to reflect current state and federal terminology.

The changes to the regulations since publication of the proposed regulation include: (1) a name change of one career and technical student organization that changed at the national level. When making that change in the definitions, all acronyms and full names were added to the identification of the organizations. (2) The addition of "veteran status" to meet the requirements of Governor's Executive Order 6 (2010).

**Superintendent's Recommendation:**

The Superintendent of Public Instruction recommends that the Board of Education approve the proposed *Regulations Governing Career and Technical Education (8VAC 20-120-10 et seq.)*

**Impact on Resources:**

There is no significant impact on the Department of Education resources. It is not anticipated that the proposed changes to the specifications will impose significant costs or administrative burdens on school divisions.

**Timetable for Further Review/Action:**

No additional review or action is needed.

State Board of Education

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 ~~§ 22.1-216~~ § 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 ~~Vocational Career and Technical Education Act of 1998~~ 2006, § 121).

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) and the Carl D. Perkins ~~Vocational Career and Technical Education Act of 1998~~ 2006.

**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 a 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 "Program of Study")

~~"All aspects of an industry" includes, with respect to a particular industry that a student is preparing to enter: planning, management, finances, technical and production skills, underlying principles of technology, labor and environmental issues related to that industry.~~ means strong experience in, and comprehensive understanding of, the industry that the individual is preparing to enter.

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

"Career and technical student organizations" means ~~those~~ an organizations for individuals enrolled in a career and technical education programs that engages in an annual program of work including career and technical education activities that are 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) SkillsUSA; and 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. (Moved under "entitlement")

"Competency-based education" means an instructional system that focuses on ~~competencies~~ needed for specific jobs, 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 instruction that combines career and technical classroom instruction with paid employment directly related to the classroom instruction. Both student instruction and employment are planned and supervised by the school and the employer so that each contributes to the student's career objectives and employability. 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.

"Disadvantaged" means ~~individuals (other than individuals with disabilities) who have economic or academic disadvantages and who require special services and assistance to enable them to succeed in career and technical education programs. Such term includes individuals who are members of economically disadvantaged families, migrants, and individuals who are dropouts from or who are identified as potential dropouts from~~

~~secondary schools.~~

"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:

- A. (i) has worked primarily without remuneration to care for a home and family, and for that reason has diminished marketable skills; (ii) has been dependent on the income of another family member but is no longer supported by that income; or (iii) 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 U.S.C. 601 et seq.) not later than 2 years after the date on which the parent applies for assistance under such title; and
- B. is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

~~"Employability skills" means the generic skills related to seeking, obtaining, keeping, and advancing in an occupation.~~

"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. "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.

~~"Equipment" means any instrument, machine, apparatus, or set of articles which meets all of the following criteria:~~

- ~~1. It retains its original shape, appearance, and character with use;~~
- ~~2. It does not lose its identity through fabrication or incorporation into a different or more complex unit or substance;~~
- ~~3. It is nonexpendable;~~
- ~~4. Under normal use, it can be expected to serve its principal purpose for at least one year; and~~
- ~~5. Excludes supplies and materials as defined by the Virginia Department of Planning and Budget's Expenditure Structure, May 2001.~~

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 evaluating program effectiveness and assuring 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 (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; or (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 ~~setting forth proposed career and technical education programs, services, activities, and specific assurances of compliance with federal regulations.~~ 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' Accountability, Section 113.

"Local education agency" means ~~the local school division responsible for providing educational services to students; a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, town, school division, or political subdivision in a state, or any other public educational institution or agency having administrative control and direction of a career and technical education program.~~ 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 of or for a combination of school districts 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 CTE programs at least at the level of support of the previous year.

"Non-traditional 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 percent of the individuals employed in each such occupation or field of work.

"Performance measures" means core indicators of performance for career and technical education students at the secondary level that are valid and reliable and that include measures identified in the Accountability section of the Carl D. Perkins Career and Technical Education Act of 2006.

"Program of study" (also known as "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, non-duplicative progression of courses that align secondary education with postsecondary education to adequately prepare students to succeed in postsecondary education; (iii) may include the 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 and/or an associate degree at the secondary or postsecondary level or a baccalaureate or higher degree at the postsecondary level. (Also see "Academic and Career Plan")

"Section 504" means that section of the Rehabilitation Act of 1973, 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 non-traditional fields; (iv) single parents, including single pregnant women; (v) displaced homemakers; and (vi) individuals with limited English proficiency.

"Training agreement" means a formal document, signed by the instructor, employer, parent or guardian, student, and school administrator, which states the requirements affecting the cooperative education student, the terms of the student's employment, and the responsibilities of all parties involved. 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 ~~which~~ that contributes to the employability and ongoing 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.

## 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 percent 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; and

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 sixty percent of federal funds may be expended on "required" expenditures, and up to forty percent may be spent on "permissive" uses of funds, as identified in the Carl D. Perkins Career and Technical Education Act of 2006, required and permissive uses of funds. If a school division does not meet Perkins performance measures, then the Department may direct local expenditures toward required uses of funds to improve the division's performance.

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

Each eligible participant shall submit ~~on an annual basis~~ 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. ~~In addition to the local career and technical education plan,~~ An annual budget funding application ~~will~~ shall be submitted to the department for review and approval.

#### **8VAC20-120-50. Career and Technical Education Advisory Council.**

Each local education agency or region shall establish a general career and technical education advisory council 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. Councils 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 ~~minorities~~ groups found in the school, community, or region served by the council.

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

#### **8VAC20-120-60. [Repealed]**

#### **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 process as prescribed by the Department of Education and as required by the Carl D. Perkins Career and Technical Education Act of 2006.

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

Local education agencies shall maintain a current inventory of all ~~E~~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 ~~a local match equal to the amount of state funding that would provide maintenance of effort;~~ and
3. Be ~~listed~~ itemized on the Recommended Equipment Approved for Career and Technical Education Programs list provided by the ~~d~~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 ~~Vocational Career~~ and Technical Education Act of ~~1998~~ 2006, and acquired and disposed of in accordance with federal Education Department General Administrative Regulations (EDGAR) and appropriate state procurement laws and regulations.

