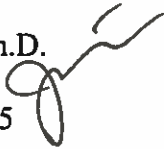




Jack R. Smith, Ph.D.
Interim State Superintendent of Schools

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TO: Members of the State Board of Education

FROM: Jack R. Smith, Ph.D. 

DATE: December 8, 2015

SUBJECT: Code of Maryland Regulations (COMAR) 13A.04.02
Secondary School Career and Technology Education (Amend)
ADOPTION

PURPOSE:

The purpose of this action is to seek adoption of amendments to regulations under COMAR 13A.04.02 Secondary School Career and Technology Education (Attachment I).

BACKGROUND/HISTORICAL PERSPECTIVE:

The current secondary school career and technology education regulation contains language that is no longer applicable to career and technology education programs in secondary schools. The regulations need to be updated to reflect both state and federal laws that have passed since the last regulatory update which include the Bridge to Excellence in Education Act in 2002 and the federal *Carl D. Perkins Career and Technical Education Improvement Act of 2006*. The current COMAR provides regulations for the use of the state categorical funds earmarked for career and technology education programs, which are no longer a specific set aside. The regulations pertaining to the federal funds are not completely applicable any longer as the federal law has changed.

In addition, there are now standards for the development of career and technology education programs of study, definitions for items contained in the federal law, specific requirements for reports and the current name of the Division which has responsibility for career and technology education programs, all of which are not reflected in the current COMAR. The proposed changes will bring COMAR into what is existing policy and law for career and technology education programs of study at the secondary level.

After the proposed changes were shared with the local Directors of Career and Technology Education in all school systems, valuable feedback was given, which has been incorporated in the proposed changes to the regulations.

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The public was given the opportunity to comment on the proposed changes. The public comment period opened on September 18th and closed on October 19, 2015. No comments were received during this time.

EXECUTIVE SUMMARY:

The existing regulations that govern career and technology education programs of study are no longer current due to the changes in both state and federal laws, as well as state policies. As such, the current regulations do not contain the existing requirements for career and technology education programs.

The proposed changes reflect the current development and implementation of career and technology education programs at the secondary school level.

ACTION:

I am requesting that the State Board grant adoption of the proposed amendments to COMAR 13A.04.02 Secondary School Career and Technology Education.

JRS:jmsh

Attachment

PROPOSED ACTION ON REGULATIONS

1238

Statement of Purpose

The purpose of this action is to create a staggered renewal schedule for dental radiation technologists, all of whom presently renew their 2-year certificates every odd-numbered year. The proposal will create a 1-year certificate in 2017 for dental radiation technologists whose certificates end in an even number. The result will be that approximately 1/2 of the dental radiation technologists will renew their certificates in even-numbered years while the remainder will renew their certificates in odd-numbered years.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhrmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through October 19, 2015. A public hearing has not been scheduled.

.05 Term and Renewal of Certification.

A. [A] *Except as provided in Regulation .06 of this chapter, a certification as a dental radiation technologist expires on the second anniversary of the issuance of the certification unless it is renewed for an additional 2-year term as provided in this regulation.*

B.—F. (text unchanged)

G. Notwithstanding the provisions of §E of this regulation, the Board may charge the dental radiation technologist with unprofessional conduct as provided in Regulation [11] .12 of this chapter.

.06 One-Time Transitional Renewal for Even-Numbered Certificate Holders.

A. *A dental radiation technologist scheduled to renew a dental radiation technologist certificate on or before March 1, 2017, whose dental radiation technologist certificate number ends with an even number (0, 2, 4, 6, or 8) shall submit 1/2 of the renewal fee as specified in COMAR 10.44.20 for a 1-year certificate which shall expire on March 1, 2018, and thereafter, if renewed, shall expire biennially.*

B. *The 1-year certificate referred to in §A of this regulation shall be issued one time so that the Board may transition to a staggered certification renewal program for dental radiation technologists.*

C. *A dental radiation technologist with an even-numbered certificate who has completed the required 2-hour Board-approved course on infection control as a condition of 2017 certificate renewal is not required to complete the course for the 2018 certificate renewal, but will thereafter be required to complete the course.*

D. *A dental radiation technologist whose dental radiation technologist certificate number ends with an even number (0, 2, 4, 6, or 8) may not be required to demonstrate proof of active practice or continuing education as required under Regulation .05C(3) of this chapter as a condition of 2017 certificate renewal, but will thereafter be subject to that requirement.*

VAN T. MITCHELL
Secretary of Health and Mental Hygiene

Title 13A STATE BOARD OF EDUCATION

Subtitle 04 SPECIFIC SUBJECTS

13A.04.02 Secondary School Career and Technology Education

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

Notice of Proposed Action

[15-255-P]

The Maryland State Board of Education proposes to amend Regulation .01, repeal existing Regulation .02, amend and recodify Regulation .03 to be Regulation .06, and adopt new Regulations .02 — .05 under COMAR 13A.04.02 Secondary School Career and Technology Education. This action was considered at the July 28, 2015, meeting of the Maryland State Board of Education.

Statement of Purpose

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

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

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

Open Meeting

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

.01 [Enrollment Criteria] Scope.

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

B. [Selection Criteria.] Local school systems shall establish criteria for the selection of applicants for enrollment in public secondary

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

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

.02 Definitions.

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

B. Terms Defined.

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

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

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

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

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

(6) "Liquidation" means the elimination of financial obligations.

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

.03 Career and Technology Education Development Standards.

CTE Programs shall be:

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

B. *Developed in conjunction with all relevant stakeholder groups, including industry and postsecondary partners;*

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

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

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

F. *Developed to include a coherent set of academic, employability, and technical skills, based on national and State standards that provide students moving directly to employment with a value-added competitive advantage;*

G. *Developed to provide multiple options for students as they prepare for entry into careers and further education through*

articulation agreements, supervised work-based learning opportunities, and industry-mentored or capstone projects; and

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

.04 Enrollment Criteria.

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

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

.05 Selection Criteria.

Each local school system:

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

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

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

D. *Shall make career awareness, exploratory activities, and program information equally available to students in accordance with Regulation .01B of this chapter.*

[.03] .06 Federal Funds.

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

B. Application for Funds.

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

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

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

(i) *Approved by the State Department of Education;*

(ii) *Focused on program upgrades and improvement; and*

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

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

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

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

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

(3) Maintenance of Fiscal Effort.

(a) (text unchanged)

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

(4) Financial Reporting Requirements.

(a) (text unchanged)

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

(5) Liquidation of Financial Obligations.

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

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

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

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

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

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

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

(7) Program Reports.

(a) Program reports shall be submitted by the eligible recipient according to a form prescribed by the Maryland State

Department of Education and as identified on the Notice of Grant Award.

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

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

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

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

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

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

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

Subtitle 06 SUPPORTING PROGRAMS

13A.06.03 Interscholastic Athletics in the State

Authority: Education Article, §§2-205 and 2-303(k), Annotated Code of Maryland

Notice of Proposed Action [15-256-P]

The Maryland State Board of Education proposes to amend Regulation .03 under COMAR 13A.06.03 Interscholastic Athletics in the State. This action was considered at the Maryland State Board of Education meeting on July 28, 2015.

Statement of Purpose

The purpose of this action is to provide local education agencies with the flexibility to reschedule postponed swimming events and complete a full season of competition.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to R. Andrew Warner, Executive Director, MD Public Secondary Schools Athletic Association, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0376 (TTY 410-333-6442), or email to robert.warner1@maryland.gov, or fax to 410-333-3111. Comments will be accepted through October 19, 2015. A public hearing has not been scheduled.