



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

TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: February 23, 2021

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

PURPOSE:

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

REGULATION PROMULGATION PROCESS

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

BACKGROUND/HISTORICAL PERSPECTIVE:

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

The U.S. Department of Education also required states to submit a Methods of Administration (MOA) Plan that details strategies the state will implement to ensure that all students have equal access to high-quality CTE programs. Stakeholders were convened to develop the MOA plan. In October 2020, the U.S. Department of Education approved the Maryland MOA Plan. The Maryland CTE Four-Year State Plan and MOA Plan describe the revised direction for CTE in Maryland.

EXECUTIVE SUMMARY:

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

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

The Maryland State Board of Education reviewed the amended regulation and granted permission to publish at the October 27, 2020, State Board meeting. The regulation was published in the Maryland Register from January 4, 2021, to February 3, 2021. No comments were received.

ACTION:

Request adoption of amendments to COMAR 13A.04.02 *Secondary School Career and Technology Education*.

ATTACHMENT:

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

Title 13A

STATE BOARD OF EDUCATION

Subtitle 04 SPECIFIC SUBJECTS

13A.04.02 Secondary School Career and [Technology] *Technical* Education

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

Notice of Proposed Action

[21-007-P]

The Maryland State Board of Education proposes to amend Regulations .01—.06 under **COMAR 13A.04.02 Secondary School Career and Technical Education**. This action was considered by the State Board of Education at their meeting on October 27, 2020.

Statement of Purpose

The purpose of this action is to define requirements that each state and local school system must complete to distribute and expend federal Perkins funds on career programs to be in compliance with the federal Strengthening Career and Technical Education for the 21st Century Act (Perkins V) that was signed into law in 2018.

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 an impact on individuals with disabilities as follows:

The proposed regulation modifications will ensure that students with disabilities have equal access to CTE programs of study and it will hold school systems accountable for ensuring equitable practices in CTE.

Opportunity for Public Comment

Comments may be sent to Tiara Booker-Dwyer, Assistant State Superintendent, Maryland State Department of Education, Division of Career and College Readiness, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-3676 (TTY 410-333-6442), or email to tiara.booker-dwyer@maryland.gov. Comments will be accepted through February 3, 2021. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on February 23, 2021 at 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

.01 Scope.

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

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

C. Each local school system that develops career and [technology] *technical* education programs shall do so in accordance with the career and [technology] *technical* education development standards in Regulation .03A of this chapter.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) “Career and [technology] *technical* education (CTE) enrollee” means a student who is enrolled in at least one course which is part of an identified CTE completer program.

(3) “*Career and technical student organization*” means an organization for individuals enrolled in CTE programs of study that engages students in co-curricular CTE learning experiences as an integral part of the instructional program, is approved by the Maryland State Department of Education, and adheres to Policies and Procedures for Implementing Career and Technical Student Organizations in Maryland.

[(3)] (4) “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] *at the secondary level who completes two courses in a single CTE program of study and has enrolled in the third sequential course in a single CTE program of study.*

[(4)] (5) (text unchanged)

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

[(6)] (7)—[(7)] (8) (text unchanged)

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

CTE Programs shall be:

A. (text unchanged)

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

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

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

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

[C.] F. (text unchanged)

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

[D.] H.—[F.] J. (text unchanged)

[G.] K. 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]

[H.] L. 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[.]; *and*

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

.04 Enrollment Criteria.

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

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

.05 Selection Criteria.

Each local school system:

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

B.—C. (text unchanged)

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

.06 Federal Funds.

A. (text unchanged)

B. Application for Funds.

(1) An eligible recipient requesting federal funds for career and [technology] *technical* education programs shall submit an application annually to the State Department of Education on a form prescribed by the State Superintendent of Schools. The application shall:

(a) (text unchanged)

(b) *Include a completed CTE Comprehensive Local Needs Assessment evaluating access, equity, and student performance;*

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

(i) (text unchanged)

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

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

[(c)] (d)—[(e)] (f) (text unchanged)

(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] *technical* education. These groups include, but are not limited to, the local advisory council, program advisory committees, local workforce investment boards, and local economic development personnel, as well as representatives from secondary and postsecondary instructional areas, guidance and counseling, special education, student support services, and Workforce Innovation and Opportunity Act programs.

(3) Maintenance of Fiscal Effort.

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

(b) (text unchanged)

(4) Financial Reporting Requirements.

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

(b) (text unchanged)

(5)—(6) (text unchanged)

(7) Program Reports.

(a)—(d) (text unchanged)

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

(f) (text unchanged)

C. (text unchanged)

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