

EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education
(Amendment)

705 KAR 4:231. General program standards for secondary career and technical education programs.

RELATES TO: KRS 156.029, 156.802, 20 U.S.C. 2301-~~2414~~~~[2471]~~

STATUTORY AUTHORITY: KRS 156.029, 156.070, 156.802, 156.852, 20 U.S.C. 2301-~~2414~~~~[2471]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.802 requires the Kentucky Board of Education to establish program standards for ~~[secondary area vocational education and technology centers. This administrative regulation establishes standards for]~~secondary career and technical education programs in local school districts and area centers essential for compliance with the Strengthening Career and Technical Education for the 21st Century Act, 20 U.S.C. 2301 2414 (Perkins V). Federal funds may be withheld from a local district for noncompliance with Perkins V law~~[Carl D. Perkins Career and Technical Education Improvement Act of 2006, 20 U.S.C. 2301-2471]~~.

Section 1.

(1) Secondary career and technical education programs shall be designed to serve students enrolled in the following middle school and secondary program areas:

- (a) Agricultural education;
- (b) Business and marketing education;
- (c) Computer science;
- (~~d~~) Construction technology;
- (~~e~~) Education and training;
- (f) ~~[(d)]~~ Engineering ~~and~~ technology education;
- (g) ~~[(e)]~~ Family and consumer sciences education;
- (~~h~~) ~~[(f)]~~ Government and homeland security;
- (i) ~~[(g)]~~ Health science education;
- (j) ~~[(h)]~~ ~~Information technology;~~
- ~~[(i)]~~ Law and public safety;
- (~~k~~) ~~[(j)]~~ Manufacturing technology;
- (l) ~~[(k)]~~ Media arts;
- (~~m~~) ~~[(l)]~~ Transportation education; and
- ~~[(m)]~~ ~~Pathway to careers; and~~
- (n) Other new and emerging business and industry needs.

(2) Instructional programs shall not discriminate on the basis of race, color, national origin, age, religion, marital status, sex, or disability, in violation of state or federal statutes.

Section 2.

~~[(1)]~~ Instruction shall be designed to:

- (1) ~~[(a)]~~ Assist students preparing for ~~[school to work]~~transition ~~into~~in recognized occupations and new or emerging occupations~~[-, including high technology industries];~~
- (2) ~~[(b)]~~ Prepare students for advanced or highly skilled postsecondary technical education programs;~~[or entrance into community and technical colleges or universities; and]~~
- (3) ~~[(c)]~~ Provide career guidance and academic counseling in the development of the individual learning plan as established in 704 KAR 3:305.

~~[(2)] [If needed, instruction shall be provided to upgrade and update individuals in their present occupations and to retrain existing workers.]~~

Section 3. The content of the instruction in secondary career and technical education programs shall be:

- (1) Aligned with state or national occupational skill standards that have been recognized by business and industry to include an understanding of all aspects of an industry;
- (2) Developed and conducted in consultation with employers and other individuals having skills and knowledge of the occupational fields or industry included in the instruction;
- (3) Developed to include a coherent sequence of academic and career ~~and/or~~ technical education courses for each program, aligned with career clusters and pathways;
- (4) Sufficiently extensive in duration and intensive within a scheduled unit of time to enable students to achieve the objectives of the instruction;
- (5) Structured to provide for the integration of technology and rigorous academic content relevant to the career area and aligned with the Kentucky Academic Standards, 704 KAR 3:303; and
- (6) Linked to postsecondary education ~~[in order]~~ to provide a ~~smooth and~~ seamless transition to postsecondary education in related technical fields. If possible, articulation of credit from secondary to postsecondary education shall be provided for students, as well as dual credit opportunities.

