

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 Department of Education

4 (Amendment)

5 705 KAR 4:231. General program standards for secondary career and technical education  
6 programs.

7 RELATES TO: KRS [~~151B.025(5)~~], 156.029, 156.802, 20 U.S.C. 2301-2471

8 STATUTORY AUTHORITY: KRS [~~151B.025(5)~~], 156.029, 156.070, 156.802, 20 U.S.C. 2301-  
9 2471

10 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.802 [~~151B.025(5)~~] requires the  
11 Kentucky Board of Education to establish program standards for secondary area vocational  
12 education and technology centers. This administrative regulation establishes standards for  
13 secondary career and technical education programs in local school districts and area centers  
14 essential for compliance with the Carl D. Perkins Career [~~Vocational~~] and Technical Education  
15 Improvement Act of 2006 [~~1998~~], 20 USC 2301-2471.

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

18 (a) Agricultural education;

19 (b) Business and marketing education;

20 (c) Construction technology [~~Health sciences~~];

21 (d) Engineering and technology education [~~Family and consumer sciences~~];

- 1 (e) Family and consumer sciences education [~~Industrial technology education~~];
- 2 (f) Government and homeland security;
- 3 (g) Health science education [~~Marketing education~~];
- 4 (h) Information technology [~~Technology education~~]; [and]
- 5 (i) Law and public safety; [~~Pathway to careers.~~];
- 6 (j) Manufacturing Technology;
- 7 (k) Media Arts;
- 8 (l) Transportation education;
- 9 (m) Pathway to careers; and
- 10 (n) Other new and emerging business and industry needs.
- 11 (2) Instructional programs shall not discriminate on the basis of race, color, national origin, age,
- 12 religion, marital status, sex, or disability, in violation of state or federal statutes.
- 13 Section 2. Instruction shall be designed to:
- 14 (1) Assist students preparing for school to work transition in recognized occupations and new or
- 15 emerging occupations including high technology industries;
- 16 (2) Prepare students for advanced or highly skilled postsecondary technical education programs [;
- 17 ~~including Tech-Prep,~~] or entrance into community and technical colleges or universities; and
- 18 [~~(3) Assist individuals in obtaining computer literacy skills; and~~]
- 19 (3)[(4)] Provide career guidance and academic counseling in the development of the individual
- 20 learning [graduation] plan as established in 704 KAR 3:305.
- 21 (4) When needed, instruction shall be provided to upgrade and update individuals in their present
- 22 occupations and to retrain existing workers.

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

3 (1) Be aligned with state or national occupational skill standards that have been recognized by  
4 business and industry to include an understanding of all aspects of an industry;

5 (2) Be developed and conducted in consultation with employers and other individuals having skills  
6 and knowledge of the occupational fields or industry included in the instruction;

7 (3) Be developed to include a coherent sequence of academic and career or technical courses for  
8 each program, aligned with career clusters and pathways [~~majors~~];

9 (4) Be sufficiently extensive in duration and intensive within a scheduled unit of time to enable  
10 students to achieve the objectives of the instruction;

11 (5) Be structured to provide for the integration of technology and rigorous academic content  
12 relevant to the career area and aligned with the Kentucky Academic Standards, 704 KAR 3:303  
13 [~~academic expectations, 703 KAR 4:060~~]; and

14 (6) Be linked to postsecondary education in order to provide smooth and seamless transition to  
15 postsecondary education in related technical fields. If possible, articulation of credit from  
16 secondary to postsecondary education shall be provided for students, as well dual credit  
17 opportunities.

18 Section 4. (1) A student completing the requirements for a career pathway [~~major~~] may receive a  
19 Career Pathway [~~Major~~] Certificate. Requirements for a Pathway [~~Major~~] Certificate shall  
20 include:

21 (a) Successful completion of high school graduation requirements to include four (4) career-  
22 related credits relevant to a career cluster or pathway [~~major~~];

1 (b) Participation in a structured work-based learning experience related to the career cluster or  
2 pathway [~~major~~]; and

3 (c) A culminating project related to the career cluster or pathway [~~major~~].

