

Regulatory Analysis Form

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INDEPENDENT REGULATORY
REVIEW COMMISSION

(1) Agency
Department of Education

(2) I.D. Number (Governor's Office Use)

006-298

IRRC Number: 2520.

(3) Short Title

Vocational Education Standards

(4) PA Code Cite

22 Pa Code Chapter 339

(5) Agency Contacts & Telephone Numbers

Primary Contact: Lee Burket
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(6) Type of Rulemaking (check one)

Proposed Rulemaking
 Final Order Adopting Regulation
Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

No
Yes: By the Attorney General
Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

Proposed amendments to Chapter 339 identify the accountability standards for approved career and technical education programs established by the Secretary of Education, outline the approved program review process and outline the technical institute program standards.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

22 Pa. Code § 4.32(a) and the Public School Code of 1949 (24 P.S. §§ 18-1801-18.1855, §§ 25-2502.8, 25-2504.3, 25-2506.1, 25-2507, 25-2508-25-2508.4)

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(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

The proposed language updates and clarifies Chapter 339, bringing it into conformity with state and federal statutes regulations, standards and policies.

The proposed standards that amend current Chapter 339 are developed pursuant to provisions of the School Code (see (9) above) in which the Department of Education is granted authority relating to the approval of programs for vocational-technical education (herein referred to as Career and Technical Education (CTE)) and the establishment of technical institutes.

The proposed standards also address the requirement of the federal Carl D. Perkins Career and Technical Education Improvement Act of 2006 (Perkins), which requires an assessment of the quality of states' vocational education programs based on indicators of performance to evaluate the progress of career and technical education students.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

High quality secondary career and technical education provides an opportunity pathway to postsecondary education, employment and productive citizenship for citizens of the Commonwealth. However, the Department of Education's program approval standards have not been revised for a number of years. These proposed standards address needed upgrades and improvements in program approval by incorporating accountability measures that link academic and occupational goals of the Commonwealth to student success.

The standards also provide the opportunity for the Commonwealth area vocational-technical schools (referred to herein as Career and Technical Centers (CTCs)), upon approval by the State Board of Education, to offer postsecondary courses and programs of study of not more than two years in order to meet the workforce development needs of the Commonwealth. The technical institute courses and programs shall be aligned with labor market information and high priority occupations identified by the Commonwealth, and shall be structured in ways that promote the acquisition of industry-recognized credentials and/or are articulated with such programs offered through approved public or private postsecondary education and training institutions.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

The proposed standards ensure that CTE students and staff will be afforded a safe school environment.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The direct beneficiaries of the changes to program approval proposed by these standards are the students who participate in CTE programs in the 81 CTCs and 240 high school-based programs across the Commonwealth. Currently approximately 94,000 secondary and 27,009 adult students are enrolled in these programs. In a larger sense, the Commonwealth as a whole will substantially benefit due to increased academic and occupational skills levels of CTE students.

With regard to technical institutes, it is clear that vast areas of the Commonwealth are unserved and/or underserved by public postsecondary training institutions. Presently, the Department of Education estimates that almost 5,000 adults take courses at 44 of the Commonwealth's 81 CTCs. However, these courses do not earn postsecondary credit, and are not transferable to degree-granting institutions. The technical institute would improve this situation by enabling State Board-approved technical institutes to offer postsecondary courses and programs that could be transferred or result in industry-recognized certificates. Furthermore, the Commonwealth will realize a substantial benefit from the availability of postsecondary programming transferable to degree-granting institutions to a significantly expanded number of citizens.

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(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

No adverse effect is anticipated.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

All 81 CTCs and 240 high schools with approved CTE programs will be required to comply.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

Communications concerning the revision of existing Chapter 339 standards involved outreach to and input from the Pennsylvania Association of Vocational Administrators, including administrators of CTCs and high school programs. This review resulted in strengthening modifications to the proposed standards. The proposed standards were then presented for consideration to the Standing Committee on Vocational Education on June 29, 2005, where public comment was solicited and received. The following day, the State Board of Education considered and unanimously approved the proposed standards, with additional public comment received. Subsequently, the Department of Education has continued to receive comment from interested parties.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures, which may be required.

All CTCs and school districts currently meet the existing standards. Therefore there is no cost and/or savings to this regulated community.

The CTCs voluntarily decide to seek technical institute status. Therefore there is no cost and/or savings due to the technical institute standards.

Although they would be virtually impossible to quantify with any precision, it is reasonable to expect long-term savings and benefits for the Commonwealth. In short, a more educated and skilled adult workforce will make Pennsylvania more competitive and productive, yielding economic development benefits and increased tax revenues associated with our citizens earning more money and maintaining high-quality employment.

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(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures, which may be required.

There is no cost and/or savings to the local governments. The local governments are not a regulated community in regard to this regulation.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures, which may be required.

The Public School Code of 1949 specifies that state government will be accountable for 1/3 of the tuition. The statewide average tuition is \$5,541. During the 2003-2004 school year, student enrollment was 4,812 adult students. The estimated cost to the Commonwealth is \$3.1M if each of the 44 CTCs offering long-term (600 hours or longer) adult training voluntarily sought and received technical institute status and all 4,812 adult students were enrolled in the technical institutes. The tuition third, based on current costs of adult programs offered through CTCs, is slightly less than \$2000/student/year.

However, it is anticipated that 3 CTCs will seek technical institute status during the 2009-2010 fiscal year and implementation would occur during the 2010-2011 fiscal year. It is estimated that there are on average 33 students per program, and 3 programs per CTC. This equates to 99 students per CTC on average.

If 3 CTCs obtain technical institute status for 2009-2010, there would be 297 students statewide enrolled in technical institutes. (3 CTCs X 99 students per CTC = 297)

The average tuition is \$5,541 so the Commonwealth's share (1/3) is \$1,847. The total Commonwealth cost for 2009-2010, if 3 technical institutes are established and each offers 3 programs with 99 students enrolled per institute, would be \$548,559.

In 2009-2010, it is anticipated that another 2 CTCs will seek technical institute status. The total cost to the Commonwealth for 2010-2011, if 5 technical institutes are established and each offers 3 programs with 99 students enrolled per institute, would be \$914,265.

In 2011-2012, it is anticipated that 2 additional CTCs will seek technical institute status. The total cost to the Commonwealth for 2011-2012, if 7 technical institutes are established and each offers 3 programs with 99 students enrolled per institute, would be \$1.3M.