~~[Section 4.] [A student completing the requirements for a career pathway may receive a Career Pathway Certificate. Requirements for a Career Pathway Certificate shall include the following:]~~

- ~~[(1)] [Successful completion of high school graduation requirements to include four (4) career-related credits relevant to a career cluster or pathway;]~~
- ~~[(2)] [Participation in a structured work-based learning experience related to the career cluster or pathway; and]~~
- ~~[(3)] [A culminating project related to the career cluster or pathway.]~~

Section 4. ~~[Section 5.]~~ A secondary career and technical education program shall provide opportunities for students to participate in high-quality~~[high-quality]~~ work-based learning experiences related to the program in which they are enrolled and shall comply with 705 KAR 4:041. These work-based learning experiences may include the following:

- (1) Job shadowing;
- (2) Mentoring;
- (3) Service Learning;
- (4) School-based enterprises;
- (5) Entrepreneurship;
- (6) Internships;
- (7) Cooperative education; or
- (8) Registered apprenticeship ~~[Pre-apprenticeship]~~.

Section 5. ~~[Section 6.]~~ A secondary career and technical education program shall be designed to accommodate students with special learning needs, i.e., the disadvantaged, the disabled, and individuals with limited English proficiency.

Section 6. ~~[Section 7.]~~ A secondary career and technical education program shall provide a variety of learning experiences. Programs in grades six (6) through eight (8) shall be designed to allow students to become aware of and explore clusters of occupations. Programs in grades nine (9) through twelve (12) shall provide in-depth exploration, specialized skill development, and preparation for advanced education. Students enrolled in

public or private schools shall be permitted to enroll in a state-operated career and technical program consistent with that school district's enrollment quota.

Section 7. ~~{Section 8.}~~ A career and technical preparation program shall provide a curriculum of sufficient length to permit students to secure entry level skills in the occupation for which they are training.

Section 8. ~~{Section 9.}~~ Recognized career and technical student organizations shall be a co-curricular component~~{an integral part}~~ of a career and technical education program and shall be supervised by qualified career and technical education personnel. All career and technical education programs shall be aligned to the appropriate career and technical student organization as identified by the Kentucky Department of Education Office of Career and Technical Education. All students shall be provided an opportunity to participate in leadership development activities.

Section 9. ~~{Section 10.}~~ Instructional and administrative personnel shall meet the certification requirements as specified by the Education Professional Standards Board in KAR Title 16~~{KAR}~~.

Section 10. ~~{Section 11.}~~ Opportunities in secondary career and technical education programs shall be provided for students to receive an industry-recognized ~~{skill standard}~~ certificate or credential approved by the Kentucky Workforce Innovation Board (KWIB) or a Kentucky Department of Education (KDE) Career and Technical Education End-of-Program Assessment pursuant to KRS 158.6455.~~{based on skill standards and assessments.}~~

Section 11. ~~{Section 12.}~~ A career and technical education program area shall have an active program advisory committee comprised of business and industry representatives, a parent~~{s}~~, a student, a teacher, a school administrator~~{education representatives}~~, and, if applicable to the program area, a labor organization~~{organizations}~~ representative~~{representatives}~~ to assist in planning, implementing, and evaluating programs.

Section 12. ~~{Section 13.}~~ Career and technical education pathways shall comply with the state-approved four (4)-course sequence. Requests for exceptions to pathway course sequencing or to any standards for career and technical instructional programs shall be submitted in writing by the local educational agency to the Office of Career and Technical Education~~{chief state school officer}~~.

Section 13. ~~{Section 14.}~~

(1) Assessment of ~~{the}~~ career and technical education programs shall be conducted in accordance with requirements and instruments approved by the Office of Career and Technical Education, which are based upon indicators of quality programming including curriculum and assessment alignment with industry standards, the academic and technical skill attainment of students, work-based learning opportunities, career and technical student organizations, active advisory committees and industry partnerships, and the successful transition of students to postsecondary opportunities.

(2) Staff from the Office of Career and Technical Education shall conduct annual evaluations of career and technical education programs, based on state and federal accountability data, and identify programs for technical assistance and continuous improvement visits.

Section 14. ~~{Section 15.}~~

(1) The maximum number of students per class shall be based on the class setting.

(a) For a classroom setting, the maximum enrollment shall be thirty-one (31).