**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).

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 , regardless of race, ~~creed~~, sex age, color, disability, or national origin, religion, age, political affiliation, [veteran status,] or against otherwise qualified persons with disabilities.]

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

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

**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;

- 23. Competencies are specified to students prior to instruction;
- 34. Measures for successful performance of individual competencies are identified, stated, and used to evaluate achievement of competencies;
- 45. A system exists for rating and documenting the competency performance of each student; and
- 56. Competencies shall address all aspects of ~~the~~ an industry and Employability 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 in order to meet requirements for verified credit.

**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 (IEP's) 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*. 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 ~~occupation~~ career.

**8VAC20-120-140. Cooperative education.**

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

a. develop and follow a A training plan and training agreement ~~shall be developed and followed~~ 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

~~1. Career and technical education programs using 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 where the cooperative education method of instruction is required;~~

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

~~b.e. specify provisions for instructor travel for on-the-job coordination.~~

~~2. Parties to the training agreement shall include the student, parent or guardian, instructor, employer, and a school administrator.~~

**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 on-the-job training.

**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 organizations 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.

**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, which 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.



## Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Education
<b>Virginia Administrative Code (VAC) citation</b>	8 VAC 20-120-10 - 170
<b>Regulation title</b>	<i>Regulations Governing Career and Technical Education</i>
<b>Action title</b>	Revision of regulations to update all applicable state and federal laws
<b>Date this document prepared</b>	April 5, 2011

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.*

The Carl D. Perkins Career and Technical Education Act of 2006 has expanded to include student attainment of career and technical skill proficiencies, including student achievement on technical assessments that are aligned with industry-recognized standards. Virginia has identified a combination of student competency achievement (existing requirement) with attainment of an industry credential as approved by the Virginia Board of Education. State and federal funds are available to assist school divisions in meeting this requirement. Another substantive addition is the infusion of Career Clusters and Pathways into CTE instructional programs and the use of Program/Plans of Study and/or the Academic and Career Plan to map out students' courses of study based on career assessment and career investigation. One other change to the regulations is one that has a positive fiscal impact on school divisions. That change is requiring maintenance of effort rather than a full equal match of funds when purchasing equipment. All other changes are an inclusion of regulations from other regulatory documents that had not been included in the past, clarifications of existing regulations, and updating wording to reflect current state and federal terminology.

The changes to the regulations since publication of the proposed regulation include: (1) a name change of one career and technical student organization that changed at the national level. When making that change in the definitions, all acronyms and full names were added to the identification of the organizations. (2) The addition of "veteran status" to meet the requirements of Governor's Executive Order 6 (2010).

## Statement of final agency action

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency or board taking the action, and (3) the title of the regulation.*

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The Board of Education approved the final review of the *Regulations Governing Career and Technical Education* at its regular meeting on Thursday, April 28, 2011.

## Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

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The following regulations are all mandatory.

### Federal

Carl D. Perkins Career and Technical Education Act of 2006, Titles I, II, and III. (20 USC Part 2301)  
EDGAR, Title 34, Code of Federal Regulations (CFR), Part 74.2.  
Elementary and Secondary Education Act of 1965, Section 9101  
Americans with Disabilities Act of 1990, 42 U.S.C. 12102, §3(2)  
Rehabilitation Act of 1973, Section 504

### State

Code of Virginia, §§22.1-16, 22.1-253.13:1 – 8, 22.1-227 and 22.1-275  
Regulations Establishing Standards for Accrediting Public Schools in Virginia, §§8 VAC 20-131-5 – 360  
Regulations Governing Special Education Regulations for Children with Disabilities in Virginia, §8VAC20-81-10, VAC20-81-110  
Governor's Executive Order 6 (2010)

## Purpose

*Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.*

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Changes in both federal and state laws pertaining to career and technical education have made it necessary to revise the Virginia *Regulations Governing Career and Technical Education*. The regulations have been examined in their entirety, including the requirements for general provisions, administration of career and technical education programs, and operation of career and technical education programs. The goals of this review are to: (i) update the regulations to comply with new state and federal laws, such as an identification and clarification of the U.S. Department of Education's approved Virginia requirements for meeting the performance standards of the Perkins Act of 2006; (ii) update definitions for consistency with other state and federal regulations dealing with similar issues such as a clarification of definition of terms impacted by the Perkins Act reauthorization of 2006, such as "career cluster," "career pathways," and "performance measures" and other terms impacted by the Perkins Act reauthorization of 2006; and (iii) eliminate any duplication of regulations.

## Substance

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.*

A comprehensive review of the Virginia *Regulations Governing Career and Technical Education* in Virginia has been conducted. The regulations have been examined in their entirety, including the requirements for general provisions, administration of career and technical education programs, and operation of career and technical education programs.

The Carl D. Perkins Career and Technical Education Act of 2006 has expanded to include student attainment of career and technical skill proficiencies, including student achievement on technical assessments, that are aligned with industry-recognized standards. Virginia has identified a combination of student competency achievement (existing requirement) with attainment of an industry credential as approved by the Virginia Board of Education. State and federal funds are available to assist school divisions in meeting this requirement. Another substantive addition is the infusion of Career Clusters and Pathways into CTE instructional programs and the use of Program/Plans of Study and/or the Academic and Career Plan to map out students' courses of study based on career assessment and career investigation. One other change to the regulations is one that has a positive fiscal impact on school divisions. That change is requiring maintenance of effort rather than a full equal match of funds when purchasing equipment. All other changes are an inclusion of regulations from other regulatory documents that had not been included in the past, clarifications of existing regulations, and updating wording to reflect current state and federal terminology.

## Issues

*Please identify the issues associated with the proposed regulatory action, including:*

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
  - 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
  - 3) other pertinent matters of interest to the regulated community, government officials, and the public.*
- If there are no disadvantages to the public or the Commonwealth, please indicate.*

The primary advantage of the proposed revisions to the localities would be that the regulations would be in accordance with new state and federal laws. Localities would know what they must do to be in compliance with the state and federal laws pertaining to career and technical education.