It is anticipated that in 2012-2013 2 additional CTCs will seek technical institute status. The total cost to the Commonwealth for 2011-2012, if 9 technical institutes are established and each offers 3 programs with 99 students enrolled per institute would be \$1.6M.

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(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year 2007- 2008	FY +1 Year 2008- 2009	FY +2 Year 2009- 2010	FY +3 Year 2010- 2011	FY +4 Year 2011-2012	FY +5 Year 2012-2013
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community is the Technical Institute			\$	\$	\$	\$
Local Government						
State Government			\$37,152	\$61,920	\$86,688	\$
Total Savings			\$37,152	\$61,920	\$86,688	\$
COSTS:						
Regulated Community is the Technical Institute	\$0	\$0	\$	\$	\$	\$
Local Government				\$	\$	\$
State Government	\$0	\$0	\$548,559	\$914,265	\$1.3M	\$1.6M
Total Costs	\$0	\$0	\$548,559	\$914,265	\$1.3M	\$1.6M
REVENUE LOSSES:						
Regulated Community is the Adult Student						
Local Government is the Local School Entity						
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

The overall costs remain the same. The cost changes from 100% student share to an equivalent sharing among the regulated community (technical institute) and state government. The Public School Code of 1949 specifies that each entity (i.e., technical institute, state government and adult student) will be responsible for 1/3 of the tuition costs at a technical institute. During the 2005-2006 through the 2006-2007 school year, the adult student is entailing 100% of the tuition cost at the public secondary career and technical centers that offer long-term adult training. The result of establishing technical institutes at existing career and technical education centers will shift the tuition cost from the student to the technical institute (CTC) and state government.

Current public school code includes a formula driven adult affidavit program. The adult affidavit program is not reimbursing schools on a per student basis but rather on instructional hours. Current Commonwealth funding exists to pay for approved vocational extension classes and pre-employment training, eighty percent (80%) of the sum which was expended by the district or area vocational-technical school for the compensation of vocational extension and pre-employment training teachers and supervisors (24 P.S. § 25-2507). This amount is contained in the vocational technical education budget, \$59,636,000 (current fiscal year), and the adult affidavit funding is approximately \$2,000,000 within the total allocation. The total instructional hours for the 2003-2004 fiscal year were 276,000. The average instructional hours per program is 1,374 hours. The average number of programs offered at one of the 44 career and technical centers is 3. So the average instructional hours offered at one institution would be 4,122 hours. At a rate of \$6.88 per hour, one institution will receive an estimated amount of \$28,359. During the 2008-2009 fiscal year, it is anticipated that 3 CTCs will seek technical institute status,. The three CTCs would upon State Board of Education approval begin implementation during 2009-2010 if approved prior to the start of the school year for 2009-2010. The technical institute status would mean the 3 CTCs would not seek adult affidavit reimbursement for 9 programs. So the Commonwealth saves \$85,078. During the 2010-2011 fiscal year, it is anticipated that 5 CTCs will not seek adult affidavit reimbursement for 15 programs, which means the Commonwealth will save \$425,385. During the 2011-2012 fiscal year, it is anticipated that 7 CTCs will not seek adult affidavit reimbursement for 21 programs, which means the Commonwealth will save \$595,539.

In 2009-2010, it is anticipated that the first technical institutes will be in operation. It is assumed that at minimum, 3 CTCs will seek technical institute status 2008-2009, and be ready to begin operation during 2009-2010. This means that for the 2009-2010 year, the 3 institutes with 3 programs and 1,374 instructional hours will utilize \$113,437 of the adult affidavit funding. During the 2010-2011 year, it is anticipated that 5 institutes (\$226,872) will be operating and during the 2011-2012 year 7 institutes (\$340,308) will be operating.

During 2009-2010, students will realize a savings of \$3,694 in tuition and the state will realize a cost savings as the schools will not be utilizing the adult affidavit funds to the level they are currently. The state government will experience a cost as it provides the required 1/3 share of the tuition costs. The state government realizes a \$1,847 per student cost.

Current state average tuition was calculated. The current enrollment in adult affidavit programs was collected. Average tuition cost per student was determined. This is included in the figure above for the state government.

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(20b) Provide the past three-year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
Vocational Education	\$65,997M	\$65,083M	\$64,535M	\$62,961M

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

The state benefits from this regulation and the benefits outweigh the costs. Decreased tuition cost to the student will open the opportunity for training to those who could not afford training due to financial constraints.

The Commonwealth benefits by increasing the number of trained individuals entering the workforce. Reports are available that indicate how companies move to other states or countries because workers are better trained. The companies considered the cost of training American or Commonwealth workers and those costs far outweighed the cost of locating the company in an area with an existing trained workforce.

The benefit to the community is to experience economic development as a trained workforce exists and can meet the needs of employers.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

Nonregulatory alternatives are not applicable. This regulation implements existing statutory provisions.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

The document is existing code and regulatory alternatives were not pursued.

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(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

The proposed revisions support federal legislation. More stringent regulation does not exist.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

The revisions place Pennsylvania at a competitive advantage. This ensures that approved programs receiving state and federal financial support are providing students with appropriate skills training and academic preparation. Pennsylvania is one of the first states to move forward with accountability standards for approved secondary career and technical programs. New York state has developed an extensive program approval system for secondary career and technical education programs. Their efforts and the proposed changes to code meet state regulation and federal expectations. Few states have developed a strong postsecondary technical institute system.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No, the proposed revisions will not affect existing or proposed regulations of the promulgating agency or other state agencies. The revisions support existing school code and Department standards.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

Yes, public comment has been provided.

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(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports, which will be required as a result of implementation, if available.

The current program approval system will be revised to reflect the changes. Those changes are not available at this time.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

The code permits accommodations for affected groups. This includes development of admissions policies and individual education plans thus ensuring appropriate education to all citizens of the Commonwealth.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

Effective upon final publication in the *Pennsylvania Bulletin*.

(31) Provide the schedule for continual review of the regulation.

The effectiveness of Chapter 339 will be reviewed by the Department of Education every 4 years.

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FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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REVIEW COMMISSION

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Copy below is hereby approved as to
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BY: _____
(DEPUTY ATTORNEY GENERAL)

DATE OF APPROVAL

Check if applicable
Copy not approved. Objections
attached.