(b) For a laboratory or shop setting, the maximum enrollment shall not exceed the appropriate number of students that the laboratory or shop can safely maintain, based

~~upon the number of available workstations, dimensions of the room, and safety protocols [the number of students enrolled in a class shall not exceed the number of work stations available in the facility].~~

(2)

(a) A program shall provide classrooms, laboratories, and other facilities including instructional equipment, supplies, teaching aids, and other materials in sufficient quantity and quality to meet the objectives of the instructional programs.

(b) Equipment used in career and technical education programs shall be similar to that used in business and industry.

(c) An inventory of all equipment with an original purchase price of \$500 or more shall be maintained by the local school district or area technology center.

(d) The facilities for each program shall be:

1. In compliance with 702 KAR 4:180 and be of adequate size to accommodate the activities and the number of work stations unique to the program; and

2. Approved by the chief state school officer or designee.

Section 15. ~~[Section 16.]~~

(1) A career and technical education program shall meet the performance indicators in accordance with the requirements of the Strengthening Career and Technical Education for the 21st Century Act, 20 U.S.C. 2301-2414 (Perkins V) ~~[Carl Perkins Career and Technical Education Improvement Act of 2006, 20 U.S.C. 2301-2471]~~, which include the following:

(a) ~~[State established]~~ Academic attainment ~~[and vocational technical skill achievement];~~

(b) Graduation rate ~~[Attainment of a secondary diploma];~~

(c) Placement in postsecondary education, military, or employment;

(d) Nontraditional training ~~[and employment];~~ and

(e) Achievement of a postsecondary credential such as a valid industry certification or Kentucky Department of Education End-of-Program assessment. ~~[Issuance of a Career Pathway Certificate or Career and Technical Certificate of Achievement to students.]~~

(2) The performance indicators shall be used to determine the effectiveness of the program in terms of its objectives and shall include annual follow-up data as well as annual enrollment reports.

(3) Monitoring ~~[An audit]~~ of the utilization of federal and state funds shall be conducted by the Kentucky Department of Education to assure that eligible recipients meet the requirements for each approved career and technical education program.

~~[Section 17.] [Federal funds to be received by a local school district under the Carl D. Perkins Career and Technical Education Improvement Act of 2006, 20 U.S.C. 2301-2471, may be withheld for noncompliance with this administrative regulation or with the Carl D. Perkins Career and Technical Education Improvement Act of 2006.]~~

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

ROBIN KINNEY, Interim Commissioner of Education

SHARON PORTER ROBINSON, Chair

APPROVED BY AGENCY: October 11, 2023

FILED WITH LRC: October 11, 2023 at 1:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on December 21, 2023 at 10:00 a.m. ET, in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky 40601. Individuals

interested in being heard at this meeting shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may want to submit written comments on the proposed administrative regulation. Written comments shall be accepted through December 31, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the general program standards for secondary career and technical education programs. The necessity of this administrative regulation: This administrative regulation is essential for compliance with the Strengthening Career and Technical Education for the 21st Century Act, 20 U.S.C. 2301 2414 (Perkins V) by career and technical education programs in local school districts and state-operated area technology centers.

(b) The necessity of this administrative regulation:

This administrative regulation provides specific details for the minimum program standards necessary for compliance with federally required Perkins V standards.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This regulation currently assists the Kentucky Department of Education (KDE) Office of Career and Technical Education (OCTE) to hold local school districts and state-operated area technology centers in compliance with Perkins V so that our state will be eligible to receive and distribute federal CTE funding to secondary CTE programs.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This amendment changes the existing administrative regulation to reflect the reauthorization of the Carl D. Perkins Career and Technical Education Improvement Act of 2006, 20 U.S.C 2301-2471 to the Strengthening Career and Technical Education for the 21st Century Act, 20 U.S.C. 2301 2401 (Perkins V) in 2018. This amendment makes updates to indicate the current structure of Kentucky-specific CTE program areas. It reflects a name change from Information Technology to Computer Science, adds Education and Training as a CTE program area, and removes Pathway to Careers as an individual program area as middle school career studies standards have been made available and newly developed CTE Academic and Employability Skills Standards have been published with the intent that they be embedded into all CTE program areas. This amendment also aligns sections with the new requirements of Perkins V and the performance indicators in our state Perkins V plan in addition to cleaning up language.