4 ~~[(2) A student may earn the Department of Education Career and Technical Certificate of~~  
5 ~~Achievement by:~~

6 ~~(a) Earning four (4) credits within a career major; or~~

7 ~~(b) Enrolling in a specific occupational area (in high school programs or vocational/technical~~  
8 ~~schools) and successfully obtaining the competencies identified for a major (DOT) Dictionary of~~  
9 ~~Occupational Title.]~~

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

14 (1) Job shadowing;

15 (2) Mentoring;

16 (3) Service Learning [~~Internships~~];

17 (4) School-based enterprises;

18 (5) Entrepreneurship;

19 (6) Internships [~~Clinicals~~];

20 (7) Cooperative education; or

21 [~~(8) Service learning;~~]

22 (8) [(9) Pre-Apprenticeship]; ~~or~~

23 [~~(10) Work experience.~~]

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

4 Section 7. A secondary career and technical education program shall provide a variety of learning  
5 experiences. Programs in grades six (6) through eight (8) shall be designed to allow students to  
6 become aware of and explore clusters of occupations. Programs in grades nine (9) through twelve  
7 (12) shall provide in-depth exploration, specialized skill development and preparation for advanced  
8 education. Students enrolled in public or private schools shall be permitted to enroll in a state-  
9 operated career and technical program consistent with that school district's enrollment quota.

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

12 Section 9. Recognized career and technical student organizations shall be an integral part of a  
13 career and technical education program and shall be supervised by qualified career and technical  
14 education personnel. All students shall be provided an opportunity to participate in leadership  
15 development activities.

16 Section 10. Instructional and administrative personnel shall meet the certification requirements as  
17 specified by the Education Professional Standards Board [~~in 704 KAR Chapter 20~~].

18 Section 11. Opportunities in secondary career and technical education programs shall be provided  
19 for students to receive an industry-recognized skill standard certificate and/or credential based on  
20 skill standards and assessments.

21 Section 12. A [~~vocational~~] career and technical education program area shall have an active  
22 program advisory committee comprised of business and industry representatives, parents,

1 education representatives, and, if applicable to the program area, labor organizations  
2 representatives to assist in planning, implementing, and evaluating programs.

3 Section 13. Requests for exceptions to any standards for career and technical instructional  
4 programs shall be submitted in writing by the local educational agency to the chief state school  
5 officer.

6 Section 14. (1) Assessment of the career and technical education programs shall be conducted in  
7 accordance with requirements and instruments approved by the Office of Career and Technical  
8 Education.

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

12 Section 15[14]. (1) The maximum number of students per class shall be based on the class setting.

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

14 (b) For a laboratory or shop setting, the number of students enrolled in a class shall not exceed the  
15 number of work stations available in the facility.

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

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

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

23 (d) The facilities for each program shall be:

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

3 2. Approved by the chief state school officer or his/her designee.

4 Section 15. (1) A career and technical education program shall meet the performance indicators in  
5 accordance with the requirements of the Carl Perkins Career and Technical Education

6 Improvement Act of 2006 [~~Vocational-Technical Education Act of 1998~~], 20 USC 2301-2471,

7 which include:

8 (a) State established academic and vocational technical skill achievement;

9 (b) Attainment of a secondary diploma;

10 (c) Placement in postsecondary education or employment;

11 (d) Nontraditional training and employment; and

12 (e) Issuance of a Career Pathway [~~Major~~] Certificate or Career and Technical Certificate of  
13 Achievement to students.

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

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

19 Section 16. Federal funds to be received by a local school district under the Carl D. Perkins Career  
20 and Technical Education Improvement Act of 2006 [~~Vocational and Technical Education Act of~~

21 ~~1998~~], 20 USC 2301-2471, may be withheld for noncompliance with this administrative regulation

22 or with the Carl D. Perkins Career and Technical Education Improvement Act of 2006 [~~Vocational~~

- 1 ~~and Technical Education Act of 1998~~. (20 Ky.R. 3391; Am. 21 Ky.R. 348; eff. 8-4-94; 27 Ky.R.
- 2 865; 1261; eff. 11-17-2000.)