Copy below is hereby certified to be a true and correct copy
of a document issued, prescribed or promulgated by:

DEPARTMENT OF EDUCATION
(AGENCY)

DOCUMENT/FISCAL NOTE NO. 6+298

DATE OF ADOPTION: January 17, 2008

BY: *Gerald R. Z...*

TITLE: Secretary of Education
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

Copy below is hereby approved as to
form and legality. Executive or Independ-
ent Agencies

BY: *Andrew C. Clark*
MAR 6 2008

DATE OF APPROVAL

(Deputy General Counsel)
(Chief Counsel, Independent Agency)
(Strike inapplicable title)

Check if applicable. No Attorney Gen-
eral approval or objection within 30
days after submission.

FINAL - FORM

DEPARTMENT OF EDUCATION

TITLE 22 - EDUCATION

CHAPTER 339

VOCATIONAL EDUCATION STANDARDS

RULES AND REGULATIONS

PREAMBLE

Title 22 -- Education

DEPARTMENT OF EDUCATION

[22 PA. CODE CH. 339]

Vocational Education

[36 Pa.B. 560]

The Secretary of Education (Secretary) amends Chapter 339 (relating to vocational education) to read as set forth in Annex A.

Effective Date

The final-form rulemaking will be effective upon publication in the Pennsylvania Bulletin.

Statutory Authority

The Department of Education (Department) proposes to amend Chapter 339 (relating to vocational education) to read as set forth in Annex A. This rulemaking is proposed under the authority of section 4.32(a) of the regulations of the State Board of Education (22 Pa. Code § 4.32(a) (relating to standards and reports)), Article XVIII of the Public School Code of 1949 (Public School Code) (24 P.S. §§ 18-1801--18-1855), section 2603-B of the Public School Code (24 P.S. § 26-2603-B), regarding powers and duties of the Board, the act of May 29, 1931 (P. L. 210, No. 126) (24 P.S. §§ 1224--1231) and the Administrative Code of 1929 (P.L. 177, No. 175) (71 P.S. §§ 745.1--745.15).

The final-form rulemaking was prepared by the Department and received approval of both the State Board of Education and the State Board for Vocational Education in accordance with 24 P.S. §§ 18-1841, 25-2502.8, 26-2603-B(k) and 26-2606-B.

Background and Purpose

Chapter 339 establishes regulations to define school entities eligible to receive payments on the account of pupils enrolled in vocational curriculums. This proposed rulemaking reflects current State and Federal statutory requirements and Department policies and practices.

Fiscal Impact and Paperwork Requirements

The proposed amendments to existing regulations will impose no adverse fiscal impact or paperwork requirements on the Commonwealth, political subdivisions, or the private sector.

Affected Parties

The proposed amendments affect school districts and career and technical centers (CTCs) in the Commonwealth.

Sunset Date

The Department continuously monitors its regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 4, 2006, the Department submitted a copy of the notice of proposed rulemaking, published at 36 Pa.B. 560, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Education Committees for review and comment.

Under section 5(c) of the Regulatory Review Act (71 P.S. § 745.5(c)), IRRC and the House and Senate Education Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Education Committees and the public.

Summary of Public Comments and Responses to Proposed Rulemaking

The proposed rulemaking was published within the Pennsylvania Bulletin at 36 Pa.B. 560. The Department accepted formal written comments within a 30-day public comment period after publication of the proposed rulemaking.

Throughout the proposed amendments, IRRC and other commentators made technical suggestions to promote clarity. In response, the Department either made the requested revision or removed the language at issue to eliminate the concern. Following is a summary of the substantive comments and the Department's response to those comments:

Statutory Authority.

A major question raised was whether the Department has statutory authority to amend Chapter 339 (related to vocational education standards). In preparing proposed amendments to Chapter 339, the Department followed the procedure set forth by the General Assembly in Articles 18, 25, and 26 of the Public School Code. Specifically, the Department exercised its

duty to prepare rules that govern technical institutes and area vocational technical schools. See 24 P.S. §§ 18-1841 and 25-2502.8; see also 71 P.S. § 353. The Department then submitted the proposed amendments to both the State Board of Education and the State Board of Vocational Education for review and approval, as required in Articles 18 and 26 of the Public School Code. See 24 P.S. §§ 18-1841, 26-2603-B(k), and 26-2606-B. Both boards approved the proposed regulation prior to publication and have also approved the final regulation. Thus, the Department has satisfied the law's requirements.

§ 339.1a. Definitions.

A commentator recommended that the regulations define the term "employment" to include "supported employment" for students with disabilities. The statutory definition of "vocational education" is "to fit an individual to pursue effectively a recognized profitable employment." 24 P.S. § 18-1801. Because the phrase "profitable employment" includes supported employment, no change in the regulation is needed.

§ 339.2. Operation.

Another commentator requested clarification that vocational programs must admit students with disabilities and provide these students with support and modification as appropriate. While students with disabilities must be provided a free and appropriate education and appropriate accommodations and services, this requirement is addressed in other applicable laws and regulations and need not be repeated here.

§ 339.4. Program approval.

A commentator questioned the need for the Pennsylvania Skills Certificate. Pursuant to the Public School Code, the purpose of vocational education is to fit an individual to pursue effectively a recognized profitable employment. 24 P.S. § 18-1801(2). Further, current regulations provide that "[v]ocational-technical education courses shall include content based upon occupational analysis, clearly stated performance objectives deemed critical to successful employment and assessment of student competencies based upon performance standards." 22 Pa. Code § 4.31(d). The Pennsylvania Skills Certificate is a means to assess whether a secondary school student is fit to pursue profitable employment and provides the student with recognition for having met the standard of "job ready."

The need for dual enrollment as a standard was questioned. The Department has retained this language but changed the term "and" to "or" to reflect that dual enrollment is an option, not a requirement.

Based upon concerns regarding special education students, the Department redrafted language in this section to ensure students are not excluded from vocational education based on academic abilities, to ensure the student's Individualized Education Program (IEP) team is involved in the student's placement, and to ensure that the sending school and area vocational-technical school (AVTS) will plan together to meet the needs of special needs students. It was also recommended that the Department add language identifying the alternative achievement

standards and assessments for students with severe disabilities. In response, the section was revised to reflect an alternative academic assessment. The Department will not set alternative achievement standards and assessments for occupational testing, however. Accommodations have been identified in the occupational assessment handbook located on the Department's website, www.pde.state.pa.us.

IRRC made two recommendations: (1) that the Department specify how long records should be kept after a compliance review is complete; and (2) that the Department specify a time frame for completion of duties imposed on the Department and noncomplying schools. The Department incorporated these recommendations into the proposed regulation.

§ 339.13. Local advisory committee.