The proposed revisions would not present any disadvantages to the Commonwealth.

## Changes made since the proposed stage

*Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar's office, please put an asterisk next to any substantive changes.*

<b>Section number</b>	<b>Requirement at proposed stage</b>	<b>What has changed</b>	<b>Rationale for change</b>
8VAC20-120-20. Definitions	"Career and technical student organization" means <u>an</u> organization for	"Career and technical student organizations" means <del>these</del> an organizations-for individuals	The only changes to the regulation since publication of the

	<p>individuals enrolled in <u>a</u> career and technical education program that engages in <u>career and technical education</u> activities <u>as</u> 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; (ii) Future Business Leaders of America; (iii) <u>Future Educators Association</u>; (iv) Health Occupations Students of America; (v) Family, Career and Community Leaders of America; (vi) DECA: An Association of Marketing Students; (vii) Technology Student Association; (viii) SkillsUSA; <u>and other student organizations that may be approved at the state and national levels.</u></p> <p>Changes at the beginning of the document were merely noun and verb agreement changes from plural to singular. In keeping with the current federal definition, the reference to “program of work” was broadened to career and technical education activities in general. In addition, at the end of the definition the SkillsUSA name has been corrected to match the national and state title. Finally, Future Educators Association was added because the <a href="#">U.S. Dept. of Education</a> has recognized FEA as a <a href="#">Career and Technical Student Organization</a>. This caused changes in the numbering. No consequences.</p>	<p>enrolled in <u>a</u> career and technical education programs that engages in <del>an annual program of work including career and technical education</del> activities <del>that are</del> <u>as</u> 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 [<del>Formerly known as Future Farmers of America</del>]; (ii) Future Business Leaders of America (<u>FBLA</u>); (iii) <u>Future Educators Association (FEA)</u>; (iv) Health Occupations Students of America (<u>HOSA</u>); (v) Family, Career and Community Leaders of America (<u>FCCLA</u>); (vi) <u>DECA (Formerly known as DECA: An Association of Marketing Students)</u>; (vii) Technology Student Association (<u>TSA</u>);] (viii) SkillsUSA; <u>and other student organizations that may be approved at the state and national levels.</u></p> <p>The only changes to the regulations since publication of the proposed regulation included a name change of one career and technical student organization that changed at the national level. When making that change in the definitions, all acronyms and full names were added to the identification of the organizations.</p>	<p>proposed regulation included a name change of one career and technical student organization that changed at the national level after the submission of the proposed regulations. When making that change in the definitions, all acronyms and full names were added to the identification of the organizations for clarity.</p>
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<p>8VAC20-120-100. Access to career and technical education programs</p>	<p>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 <u>specifically prohibits discrimination on the basis , regardless of race, creed, sex age, color, disability, or national origin, religion, age, political affiliation, or against otherwise qualified persons with disabilities.</u></p>	<p>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 <u>specifically prohibits discrimination on the basis , regardless of race, creed, sex age, color, disability, or national origin, religion, age, political affiliation, [veteran status,] or against otherwise qualified persons with disabilities.</u></p>	<p>The addition of “veteran status” to meet the requirements of Governor’s Executive Order 6 (2010).</p> <p>The Office of Career and Technical Education began making proposed changes to the regulations in January 2010, and the Governor’s Executive Order was signed in February 2010.</p>
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**Public comment**

*Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.*

Commenter	Comment	Agency response
<p>Lisa</p>	<p><u>It looks great and also very informative...keep going..</u></p>	<p>No change made in proposed provisions</p>

Only one comment in the Town Hall was submitted. Two other comments (same person, same day) are considered spam. No comments were made at the public hearing on March 24, 2011. No comments were submitted to the Office of Career and Technical Education.

**All changes made in this regulatory action**

*Please list all changes that are being proposed and the consequences of the proposed changes. Describe new provisions and/or all changes to existing sections.*

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change, rationale, and consequences
<p>8VAC20-</p>	<p>N/A</p>	<p>§22.1-216</p>	<p>§22.1-16. Typographical error</p>

120-10 (Definitions)			No consequences.
8VAC20-120-10 (Definitions)	N/A	Carl D. Perkins Vocational Education Act of 1999	Carl D. Perkins Career and Technical Education Act of 2006.  Federal law was reauthorized in 2006. Name changed in the new law. No consequences.
8VAC20-120-10 (Definitions)	N/A	Carl D. Perkins Vocational Education Act of 1999	Carl D. Perkins Career and Technical Education Act of 2006.  Federal law was reauthorized in 2006. Name changed in the new law. No consequences.
8VAC20-120-20 (Definitions)	N/A	The definition was not applicable when the 2003 regulations were written.	New definition-- <u>"Academic and Career Plan" means the student's program of study for high school graduation and a 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.</u> (Also see "Program of Study.")  The academic and career plan is referenced in the proposed regulations, §8VAC20-120-120, and the definition is for clarification. No consequences.
8VAC20-120-20 (Definitions)	N/A	"All aspects of an industry" includes, with respect to a particular industry that a student is preparing to enter: planning, management, finances, technical and production skills, underlying principles of technology, labor and environmental issues related to that industry.	<u>"All aspects of an industry" means strong experience in, and comprehensive understanding of, the industry that the individual is preparing to enter.</u>  The definition is changed to match the wording of the current Perkins law. This provides a broader approach to implementation of the federal requirement, and would be easier to implement locally. No consequences.
8VAC20-120-20 (Definitions)	N/A	"Board" means the Virginia Board of Education.	<u>"Board" means that the Board of Education is designated as the State Board of Career and Technical Education to carry out the provisions of the federal Carl D. Perkins Career and Technical Education Act of 2006 and any new amendments or acts, and as such shall promote and administer the provision of agricultural education, business and information technology, marketing, <del>home economics</del> family and consumer sciences, health and medical services, technology education, trade and industrial education in the public middle and high schools, regional schools established pursuant to § 22.1-26, postsecondary institutions, and</u>