(b) The necessity of the amendment to this administrative regulation:

Without an amendment to this administrative regulation the regulation would not be indicative of current practices required by Perkins V or reference current federal legislation.

(c) How the amendment conforms to the content of the authorizing statutes:

Pursuant to KRS 156.802, except for the duties that the Kentucky Board of Education must retain pursuant to 20 U.S.C. sec. 2341, the Kentucky Board of Education shall be authorized to delegate all of the other duties and responsibilities

of the eligible agency to the Office of Career and Technical Education within the Department of Education, including but not limited to the administration, operation, and supervision of the Perkins program and the authority to receive, hold, and disburse funds awarded under the state plan.

(d) How the amendment will assist in the effective administration of the statutes:

This amendment will make changes that assist the KDE OCTE in holding local school districts and state-operated area technology centers in compliance with Perkins V so that our state will be eligible to receive and distribute federal CTE funding to secondary CTE programs.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

All public schools in Kentucky that offer CTE pathway(s) and supporting staff in the KDE OCTE.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

Each LEA and school that provides CTE programs shall maintain compliance with the federal Perkins V indicators identified in this regulation to be eligible for federal CTE funding.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

The minimum program standards for career and technical education require no additional direct costs to the LEAs and schools. LEAs and schools may choose to implement new services in response to the minimum program standards, however, this would be a locally determined decision. All costs to administer the Perkins V state plan are provided to the KDE by federal Perkins V funding.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

As a result of compliance with this regulation, LEAs remain eligible for Perkins V funding. In addition, the performance indicators identified in this amendment are proven to indicate high-quality CTE programs and improved student outcomes in transition to postsecondary.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

N/A

(b) On a continuing basis:

N/A

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

All costs associated with the implementation of this administrative regulation are paid out of Kentucky's Perkins V allocation, of which the approximate annual allocation is twenty-one million dollars (\$21 million). The KDE OCTE currently employs four (4) staff to implement Perkins V for a total of \$341, 175 in salary and fringe benefits. This amendment does not require additional personnel.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increase in fees or funding is anticipated as a result of this administrative regulation amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

This regulation does not establish or increase fees.

(9) TIERING: Is tiering applied?

Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all schools and LEAs.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation?

Public Local Education Agencies (LEAs), public schools, and state-operated Area Technology Centers (ATCs).

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 156.029, 156.802, 20 U.S.C. 2301-2441

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year?

No revenue will be generated.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years?

No revenue will be generated.

(c) How much will it cost to administer this program for the first year?

The administration of the minimum program standards for career and technical education requires no additional cost to the Kentucky Department of Education (KDE).

(d) How much will it cost to administer this program for subsequent years?

There is no annual cost to the KDE to administer this program, which is federally funded according to 20 U.S.C. 2301-2441.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):non-applicable

Expenditures (+/-):non-applicable

Other Explanation:

non-applicable

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

This administrative regulation will not generate any cost savings for public LEAs or schools.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

This administrative regulation will not generate any cost savings for public LEAs or schools.

(c) How much will it cost the regulated entities for the first year?

This administrative regulation requires no additional costs to LEAs or schools.

(d) How much will it cost the regulated entities for subsequent years?

This administrative regulation requires no additional costs to LEAs or schools.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Cost Savings (+/-):non-applicable

Expenditures (+/-):non-applicable

Other Explanation:

non-applicable

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

“Major economic impact” means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on a state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This administrative regulation is not anticipated to have major economic impact on state or local government or regulated entities.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate.

20 U.S.C. 2301 2414

(2) State compliance standards.

KRS 156.029, 156.070, 156.802, 156.852

(3) Minimum or uniform standards contained in the federal mandate.

General program standards for secondary career and technical education programs.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?

This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

N/A