A recommendation to include the special education director from each sending school district on the local advisory committee was rejected. It would be unrealistic and impractical in an AVTS serving numerous districts to include special education directors from all districts in addition to the other required representatives.

§ 339.21. Admissions.

In response to a comment, language setting forth what constitutes success for a student with a disability was added. The phrase "or is attending" was not added because this section addresses admissions, not attendance.

§ 339.22. Program content.

The phrase "commensurate with the student's ability" was not added to subsection (a) because students are protected through the provisions in their IEPs and the laws related to special education.

One commentator questioned why the classification of instructional programs (CIP) is used in the regulations. The Department, as well as all state education agencies providing vocational education, has adopted the CIP classification system to determine if a vocational education program is adequate. The CIP is a taxonomic coding scheme that facilitates reporting of program completion data. All programs that fall under the CIP "must consist of more than one isolated course or learning experience and must not be a haphazard collection of unrelated courses or experiences." See ncs.ed.gov. Thus, the course of study that fits a CIP must include a combination of courses and experiences which prepares students for advanced study and provides students with qualifications for an occupation.

The IRRC noted that § 339.22(c)(i)(A) duplicates § 339.22(a)(2). The language in both sections is the same. However, the sections pertain to different types of career and technical education, *i.e.*, occupational and non-occupational. Both types of career and technical education are expected to integrate academic standards into career and technical education content.

§ 339.22(10). Minimum time requirements.

Chapter 339 was revised to emphasize the accountability standards required of secondary approved career and technical education (CTE) programs and to expand vocational training opportunities for adults. Although minimum hour requirements already exist as part of current Chapter 339, the proposed amendments would strengthen those requirements.

Several entities and individuals commented on the proposed minimum time requirement. Although one commentator supported the minimum time requirement, the other commentators asked the Department to reconsider the proposal. For example, it was noted that the 9th grade is used as exploratory and a 2 hour per day requirement defeats the purpose of career exploration. Another commentator asserted that Tech Prep programs should not be included in the requirement that vocational students spend 360 instructional hours in career and technical education. Tech Prep allows students to explore careers while taking rigorous academics for postsecondary success. It was suggested that Tech Prep programs operate and be approved as 240 hour programs.

The existing minimum instructional hour requirement has not been reduced. The Public School Code defines vocational education as education "to fit an individual to pursue effectively a recognized profitable employment." See 24 P.S. § 18-1801. The Department recognizes the value of Tech Prep in the Commonwealth and provides over \$3 million in support of these programs. The related rigorous academic preparation is supported by the Basic Education subsidy, which assists school districts with the instructional costs associated with academic courses. The vocational subsidy assists school districts and CTCs (operated by a group of districts) with instructional costs associated with career and technical courses. The Department also recognizes the importance of career exploration. However, the Department must remain true to the intent of vocational education as set forth by the General Assembly in the Public School Code. Schools can establish and offer career exploration programs, but these programs are not subject to the vocational subsidy.

Rather than reduce the existing minimum instructional hour requirement, the Department has introduced language that provides school entities with the discretion to determine the percentage of the minimum total hours offered in each year of a program, so long as the resulting sequence meets the minimum total hour requirement.

Hour requirements are valid quality standards, the precedent for which was established by higher education and basic education. Higher education institutions undergo accreditation processes to ensure the educational system and the programs are of quality. To be accredited means an institution of higher education must meet standards, which include hours and program content. Postsecondary vocational institutions also must meet minimum eligibility requirements, which include an occupation preparedness exit point, instructional hour requirement and program content. Postsecondary vocational institutions must prepare students for gainful employment in a specific recognized occupation and must provide at least 600 clock hours of instruction.

Basic education and CTE are no different from higher education in this aspect of requiring instructional hours as part of program standards. An instructional hour requirement establishes a minimal expectation for course content and results in a quality educational experience that leads to students graduating prepared for further education and employment.

The hour requirement provided in the proposed amendments serves two purposes: (1) to ensure adequate time for training and education; and (2) to serve as a basis for funding CTE programs. The Public School Code requires that approved CTE programs have established courses of study that lead to "profitable employment." 24 P.S. § 18-1801(2). The state law governing CTE follows federal law in that CTE consists of a sequence of courses that prepare students for further education and careers, and the courses must be competency-based and include specific technical and occupational skills training. Brustein & Mahler, 1998.

For CTE, the determination of an adequate course of study is based on the CIP. All programs that fall under the CIP "must consist of more than one isolated course or learning experience and must not be a haphazard collection of unrelated courses or experiences." See ncs.ed.gov. Thus, the course of study that fits a CIP must include a combination of courses and experiences that prepares students for advanced study and provides students with qualifications for an occupation.

The Department has adopted the CIP classification system for approved CTE programs. For example, the Department publishes minimum program content for 47.0604 Auto Technician and instructional certification requirements. This description is based on the nationally developed description, but has been adapted to address Pennsylvania workforce needs. In Department approved Auto Technology programs, the course of study must include:

... instruction in the diagnosis and testing, including computer analysis, of malfunctions in and repair of engines, fuel, electrical, cooling and brake systems and drive train and suspension systems. Instruction is also given in the adjustment and repair of individual components and systems such as cooling systems, drive trains, fuel system components and air conditioning and includes the use of technical repair information and the state inspection procedures.

See www.pde.state.pa.us, keyword search "CIP codes." This listing serves as the minimum standard for all Department approved Auto Technology programs, and is based on the nationally developed CIP.

To receive Department program approval, the school must meet the required course of study identified in the CIP. In addition, the school must complete an occupational analysis of each program for which the school is seeking program approval. The occupational analysis at the school level will evidence specific industry identified and validated knowledge and skills standards that students will attain while enrolled in the approved program. There are different methods of occupational analysis, but the most commonly used method is the Developing a Curriculum (DACUM).

In Pennsylvania, an hour standard for CTC originally was established at 540 instructional hours and was later decreased to the current standard of 360 instructional hours to accommodate increased academic requirements. The hour requirement was established to ensure that adequate time has been allotted to school districts and CTCs to address the minimum program content standards outlined in the CIPs. Under the Job Ready initiative, the Department has accepted the direction to ensure all CTE programs are aligned with national industry standards that lead to certifications. To accomplish this, the Department needs to ensure adequate time exists for the school districts and CTCs to adequately address applicable national industry standards.