			<p><u>other eligible institutions for youth and adults.</u></p> <p>The definition has been expanded to clearly indicate the role of the Board as defined by the Virginia Code. Strikethroughs above are used to update the program area titles. This definition is not a change to the Board role—it is a more specific explanation. No consequences.</p>
8VAC20-120-20 (Definitions)	N/A	The definition was not applicable when the 2003 regulations were written.	<p><u>“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, 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 Cluster refers to a clearinghouse for career clusters research, products, services and technical assistance for implementation of the States’ Career Clusters Framework for lifelong learning.</u></p> <p>Reference to career clusters and pathways is in the proposed regulations, §8VAC20-120-120. This definition is added to assist localities when working with the proposed requirement. No consequences.</p>
8VAC20-120-20 (Definitions)	N/A	"Career and technical student organizations" means those organizations for individuals enrolled in career and technical education programs that engage in an annual program of work including activities that are 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	<p>"Career and technical student organization" means <u>an</u> organization for individuals enrolled in <u>a</u> career and technical education program that engages in <u>career and technical education</u> activities <u>as</u> 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 [<u>Formerly known as Future Farmers of America</u>]; (ii) Future Business Leaders of America (FBLA); (iii) <u>Future Educators Association (FEA)</u>; (iv) <u>Health Occupations Students of America (HOSA)</u>; (v) Family, Career</p>

		<p>be (i) National FFA Organization; (ii) Future Business Leaders of America; (iii) Health Occupations Students of America; (iv) Family, Career and Community Leaders of America; (v) DECA: An Association of Marketing Students; (vi) Technology Student Association; (vii) SkillsUSA—VICA.</p>	<p>and Community Leaders of America (FCCLA); (vi) <u>DECA (Formerly known as DECA: An Association of Marketing Students; (vii) Technology Student Association (TSA);] (viii) SkillsUSA; and other student organizations that may be approved at the state and national levels.</u></p> <p>Changes at the beginning of the document were merely noun and verb agreement changes from plural to singular. In keeping with the current federal definition, the reference to “program of work” was broadened to career and technical education activities in general. In addition, at the end of the definition the SkillsUSA name has been corrected to match the national and state title. Future Educators Association was added because the <a href="#">U.S. Dept. of Education</a> has recognized FEA as a <a href="#">Career and Technical Student Organization</a>. This caused changes in the numbering.</p> <p>The only changes to the regulation since publication of the proposed regulation included a name change of one career and technical student organization that changed at the national level. When making that change in the definitions, all acronyms and full names were added to the identification of the organizations. No consequences.</p>
8VAC20-120-20 (Definitions)	N/A	<p>"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.</p>	<p>"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.</p> <p>There is no change to the definition. It has been moved under the definition of “entitlement.” No consequences.</p>
8VAC20-120-20 (Definitions)	N/A	<p>"Competency-based education" means an instructional system that focuses on competencies needed for specific jobs, evaluation of student progress based on standards of the occupation or field, and the maintenance of student records of achievement in skill development.</p>	<p>"Competency-based education" means <u>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.</u> Evaluation of student progress is based on standards of the occupation or field and the maintenance of student records of achievement in skill development.</p>

			<p>The definition has been enhanced to reflect the academic rigor required by the current Perkins law. No consequences.</p>
8VAC20-120-20 (Definitions)	N/A	<p>"Cooperative education" means a method of instruction that combines career and technical classroom instruction with paid employment directly related to the classroom instruction. Both student instruction and employment are planned and supervised by the school and the employer so that each contributes to the student's career objectives and employability.</p>	<p>"Cooperative education" means a method of education for individuals who, through <u>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—</u></p> <p><u>(A) 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</u></p> <p><u>(B) _____ 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.</u></p> <p>The definition has been revised to reflect the current Perkins definition. One addition was made (Virginia may add to the federal regulations but not delete from them) by adding the word "paid" before employment. This used to be part of the federal definition and has been the state definition for decades. There is no consequence on school divisions because it is a current state guideline and because there are other work-based methods of instruction, such as internship and shadowing, that do not require paid experiences. No consequences.</p>
8VAC20-120-20 (Definitions)	N/A	<p>"Disadvantaged" means individuals (other than individuals with disabilities) who have economic or academic disadvantages and who require special services and assistance to enable them to succeed in career and technical education programs. Such term includes individuals who are members of economically disadvantaged families, migrants, and individuals who are dropouts from or who are identified as potential dropouts from secondary</p>	<p>The proposed regulations delete this definition as it is no longer used in the current state and federal regulations. The current acceptable definition is for "disability." See addition of definition for "disability" added below.</p> <p>No consequences.</p>

		schools.	
8VAC20-120-20 (Definitions)	N/A	This was not included in the 2003 regulations.	<p><u>“Disability” means, with respect to an individual—</u></p> <p>(A) <u>a physical or mental impairment that substantially limits one or more of the major life activities of such individual;</u></p> <p>(B) <u>a record of such impairment; or</u></p> <p>(C) <u>being regarded as having such an impairment.</u></p> <p>The term is used in the proposed regulations in §8VAC20-120-100. This definition has been added to reflect current state and federal regulations. No consequences.</p>
8VAC20-120-20 (Definitions)	N/A	This was not included in the 2003 regulations.	<p><u>“Displaced homemaker” means an individual who—</u></p> <p>(A) (i) <u>has worked primarily without remuneration to care for a home and family, and for that reason has diminished marketable skills;</u></p> <p>(ii) <u>has been dependent on the income of another family member but is no longer supported by that income; or</u></p> <p>(iii) <u>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 U.S.C. 601 et seq.) not later than 2 years after the date on which the parent applies for assistance under such title; and</u></p> <p>(B) <u>is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.</u></p> <p>Added definition to clarify text of proposed regulations and to reflect current federal definition.</p> <p>This term is mentioned in the definition of special populations in the proposed regulations, §8VAC20-120-20, so this is provided for clarification. No consequences.</p>
8VAC20-120-20 (Definitions)	N/A	"Employability skills" means the generic skills related to seeking, obtaining, keeping, and advancing in an occupation.	This definition has been eliminated in lieu of the more recognized, acceptable, and broader term, "workplace readiness skills (WRS)." See definition for WRS below. No consequences.
8VAC20-120-20 (Definitions)	N/A	"Entitlement" means the amount of funding a local education agency is eligible to receive, subject to state or	"Entitlement" means the amount of funding a local education agency is eligible to receive, subject to state or federal regulations and the availability of