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).

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Stephen L. Pruitt, Ph.D.  
Commissioner of Education

\_\_\_\_\_  
(Date)

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Roger L. Marcum, Chairperson  
Kentucky Board of Education

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this proposed administrative regulation shall be held on September 28, 2016, at 10 a.m. in the State Board Room, 5<sup>th</sup> Floor, 300 Building, Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days 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 submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2016. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

**CONTACT PERSON:** Kevin C. Brown, Associate Commissioner and General Counsel, Kentucky Department of Education, 500 Mero Street, First Floor, Capital Plaza Tower, Frankfort, Kentucky, 40601, phone 502-564-4474, fax 502-564-9321.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 705 KAR 4:231

Contact Person: Kevin C. Brown

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes program standards for secondary career and technical education programs in local school districts and area centers essential for compliance with the Carl D. Perkins Career and Technical Education Improvement Act of 2006.

(b) The necessity of this administrative regulation: KRS 156.802 authorizes the Kentucky Board of Education to establish program standards for secondary area vocational education and technology centers. This administrative regulation ensures compliance with the requirements of the Carl D. Perkins Career and Technical Education Improvement Act.

(c) How this administrative regulation conforms to the content of the authorizing statute: KRS 156.029 discusses the membership and functions of the Kentucky Board of Education. KRS 156.802 gives the Kentucky Department of Education's Office of Career and Technical Education the responsibility for all administrative functions of the state in relation to the management, control, and operation of state-operated secondary area technology centers. The program standards outlined within 705 KAR 4:231 provide uniform details regarding the operation of career and technical education programs across the Commonwealth.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation simplifies regulatory language, eliminates redundancies and confusion, and increases efficiency of the agency and career and technical education programs. It combines all program standards for secondary Career and Technical Education (comprehensive high schools, locally-operated centers and state-operated area technology centers) into one single, comprehensive regulation. It establishes clear expectations and ensures consistent program implementation among all secondary instructional settings that align with state and federal requirements.

(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: The proposed amendments provide updated terminology, information, and processes related to Career and Technical Education (CTE) programs in Kentucky. The amendments also seek to incorporate relevant language from 780 KAR 4:010, which is being recommended for repeal, as much of its language is redundant with 705 KAR 4:231.

(b) The necessity of the amendment to this administrative regulation: The need for a single, concise regulation that addresses all program standards for secondary career and technical education has become evident, as there has been much confusion among the field regarding the regulatory scheme.

(c) How the amendment conforms to the content of the authorizing statute: The amendments maintain the integrity and intent of the authorizing statutes and federal regulations, but seek to update pertinent information that is outdated.

(d) How the amendment will assist in the effective administration of the statutes: The amendments provide clarity regarding program requirements and create a more efficient regulatory scheme.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Comprehensive high schools, locally-operated career and technical centers, and state-operated area technology centers in Kentucky.

(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: The revised regulation will impact career and technical education programs and schools by providing a single, comprehensive administrative regulation that addresses both state and federal program standards.

(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: N/A

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no additional cost to the schools, districts, or the Kentucky Department of Education.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): School districts and area technology centers will experience a more up-to-date and simplified scheme of regulatory requirements.

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

(a) Initially: Additional costs are not anticipated.

(b) On a continuing basis: Additional costs are not anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Additional costs are not anticipated.

(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 will be necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all school districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 705 KAR 4:231  
Contact Person: Kevin C. Brown  
Phone Number: 502-564-4474

(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? Local school districts and state-operated area technology centers.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. 156.029, 156.802, 20 U.S.C. 2301-2471

(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. None.

(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? None.

(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? None.

(c) How much will it cost to administer this program for the first year? None.

(d) How much will it cost to administer this program for subsequent years? None.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation: Regulation does not generate revenue or establish fees.