The need for a given number of instructional hours for technical education is recognized by national accrediting and certifying agencies, which have established minimum program content standards and instructional hours. To derive the required instructional hours, the certifying agency has conducted an occupational analysis, which examines each performance task associated with a given occupation and the amount of time on task, then connects that information to instructional time. The requirement in this regulation is consistent with the minimums.

An hour requirement both assists in defining minimum program standards and serves as a means of establishing a basis for reimbursement. In order for postsecondary institutions to be eligible to administer federal student aid (FSA) funds, programs must be accredited. The accreditation standards address hours and program content. For example, at the national level, students applying for FSA can only receive aid if an institution and program have met eligibility requirements. The eligibility requirements include occupational preparation, number of hours, and program content.

At the state level, a similar framework exists for secondary schools. Basic education subsidy is a complicated formula with numerous components. At times, part of the formula can address a time factor such as when districts are reimbursed for students attending other districts as required under 24 P.S. § 25-2562, where “the sending district shall pay the vocational or other extension tuition charge per pupil hour of instruction for each hour of attendance of each such pupil.” 24 P.S. § 25-2562 (emphasis added).

Several commentators asserted that the minimum instructional hour requirement contradicts the General Assembly’s goal of encouraging young people, including college preparatory students, to pursue agriculture as a career. They contend that the end result of the minimum hour requirement will be a closure of Agriculture Education programs in the Commonwealth.

Although the Department agrees that college preparatory students should be encouraged to participate in CTE, the Department must remain true to the intent of vocational education as set forth by the General Assembly, *i.e.*, to prepare an individual to pursue effectively a recognized profitable employment. See 24 P.S. § 18-1801. Approved vocational education programs must have: (a) planned instruction; (b) a series of courses based on occupational analysis; (c) employment related performance standards; (d) administration of occupational assessment; (e) student prepared educational and occupational objectives based on occupational performance; (f) advisory committees; (g) safety education; and (h) admissions policies. College

preparatory students have the opportunity to take one of the planned courses or to take a selection of the planned courses offered in an approved program. The required admissions policies cannot prohibit any student from enrolling in one, some or all of the courses. Therefore, students seeking to pursue agriculture as a career can enroll in one or more Agriculture courses associated with an approved Agriculture program. The concern expressed by some commentators that an hour requirement will lead to the closure of approved Agriculture programs is not valid. Rather, to encourage students to study Agriculture, schools should offer a sequence of career and technical courses that meets the requirements and also schedule those courses in a manner that will allow students to take them in addition to their academic courses.

Other commentators addressed what courses and activities should be included in the required 360 instructional hours. For example, one commentator observed that the 360 hours should include time spent in academic courses, and that school district-approved career and technical education programs should be 240 hours in length and receive partial funding. Another recommended that the time requirement include early college or dual enrollment courses, experiential learning opportunities, and any science and math courses that are directly related to the student's career goal. It was also recommended that science courses be eligible for the vocational subsidy because many school district agriculture education programs are comprised predominantly of science courses.

It is the program of study that determines if a school district and CTC (operated by a number of school districts) can apply for the vocational subsidy. The Department, in consultation with the regulated community, has identified academic courses that are integral to the Agriculture Education programs of study. The vocational subsidy is based on average daily membership of students enrolled in the approved Agriculture Education programs of study. If these approved programs include the identified academic courses, these courses are considered to be CTE courses and are eligible for the vocational subsidy.

Another suggestion was that the Department modify the reimbursement formula to reflect a sliding scale. The Department does not have authority to modify the subsidy formula used for payments on account of pupils enrolled in vocational curriculums. See 24 P.S. § 25-2502.8. Therefore, this modification was not made.

Several commentators stated that the use of supervised occupational experiences and cooperative and clinical experiences for vocational education credits, which is permitted under the current regulations, would be removed under the amendments. It was noted that, because of the diversity of agriculture, the instruction cannot be limited to classroom time alone. In addition, some commentators asserted that the proposed amendments to Chapter 339 would not permit time documented in the Supervised Agricultural Experience (SAE) system to count toward meeting minimum time requirements.

The current language of Chapter 339 allows vocational education credits to be given for hours spent in supervised occupational experience and cooperative and clinical experiences. The Department is retaining this language, which allows the local entities to determine if they want to provide vocational credits to students participating in SAE projects, and has redrafted this section to reference corresponding Public School Code provisions. The Department is limited by Article

15 of the Public School Code and Chapter 11 of the regulations, which state that instruction must occur within the school day. See 24 P.S. § 15-1504; 22 Pa. Code § 11.2. Therefore, even under the current regulations, time spent in activities occurring after the school day cannot count toward meeting minimum time requirements. Because the school districts determine the school day, however, SAE experience may count toward the minimum time requirements as long as SAE occurs within the school day as determined by the school district.

§ 339.32. Services.

A commentator recommended that the Department add language to ensure students with disabilities make appropriate vocational choices and receive the support they need to succeed. The Department has incorporated this suggestion.

§ 339.51. Learning environment.

The IRRC recommended that the Department list all boards, providers and certification standards with which shop laboratories must comply. The Department has not done so, because such a list will become outdated. New career opportunities and associated certifying agencies will arise as the workplace changes.

§ 339.53. Contemporary equipment.

The IRRC recommended that the Department identify all industry standards that will be applied and replace the term “comparable,” which is vague and unenforceable. The Department has redrafted the language in question. It would not be feasible for the Department to include in the regulation a list of standards that will become outdated over time.

§ 339.61. Evaluation.

Finally, it was recommended that language be added to enable the Department to collect data on vocational students with disabilities. The Department has not adopted this language. The intent of subsection (d) is to ensure schools are in compliance with Chapter 339 vocational standards. However, the recommended language exceeds the scope of these regulations. Further, the Department’s Bureau of Special Education collects data on students with disabilities.

Contact Person

Further information can be obtained by contacting Lee Burket, Director, Bureau of Career and Technical Education, 333 Market Street, Harrisburg, PA 17126-0333, lburket@state.pa.us.

Findings

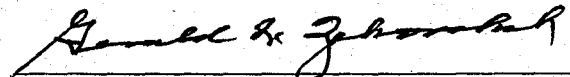
The Department finds that:

- (1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder (1 Pa. Code §§ 7.1 and 7.2).
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) The adoption of the amendments in the manner provided by this order is necessary and appropriate for administration of the authorizing statute.

Order

The Secretary, acting under the authorizing statute, orders that:

- (1) Chapter 339 of 22 Pa. Code (relating to vocational education) is amended to read as set forth in Annex A.
- (2) The Secretary will certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.
- (3) This order is effective upon publication in the *Pennsylvania Bulletin*.