		federal regulations and the availability of funds.	<p>funds. <u>“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.</u></p> <p>As mentioned above under “categorical entitlement,” this has been added under the broader definition of “categorical.” This change is merely to help users find the two definitions more easily. No consequences.</p>
8VAC20-120-20 (Definitions)	N/A	<p>"Equipment" means any instrument, machine, apparatus, or set of articles which meets all of the following criteria:</p> <ol style="list-style-type: none"> <li>1. It retains its original shape, appearance, and character with use;</li> <li>2. It does not lose its identity through fabrication or incorporation into a different or more complex unit or substance;</li> <li>3. It is nonexpendable;</li> <li>4. Under normal use, it can be expected to serve its principal purpose for at least one year; and</li> <li>5. Excludes supplies and materials as defined by the Virginia Department of Planning and Budget's Expenditure Structure, May 2001.</li> </ol>	<p>"Equipment" means tangible nonexpendable personal property including exempt property charged directly to the award having a useful life of more than one year.</p> <p>This change is in keeping with the current EDGAR regulations. The detail is included in the CTE equipment list document, but is not needed here. No consequences.</p>
8VAC20-120-20 (Definitions)	N/A	This was not included in the 2003 regulations.	<p><u>“Federal program monitoring” means monitoring and evaluating program effectiveness and assuring compliance with all applicable state and federal laws.</u></p> <p>Federal program monitoring (FPM) is mentioned in the text of the proposed regulations, §8VAC20-120-70, so this definition is provided. FPM is not a new requirement for localities, so there are no new consequences.</p>
8VAC20-120-20 (Definitions)	N/A	This was not included in the 2003 regulations.	<p><u>“Individualized education program (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</u></p>

			<p><u>of the child and what special education and related services are necessary to meet the child's educational needs.</u></p> <p>This term is mentioned in the proposed regulations, §8VAC20-120-130, so this is provided for clarification. No consequences.</p>
8VAC20-120-20 (Definitions)	N/A	This was not included in the 2003 regulations.	<p><u>"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—</u></p> <p><u>(A) whose native language is a language other than English; or</u></p> <p><u>(B) who lives in a family or community environment in which a language other than English is the dominant language.</u></p> <p>This term is mentioned in the definition of special populations in the proposed regulations, §8VAC20-120-20, so this federal definition is provided for clarification. No consequences.</p>
8VAC20-120-20 (Definitions)	N/A	The definition was not applicable when the 2003 regulations were written.	<p><u>"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.</u></p> <p>Industry credentialing is practiced in Virginia to meet federal and state requirements. It is referenced in §8VAC20-120-120 of the proposed regulations. No consequences.</p>
8VAC20-120-20 (Definitions)	N/A	"Local career and technical education plan" means a document submitted by a local education agency as prescribed by the Board of Education setting forth proposed career and technical education programs, services, activities, and specific	<p><u>"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'</u></p>

		assurances of compliance with federal regulations.	<p><u>Accountability, Section 113.</u></p> <p>This proposed definition is in keeping with the current Perkins regulations. No consequences.</p>
8VAC20-120-20 (Definitions)	N/A	"Local education agency" means the local school division responsible for providing educational services to students; a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, town, school division, or political subdivision in a state, or any other public educational institution or agency having administrative control and direction of a career and technical education program.	<p>"Local education agency" means <u>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 of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.</u></p> <p>The proposed definition is consistent with the current definition in federal regulations. No consequences.</p>
8VAC20-120-20 (Definitions)	N/A	This was not included in the 2003 regulations.	<p>"Maintenance of effort" means the assurance that localities continue to provide funding for CTE programs at least at the level of support of the previous year.</p> <p>The definition reflects the federal definition and is mentioned in the proposed change to section 8VAC20-120-80, 2. No consequences.</p>
8VAC20-120-20 (Definitions)	N/A	This was not included in the 2003 regulations.	<p><u>"Non-traditional 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 percent of the individuals employed in each such occupation or field of work.</u></p> <p>This term is mentioned in the definition of special populations in the proposed regulations, §8VAC20-120-20, so this is provided for clarification. No consequences.</p>
8VAC20-120-20 (Definitions)	N/A	This was not included in the 2003 regulations.	<p><u>"Performance measures" means core indicators of performance for career and technical education students at the secondary level that are valid and reliable and that include measures identified in the Accountability section of the Carl D. Perkins Career and Technical Education Act of 2006.</u></p>

			<p>New definition to reflect new 2006 federal requirement. This is referenced in §8VAC20-120-30 of the proposed regulations.</p> <p>No consequences.</p>
8VAC20-120-20 (Definitions)	N/A	The definition was not applicable when the 2003 regulations were written.	<p><u>“Program of study” (also known as “plan of study”) means planning a sequence of academic, career and technical, or other elective courses that—</u></p> <ul style="list-style-type: none"> <li>(A) <u>incorporate secondary education and postsecondary education elements;</u></li> <li>(B) <u>include coherent and rigorous content aligned with challenging academic standards and relevant career and technical content in a coordinated, non-duplicative progression of courses that align secondary education with postsecondary education to adequately prepare students to succeed in postsecondary education;</u></li> <li>(C) <u>may include the opportunity for secondary students to participate in dual or concurrent enrollment programs or other ways to acquire postsecondary education credits;</u> <u>and</u></li> <li>(D) <u>lead to an industry-recognized credential, license, or certificate and/or an associate degree at the secondary or postsecondary level or a baccalaureate or higher degree at the postsecondary level.</u></li> </ul> <p><u>(Also see “Academic and Career Plan”)</u></p> <p>Added definition to clarify text of proposed regulations, §8VAC20-120-120, and to reflect current federal definition. The term academic and career plan is the exact reference in the text of the proposed regulations; however, as the definitions will explain, career pathway programs/plans of study and academic and career plans are used interchangeably.</p> <p>No consequences.</p>
8VAC20-120-20 (Definitions)	N/A	"Section 504" means that section of the Rehabilitation Act of 1973 that is designed to eliminate discrimination on the basis of a disability in any program or activity receiving federal financial assistance.	<p>"Section 504" means that section of the Rehabilitation Act of 1973, <u>as amended</u>, that is designed to eliminate discrimination on the basis of a disability in any program or activity receiving federal financial assistance.</p> <p>Added “as amended” to reflect current</p>