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TITLE 22. EDUCATION

PART XVI. STANDARDS

CHAPTER 339. VOCATIONAL EDUCATION

VOCATIONAL EDUCATION STANDARDS

§ 339.1. Scope of applications.

[This program applies to programs for which vocational education payments are made under sections 2502.8, 2504, 2504.3, 2506.1, 2507, 2508, 2508.1--2508.4 of the Public School Code of 1949 (24 P.S. §§ 25-2502.8, 25-2504, 25-2504.3, 25-2506.1, 25-2507, 25-2508, 25-2508.1--25-2508.4) and 24 P.S. § 1707. Also included are the Federal Acts as follows: The Vocational Education Act of 1963 (20 U.S.C.A. §§ 2301--2471), section 504 of the Rehabilitation Act of 1973 (29 U.S.C.A. § 794), Title VI of the Civil Rights Act of 1964 (42 U.S.C.A. §§ 2000d--2000d-4), and Title IX of the Educational Amendments of 1972 (20 U.S.C.A. §§ 1681--implementing regulations thereto and Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap (45 CFR Part 80 Appendix B).] **This chapter applies to school entities that provide vocational education programs under sections 1801-1855 of the School Code (24 P. S. §§ 18-1801--18-1855). These programs may receive:**

- (1) **Payments on account of pupils enrolled in vocational curriculums. (See section 2502.8 of the School Code (24 P.S. § 25-2502.8).)**
- (2) **Payments on account of students enrolled in technical institutes. (See section 2504.3 of the School Code (24 P.S. § 25-2504.3).)**
- (3) **Payments on account of approved adult programs. (See section 2506.1 of the School Code (24 P.S. § 25-2506.1).)**
- (4) **Payments on account of approved vocational extension classes and pre-employment training. (See section 2507 of the School Code (24 P.S. § 25-2507).)**
- (5) **Payments on account of equipment purchased by area vocational-technical schools and technical institutions. (See section 2508.1 of the School Code (24 P.S. § 25-2508.1).)**
- (6) **Payments for vocational training of recipients of public assistance and unemployment compensation. (See section 2508.3 of the School Code (24 P.S. § 25-2508.3).)**

(7) **Payments on account of improvements and additions in vocational-technical curriculums.** (See section 2508.4 of the School Code (24 P.S. § 25-2508.4).)

(8) **Payments under the Vocational and Applied Technology Act of 1998 (20 U.S.C.A. §§ 2301–2417).** CARL D. PERKINS CAREER AND TECHNICAL EDUCATION IMPROVEMENT ACT OF 2006 (20 U.S.C. §§ 2301 – 2471).

§ 339.1a. Definitions.

(a) The definitions in [§ 6.1 (Reserved)] § 4.3 (relating to definitions) apply to this chapter.

(b) The following words and terms, when used in this [part] **chapter**, have the following meanings, unless the context clearly indicates otherwise:

~~—AVTS—Area vocational technical school, as defined in § 4.3.~~

~~—Action plan—Formal strategies and accountability plans for ensuring that all students are equipped with the academic and occupational skills they need for career success and lifelong learning.~~

Articulation--A planned process of curriculum development, instructional strategies and administrative procedures, which link [one or more educational departments or] **educational** agencies with other education [departments or] agencies or with industries. The [purpose of the linkage is to help a student to] **linkage helps students** make a [smooth and successful] transition from A SCHOOL ENTITY TO ANOTHER SCHOOL ENTITY, COLLEGE OR UNIVERSITY OR A BUSINESS/INDUSTRY ~~one to the other~~ without experiencing delays in or duplication of learning.

Attendance area--A geographical area of school districts and pupils to be served by an area vocational-technical school or **technical** institute which has been approved by the State Board for Vocational Education. (See **section 1840.1 of the School Code** (24 P.S. § 18-1840.1).)

CIP Codes--Classification of Instructional Programs--A numerical coding of instructional programs developed by the United States Department of Education used to identify vocational programs ~~within the Commonwealth.~~

CTSOs--Career and Technical Student Organizations--In-school organizations that provide personal and leadership development related to a career and technical program area as recognized by the United States Department of Education. (See § 339.30 (relating to student organizations).)

~~—Cluster vocational education—A program that consists of competencies found in more than one vocational education program as defined by CIP codes. (See § 339.22(k) (relating to program content).)~~

~~—Completer—A student who completes all the requirements of a vocational technical program, takes the appropriate occupational competency assessment under the Pennsylvania Skills Assessment Program, and graduates.~~

[*Competency-Based Vocational Education (CBVE)* --An instructional system utilizing a written planned vocational course that is based on occupational analysis and performance objectives that meet the definition in § 339.22(1)(i) (relating to program content). Instruction is derived from tasks performed in an occupation/job that have been reviewed by trade/technical and occupational advisory committees.]

~~**Concentrator**--A student who is at least 14 years of age and is enrolled full time, 360 hours per year, in an APPROVED career and technical education program THAT MEETS THE REQUIREMENTS OF THIS CHAPTER. Only concentrator students are counted for vocational subsidies.~~

~~—Department—The Department of Education of the Commonwealth.~~

Diversified [occupations program] Occupations Program--A planned vocational program, which may be offered at either the area vocational-technical school or a comprehensive high school. The program prepares [a heterogeneous group of] students from more than one vocational education area of instruction for gainful employment. The program is a [direct relationship/] partnership between a local business\ [/] **and** industry and the [local education agency] **school entity**. [Career competency and manipulative aspects of a] **A full range of career competencies** are developed at the job training station site. The school, in a classroom setting, provides related [general as well as] **academic and** technical instruction, including safety. ~~**A cooperative education certified teacher is required for such a program.**~~

~~—Educational and Occupational Objectives for a Student Enrolled in an Approved Vocational Technical Program—A statement of the classes or courses a student has taken or will take and expected occupational outcomes to be achieved, including graduation, postsecondary participation and employment.~~

~~—Evaluation plan—A formal plan of assessing the effectiveness of vocational programs.~~

HIGH-PRIORITY OCCUPATION—AN OCCUPATION AS DEFINED BY THE CENTER FOR WORKFORCE INFORMATION AND ANALYSIS WITHIN THE PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY, OR ANOTHER OCCUPATION DETERMINED TO MEET REGIONAL WORKFORCE NEEDS AS DOCUMENTED THROUGH COLLABORATION BETWEEN THE SCHOOL

ENTITY OR TECHNICAL INSTITUTE AND ONE OR MORE EMPLOYERS AND APPROVED BY THE DEPARTMENT.

IEP--Individualized Education Program under § 14.131 (relating to IEP).
CHAPTER 14 (RELATED TO SPECIAL EDUCATION SERVICES AND PROGRAMS).

INDUSTRY STANDARDS--STANDARDS ESTABLISHED BY STATE OR NATIONAL TRADE OR PROFESSIONAL ORGANIZATIONS OR STATE OR FEDERAL REGULATORY BODIES ACCEPTED BY THE DEPARTMENT THAT DESCRIBE WHAT LEARNERS SHOULD KNOW AND BE ABLE TO DO AND DESCRIBE HOW WELL LEARNERS SHOULD KNOW OR BE ABLE TO PERFORM A TASK IN A SPECIFIC OCCUPATION.

LOCAL PLAN--A PLAN SUBMITTED BY A SCHOOL ENTITY AND APPROVED BY THE DEPARTMENT IN ACCORDANCE WITH THE CARL D. PERKINS CAREER AND TECHNICAL EDUCATION IMPROVEMENT ACT OF 2006 (20 U.S.C. §§ 2301 – 2471), OR ITS SUCCESSOR.

OUT-OF-SCHOOL YOUTH—PERSONS SIXTEEN YEARS OF AGE OR OLDER WHO HAVE LEFT FULL-TIME SCHOOL WITHOUT RECEIVING A SECONDARY SCHOOL DIPLOMA OR ITS RECOGNIZED EQUIVALENT.

PENNSYLVANIA SKILLS CERTIFICATE—A CERTIFICATE PROVIDED BY THE DEPARTMENT TO RECOGNIZE VOCATIONAL AND TECHNICAL EDUCATION STUDENTS WHO HAVE ACHIEVED A SCORE OF ADVANCED ON OCCUPATIONAL END-OF-PROGRAM ASSESSMENTS IN THEIR CHOSEN TECHNICAL AREA.

PROGRAM ACCREDITING AUTHORITY—REGIONAL OR NATIONAL INDUSTRY-RECOGNIZED AGENCY OR ORGANIZATION THAT CERTIFIES THAT A PROGRAM MEETS EDUCATION OR TRAINING STANDARDS SPECIFIC TO THE INDUSTRY.

~~***Occupational program***—A plan to deliver rigorous workforce preparedness through knowledge, skills and attributes required for a specific or cluster occupation through completion of a vocational program.~~

~~***Participant***—A student who enrolls in vocational education planned instruction, but who is not a concentrator. Participants do not qualify for vocational education subsidy.~~

Registered apprenticeship--A TRAINING plan registered with the Apprenticeship and Training Council of the Commonwealth and evidenced by a Certificate of Registration or other appropriate document as meeting the apprenticeship standards of the Council. ~~These programs are articulated with postsecondary~~

~~institutions, technical institutes and industry partners who offer registered apprenticeship, certificate or degree programs.~~

~~—*SBVE—Standards-Based Vocational Education*—An instructional system utilizing a written, planned vocational course that is based on occupational analysis and performance objectives. Occupational tasks reviewed by an occupational advisory committee provide the basis for instruction. The instructional system also incorporates and addresses attainment of academic standards (§ 4.12).~~

~~—*School Code*—The Public School Code of 1949 (24 P.S. §§ 1-101–27-2702).~~

~~—*School entity*—Any local public education provider (such as, public school, charter school, cyber charter school, AVTS, intermediate unit).~~

~~—*Secretary*—The Secretary of the Department.~~

STATE PLAN--A PLAN SUBMITTED BY THE DEPARTMENT AND APPROVED BY THE FEDERAL GOVERNMENT IN ACCORDANCE WITH THE CARL D. PERKINS CAREER AND TECHNICAL EDUCATION IMPROVEMENT ACT OF 2006 (20 U.S.C. §§ 2301 – 2471), OR ITS SUCCESSOR.

Technical institute (TI)--An institute established, maintained, conducted and operated for the purpose of ~~providing technical education and training by offering nondegree-granting post high school programs and courses of not more than 2 years' duration, which shall prepare out-of-school youth and adults for technical areas leading to technical certificates. (See section 1841 of the School Code (24 P.S. § 18-1841)) (relating to establishment of schools.)~~ ~~Technical institutes may not grant degrees, but are encouraged to develop articulation agreements with degree-granting institutions to facilitate transfer of student credit.~~

TECHNICAL INSTITUTE BOARD – AN EXISTING AREA VOCATIONAL-TECHNICAL BOARD, OR SEVERAL AREA VOCATIONAL-TECHNICAL BOARDS, THAT AGREE TO PROVIDE FOR, ESTABLISH, MAINTAIN, CONDUCT AND OPERATE A TECHNICAL INSTITUTE.

§ 339.2. Operation.

A board of school directors, acting individually or in conjunction with other boards of school directors, may establish, operate, maintain and conduct ~~rigorous academic and career and technical education~~ vocational or technical education programs or both, WHICH SHALL INCLUDE ACADEMIC PREPARATION CONSISTENT WITH CHAPTER 4, under the approved [long range] ~~strategic~~ plans.

§ 339.3. Satellite program.

A satellite vocational education program is a program established, maintained and administered by an area vocational-technical board in a participating school district facility as an integral part of the [area vocational-technical school(] AVTS [)]. The requirements for satellite programs are:

(1) *AVTS requirements.* In school districts having approved satellite programs, the area vocational-technical board shall be required to:

(i) Maintain school/industry articulation.

(ii) Supervise vocational student organization activities.

(iii) Conduct vocational advisory committee activities.

(iv) Periodically review vocational education program needs in the attendance area and develop recommendations for continued growth and expansion of a coordinated vocational education system.

(v) Develop recommendations that assist students in meeting their career needs without regard to [a student's] sex, race or [handicap] **disability**.

(vi) [Insure] **Ensure** that a program of safety is incorporated into the curriculum.

(2) *School district requirements.* School districts receiving coordination services for [their] approved satellite vocational educational program shall:

(i) Maintain budgetary control [regarding] **over** supplies and equipment, insurance, utilities[,] **and** routine upkeep [and the like].

(ii) Maintain responsibility for assignment of students in the classes.

(iii) Provide supporting services, such as student guidance, disciplinary control, custodial services, health services and library services.