			Special Education Regulations. No consequences.
8VAC20-120-20 (Definitions)	N/A	This was not included in the 2003 regulations.	<p><u>"Special populations" means -</u></p> <ul style="list-style-type: none"> <li>(A) <u>individuals with disabilities;</u></li> <li>(B) <u>individuals from economically disadvantaged families, including foster children;</u></li> <li>(C) <u>individuals preparing for non-traditional fields;</u></li> <li>(D) <u>single parents, including single pregnant women;</u></li> <li>(E) <u>displaced homemakers;</u></li> <li>(F) <u>individuals with limited English proficiency.</u></li> </ul> <p>Added definition to reflect current Special Education Regulations. No consequences.</p>
8VAC20-120-20 (Definitions)	N/A	"Training agreement" means a formal document, signed by the instructor, employer, parent or guardian, student, and school administrator, which states the requirements affecting the cooperative education student, the terms of the student's employment, and the responsibilities of all parties involved.	<p><u>"Training agreement" means a written statement of commitment from the student, the parent, the training station supervisor, 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. (A recommended format is available from the Department of Education.)</u></p> <p>The definition has been streamlined for clarity. No consequences.</p>
8VAC20-120-20 (Definitions)	N/A	"Training plan" means a formal document that identifies classroom and on-the-job instruction which contributes to the employability and ongoing development of each cooperative education student. (A recommended format is available from the Department of Education.)	<p><u>"Training plan" means a required, formal document that identifies classroom and on-the-job instruction that contributes to the employability and ongoing development of each cooperative education student. (A recommended format is available from the Department of Education.)</u></p> <p>Because the training plan is (and has been) identified as a required document in the text (§8VAC20-120-140) of the regulations, the word "required" has been added to the definition.</p> <p>Changing "which" to "that" was a grammatical change. No consequences.</p>
8VAC20-120-20 (Definitions)	N/A	"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	<p><u>"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.</u></p>

		within a career and technical education course.	Added comma for correct punctuation (comma in a series) and for clarification in reading. No consequences.
8VAC20-120-20 (Definitions)	N/A	This was not included in the 2003 regulations.	<u>“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.</u>  Term is in proposed regulations (§8VAC20-120-120) and reflects current federal Perkins terminology. No consequences.
8VAC20-120-20 (Definitions)	N/A	This was not included in the 2003 regulations.	<u>“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 SOL test or an additional test approved by the Board of Education as part of the Virginia assessment program.</u>  This definition is added to help clarify the proposed regulations in §8VAC20-120-120. No consequences.
8VAC20-120-30 2, c.	N/A	c. Equipment included on the Recommended Equipment Approved for Career and Technical Education Programs lists by the Department of Education; and	c. Equipment included on the Recommended Equipment Approved for Career and Technical Education Programs lists by the Department of Education <u>or local option approved by the Department of Education;</u>  Virginia’s CTE equipment list guidelines have always allowed school divisions to ask for special approvals on items not listed. It is helpful to show that option in the regulation. No consequences.
8VAC20-120-30 2, d.	N/A	d. Adult occupational career and technical education to provide opportunities for adults to prepare for initial employment, retraining, or career advancement;	d. Adult occupational career and technical education to provide opportunities for adults to prepare for initial employment, retraining, or career advancement; <u>and</u>  An item “e” is added to the proposed regulations, causing the need to insert the word “and” at the end of “d.” No consequences.
8VAC20-120-30 2, e.	N/A	This was not included in the 2003 regulations.	<u>e. Funding for industry credentials appearing on the Virginia Board of Education approved list.</u>  This is added to the section indicating

			<p>state/federal financial assistance. Categorical funding is now available to students who take industry credentials approved by the Virginia Board of Education.</p> <p>No consequences.</p>
8VAC20-120-30 3.	N/A	This was not included in the 2003 regulations.	<p><u>3. No less than sixty percent of federal funds may be expended on "required" expenditures, and up to forty percent may be spent on "permissive" uses of funds, as identified in the Carl D. Perkins Career and Technical Education Act of 2006 (§ 135 Local Uses of Funds), required and permissive uses of funds. If a school division does not meet Perkins performance measures, then the Department may direct local expenditures toward required uses of funds to improve the division's performance.</u></p> <p>This language has been added to better explain the federal financial assistance through the Perkins grant. The Perkins Act does not specify the percentages—it leaves that determination up to the states. Virginia has used that percentage breakdown for many years because Perkins does expect the localities to meet the “required uses.” If performance measures required by Perkins are not met locally, members of the Office of Career and Technical Education are able to guide the localities in spending their funds on required uses that will help improve performance. The directions and guidelines for division personnel when completing their Local Plan and Budget that is submitted to the Department for approval in spending their Perkins allocations have always indicated the 60/40 percentage split. This is the first time it has been written into the <i>Regulations Governing Career and Technical Education</i>.</p> <p>No consequences.</p>
8VAC20-120-40	N/A	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. In addition to the local career and technical education plan, an annual budget funding application will be submitted to the department for review and	<p>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. <del>In addition to the local career and technical education plan,</del> An annual budget funding application <del>will</del> <u>shall</u> be submitted to the department for review and approval.</p> <p>The deletions and addition were made to leave open future possibility for change in</p>

		approval.	frequency of plan submission but require annual budget submission. No consequences.
8VAC20-120-50	N/A	Each local education agency or region shall establish a general career and technical education advisory council 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.	Each local education agency or region shall establish a general career and technical education advisory council 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.  A comma was added before “and” at the end of the statement to use correct punctuation (comma in a series). No consequences.
8VAC20-120-50 1.	N/A	1. Councils 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 minorities found in the school, community, or region served by the council.	1. Councils 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 <u>groups</u> found in the school, community, or region served by the council.  The word “minorities” was changed to “groups” to be consistent with current federal terminology. No consequences.
8VAC20-120-50 2.	N/A	2. The council shall meet at regular intervals during the year to assist in the planning, implementing and assessing of career and technical education programs.	2. The council shall meet at regular intervals during the year to assist in the planning, implementing, and assessing of career and technical education programs.  A comma was added before “and” in the middle of the statement to use correct punctuation (comma in a series). No consequences.
8VAC20-120-70	N/A	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 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.  A comma was inserted behind “planning” for correct punctuation (comma in a series) and for clarity of reading.
8VAC20-120-70	N/A	This was not included in the 2003 regulations.	<u>Local Education Agencies (LEA) shall participate in the federal program monitoring process as prescribed by the Department of Education and as required by the Carl D. Perkins Career and Technical Education Act of 2006.</u>

			This requirement has been a federal mandate in the past, so the requirement is added here for awareness. No consequences.
8VAC20-120-80	N/A	Local education agencies shall maintain a current inventory of all Equipment items purchased in whole or in part with federal or state funds.	Local education agencies shall maintain a current inventory of all <del>e</del> Equipment items purchased in whole or in part with federal or state funds.  Changed from capital letter to low case letter. No consequences.
8VAC20-120-80 2.	N/A	2. Include a local match equal to the amount of state funding;	2. Include local funding <u>that would provide maintenance of effort</u> ;  Only the state is required to include a local match to federal funds, so that wording is eliminated. However, localities must continue to meet maintenance of effort. The consequences would be that this is a benefit to school divisions to no longer equally match funds. As allocations go up, the maintenance of effort remains the same.
8VAC20-120-80 3.	N/A	3. Be listed on the Recommended Equipment Approved for Career and Technical Education Programs lists provided by the department.	3. Be <u>itemized</u> on the Recommended Equipment Approved for Career and Technical Education Programs lists provided by the <u>Department of Education or local option approved by the Department of Education.</u>  <ul style="list-style-type: none"> <li>• The word “listed” is replaced with “itemized” because the word “list” is used elsewhere in the statement.</li> <li>• “Department” has been clarified as the Department of Education.</li> <li>• Virginia’s CTE equipment list guidelines have always allowed school divisions to ask for special approvals on items not listed. It is helpful to show that option in the regulation.</li> </ul> No consequences.
8VAC20-120-80 3. (paragraph 2)		Equipment purchased with combined state and federal funds must be used in accordance with provisions of the Carl D. Perkins Vocational and Technical Education Act of 1998, and acquired and disposed of in accordance with federal Education Department General Administrative Regulations (EDGAR) and appropriate state procurement laws and regulations.	Equipment purchased with combined state and federal funds must be used in accordance with provisions of the Carl D. Perkins <u>Career</u> and Technical Education Act of <u>2006</u> , and acquired and disposed of in accordance with federal Education Department General Administrative Regulations (EDGAR) and appropriate state procurement laws and regulations.  Federal law was amended in 2006. Name changed in the new law.  No consequences.
8VAC20-	N/A	Career and technical	Career and technical education programs

120-100		education programs administered by local education agencies receiving federal or state education funds shall be made equally available and accessible to all persons, regardless of sex, race, creed, age, color, disability, or national origin.	administered by local education agencies receiving federal or state education funds shall be made equally available and accessible to all persons <u>and specifically prohibits discrimination on the basis, regardless of race, creed, sex, age, color, disability, or national origin, religion, age, political affiliation, veteran status, or against otherwise qualified persons with disabilities.</u>  Deletions and additions were made to keep the statement consistent with the most recent Governor's Executive Order 6 (2010). No consequences.
8VAC20-120-110	N/A	The need for new occupational preparation programs shall be based on student and labor market demands.	The need for new <u>career and technical</u> preparation programs shall be based on student <u>interests</u> and labor market <u>needs</u> .  The terminology has been updated to reflect current language in the federal regulations. It also reflects exactly what is requested on the state form for reporting new programs. No consequences.
8VAC20-120-120	N/A	Career and technical education programs shall be competency based and meet the following criteria:	<u>A.</u> Career and technical education programs shall be competency based and meet the following criteria:  "B." has been added to this section, so "A." was inserted. No consequences.
8VAC20-120-120	N/A	This was not included in the 2003 regulations.	<u>1. Career and technical education programs are aligned with States' Career Clusters and Career Pathways that allow for utilization within academic and career plans;</u>  This was added to reflect the requirements of 2006 Perkins grant and the 2009 Standards of Accreditation. The consequences are that there will be additional work involved in implementing the academic and career plan, but that is not a requirement proposed in these regulations—it is just referenced in these regulations.
8VAC20-120-120	N/A	1. State-established, industry-validated competencies are identified and stated;  2. Competencies are specified to students prior to instruction;  3. Measures for successful	<u>2.</u> State-established, industry-validated competencies are identified and stated;  <u>3.</u> Competencies are specified to students prior to instruction;  <u>4.</u> Measures for successful performance of individual competencies are identified, stated, and used to evaluate achievement of competencies;

		<p>performance of individual competencies are identified, stated, and used to evaluate achievement of competencies;</p> <p>4. A system exists for rating and documenting the competency performance of each student; and</p>	<p>5. A system exists for rating and documenting the competency performance of each student; and</p> <p>Because a new "1." was inserted above, the numbers were changed appropriately. No consequences.</p>
8VAC20-120-120	N/A	<p>5. Competencies shall address all aspects of the industry and Employability skills.</p>	<p>6. Competencies shall address all aspects of <u>an industry and workplace readiness skills.</u></p> <p>Numerical change is due to the new "1." that was inserted. The wording changes are to reflect state and federal current terminology. No consequences.</p>
8VAC20-120-120	N/A	<p>This was not included in the 2003 regulations.</p>	<p><u>B. Performance measures, as determined by the Department of Education, will be achieved annually.</u></p> <p>The requirements for meeting state adjusted performance levels changed with the 2006 Perkins regulations. Virginia's current requirement for localities involves a competency attainment and the attainment of an approved industry credential for program completers. State and federal funds are available to localities for industry credentialing. This new federal requirement does mean consequences of time and funding, but as stated above, there are federal and state funds available to assist localities. The benefit is the increased rigor in the instructional programs.</p>
8VAC20-120-120	N/A	<p>This was not included in the 2003 regulations.</p>	<p><u>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.</u></p> <p>This is not a new regulation. It is and has been in the Virginia Standards of Accreditation. We have inserted the regulation here for awareness. No consequences.</p>
8VAC20-120-120	N/A	<p>This was not included in the 2003 regulations.</p>	<p><u>D. Career and technical education programs must provide industry credentialing, certification, and licensure as approved by the Board of Education in order to meet</u></p>

			<p><u>requirements for verified credit.</u></p> <p>This has been added to indicate provisions for a student verified credit as identified in the Virginia Standards of Accreditation. State and federal funds are available to localities for industry credentialing.</p> <p>Providing credentialing does mean consequences of time and funding, but as stated above, there are federal and state funds available to assist localities. The benefit is the increased rigor in the instructional programs.</p>
8VAC20-120-130	N/A	<p>Essential competency profiles provided by the Department of Education for career and technical education courses may be modified for students with Individualized Education Programs (IEP's) 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 <i>Regulations Governing Special Education Programs for Children with Disabilities in Virginia</i>. 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 occupation.</p>	<p>Essential competency profiles provided by the Department of Education for career and technical education courses may be modified for students with Individualized Education Programs (IEP's) 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 <i>Regulations Governing Special Education Programs for Children with Disabilities in Virginia</i>. 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 <del>occupation</del> <u>career</u>.</p> <p>The apostrophe and "s" was deleted from "IEPs" to correct the punctuation. Terminology is updated for current usage in state and federal regulations. No consequences.</p>
8VAC20-120-140	N/A	<p>A training plan and training agreement shall be developed and followed for each student receiving training through cooperative education.</p> <p>1. Career and technical education programs using the cooperative education method of instruction shall:</p> <p>a. Be limited to an average of 20 students per instructor per class period with no class being more than 24 where the cooperative</p>	<p><u>Career and technical education programs using the cooperative education method of instruction shall:</u></p> <p><u>a. develop and follow a</u>A training plan and training agreement shall <del>be developed and followed</del> for each student receiving training through cooperative education. <u>Parties to the training agreement shall include the student, parent or guardian, instructor, employer, and a school administrator, and</u></p> <p><del>1. Career and technical education programs using the cooperative education method of instruction shall:</del></p> <p><del>a. Be limited to an average of 20 students</del></p>

		<p>education method of instruction is required;</p> <p>b. Have a class period assigned to the instructor for on-the-job coordination for each 20 students participating in on-the-job training; and</p> <p>c. Specify provisions for instructor travel for on-the-job coordination.</p> <p>2. Parties to the training agreement shall include the student, parent, or guardian, instructor, employer, and a school administrator.</p>	<p><del>per instructor per class period with no class being more than 24 where the cooperative education method of instruction is required;</del></p> <p><del>b. Have a class period assigned to the instructor for on-the-job coordination for each 20 students participating in on-the-job training;</del> and</p> <p><del>b.e.</del> specify provisions for instructor travel for on-the-job coordination.</p> <p><del>2. Parties to the training agreement shall include the student, parent or Guardian</del></p> <p>All references to class size have been moved to §8VAC20-120-150—Maximum class size. The remaining requirements have been reworded and reformatted to accommodate the deletion. No requirements were changed. No consequences.</p>
8VAC20-120-150 1.	N/A	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.	<p>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. <u>The career and technical education courses that have this restriction are published annually by the Virginia Department of Education.</u></p> <p>The last sentence has been added for awareness. No consequences.</p>
8VAC20-120-150 2.	N/A	2. Career and technical education courses 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.	<p><u>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.</u></p> <p>The wording, “designed specifically,” has been added for clarification. No consequences.</p>
8VAC20-120-150 3.	N/A	3. Career and technical education courses 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	<p>3. Career and technical education courses <u>designed specifically and</u> 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</p>

		per class period with no class being more than 15 where an instructional aide is provided.	aide is provided.  The wording, “designed specifically,” has been added for clarification. No consequences.
8VAC20-120-150 4.	N/A	This was not included in this particular section in the 2003 regulations. It was included in “1. a.” of §8VAC20-120-140.	<u>4. Career and technical education programs offering classes that require the cooperative education method of instruction shall:</u>  <u>a. be limited to an average of 20 students per instructor per class period with no class being more than 24, and</u>  <u>b. have a class period assigned to the instructor for on-the-job coordination for each 20 students participating in on-the-job training.</u>  This is not a new requirement. It has been added to §8VAC20-120-150-4. because it is relevant to class size. No consequences.
8VAC20-120-160 B.	N/A	B. A career and technical education student organizations shall be an integral and active part of each secondary career and technical program (grades 9, 10, 11, 12) offered.	B. A career and technical education student organizations shall be an integral and active part of each secondary career and technical program (grades 9, 10, 11, 12) offered.  “S” has been deleted from “organizations” to make the sentence grammatically correct. No consequences.
8VAC20-120-170 A.	N/A	A. Each career and technical education program shall include health and safety standards that are applicable to the operation of that program, which shall be made an integral part of program instruction.	A. Each career and technical education program shall include health and safety standards, <u>including protective eye devices</u> , that are applicable to the operation of that program, which shall be made an integral part of program instruction.  The wording, “including protective eye devices” has been added to be consistent with Virginia Code. No consequences.

## Regulatory flexibility analysis

*Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.*

All reporting requirements set forth in the proposed regulations are mandated by federal law.

These regulations do not impact small business.

## Family impact

*Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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The proposed revisions will not have any measurable impact on the above.