(3) *Agreements.* Satellites shall be operated in conformity with a memorandum of understanding which identifies the requirements of this section. The memorandum of understanding shall be jointly adopted by the board of school directors and constituent school districts. An area vocational-technical board may also arrange with its constituent school districts to provide coordination services for vocational education classes conducted for adults and postsecondary students.

(4) *Employment.* Instructional staff members employed to provide these educational services in the satellite area may be employed by the school district or by the area vocational-technical board.

§ 339.4 Program approval.

(a) *General rule.* New, expanded or revised programs will be approved by the Secretary prior to operation. A program will not receive vocational education payments until it has been approved by the Secretary under this chapter. Vocational education programs WILL BE SUBJECT TO APPROVAL AND REAPPROVAL AS FOLLOWS: ~~in existence and approved prior to September 1, [1986] 2005, [and approved prior to September 1, 1986,]~~ will be reapproved by the Secretary as set forth in paragraph (2).

(1) *New, expanded or revised programs.* ~~After September 1, [1986] 2005,~~ New, expanded or revised programs will be REVIEWED FOR APPROVAL ~~approved~~ by the Secretary FOR COMPLIANCE WITH THIS CHAPTER prior to operation. For funding purposes, new, expanded or revised programs shall be submitted to the Bureau of [Vocational and Adult] **Career and Technical** Education prior to August 1 to receive full-year reimbursement.

(2) *Reapproval.* Previously approved vocational education programs will be reviewed for approval by the Secretary for ~~assurance of compliance with [Chapter 6 (Reserved)]~~ **this chapter**. EVERY PROGRAM SHALL BE REVIEWED FOR REAPPROVAL AT INTERVALS OF NO MORE THAN 5 YEARS. THE DEPARTMENT HAS THE RIGHT TO REVIEW PROGRAMS AT ANY TIME. ~~The reviews will take place between September 1, [1986] 2005 and [August 31, 1988]~~ **June 30, 2010.**

(b) *Application for approval or reapproval.* Programs shall be reviewed for compliance with this section. New, expanded, [or] revised, **and existing** programs shall submit evidence of compliance with this chapter. [Substantial revision includes, but is not limited to: A change in the number of years a program is offered; a change in the number of hours a program is offered; a change in the objectives of the vocational planned courses; and a change in the facilities.] Application shall be made on forms supplied by the Department[. Applications shall include], **which must include, but not be limited to:**

(1) ~~[Evidence of planning under § 6.12 (Reserved)].~~

~~—(2)]~~ A description of the program and how a [competency] **standards-based** philosophy has been incorporated as required by § 339.22 (relating to program content). EVIDENCE SHALL INCLUDE THE SCHOOL ENTITY'S STRATEGIC PLAN AND PROGRAM STANDARDS.

(2) Evidence that the program prepares students for EMPLOYMENT IN high priority occupations or other occupations supported by local labor market information and is AND IS supported by local employers. EVIDENCE SHALL INCLUDE DOCUMENTATION THAT THE PROGRAM IS ALIGNED WITH ONE OR MORE HIGH PRIORITY OCCUPATIONS AND DOCUMENTATION THAT MEMBERSHIP OF THE OCCUPATIONAL ADVISORY COMMITTEE INCLUDES REPRESENTATION OF LOCAL OR REGIONAL EMPLOYERS FROM RELATED INDUSTRIES. EVIDENCE FOR REAPPROVAL SHALL ALSO INCLUDE ATTAINMENT OF TARGETS PURSUANT TO THE STANDARDS UNDER SUBSECTION (D).

(3) Evidence that the instructional equipment is comparable to industry needs as recommended by the OCCUPATIONAL Advisory Committee. Evidence SHALL INCLUDE ~~may be the~~ minutes of the OCCUPATIONAL Advisory Committee meetings.

(4) ~~Student achievement of industry-based standards and Pennsylvania Skills Certificate.~~

~~[(3)] (5) The EVIDENCE THAT THE length of time students will be scheduled into a program MEETS THE REQUIREMENTS OF SECTION as required by § 339.22(a)(9)(i)(4)(i). EVIDENCE SHALL INCLUDE STUDENT SCHEDULES.~~

~~[(4)] (5) EVIDENCE (6) Assurance that each secondary vocational education teacher will hold a valid certificate for the teacher's assigned position as required by Chapter 49 (relating to certification of professional personnel).~~

[(5) Evidence that the program is justified by local labor market information and is supported by local employers.

(6) Evidence that the instructional equipment is comparable to industry needs as recommended by the Advisory Committee. See § 6.61 (reserved). Evidence may be the minutes of the Advisory Committee meetings.]

(6) EVIDENCE (7) Assurance that adequate resource material will be available to support the instructional program plan AS REQUIRED BY PROGRAM ACCREDITING AUTHORITIES, IF APPLICABLE, OR RECOMMENDED BY THE OCCUPATIONAL ADVISORY COMMITTEE. EVIDENCE SHALL INCLUDE A LIST OF RESOURCE MATERIALS REQUIRED BY A PROGRAM ACCREDITING AUTHORITY OR RECOMMENDED BY THE OCCUPATIONAL ADVISORY COMMITTEE, AND THE LIST OF RESOURCE MATERIAL AVAILABLE IN THE PROGRAM.

(7) (8) Assurance EVIDENCE that support, SERVICES AND ACCOMMODATIONS WILL BE or special services are available to the [instructor]

~~students when disadvantaged, disabled or limited English-speaking students are enrolled IN VOCATIONAL AND TECHNICAL PROGRAMS AND SUPPORTED BY THE DISTRICT OF RESIDENCE IN ACCORDANCE WITH APPLICABLE LAW, SERVICE AGREEMENTS AND STUDENT IEPS as required by [§ 6.31 (reserved)] Chapters 14 and 15 (relating to special education programs and services; and protected handicapped students). These students are provided with the support and assistance as written in the IEP or service agreement, and that are necessary to succeed in the vocational program.~~ EVIDENCE SHALL INCLUDE STUDENT IEPS AND SERVICE AGREEMENTS.

(8) EVIDENCE ~~(9) Assurance shall be given~~ that SCHOOL ENTITIES WILL PROVIDE students ADEQUATE SUPPORTS TO MEET ACADEMIC STANDARDS AS DETERMINED BY CHAPTER 4 AND, WHERE APPLICABLE, CONSISTENT WITH THE STUDENT'S IEP, ~~have the appropriate competencies in mathematics, science and English prior to entrance in a vocational training program~~ and that subsequent instruction in these academic areas AT ALL SCHOOL ENTITIES WHERE THE STUDENT IS ENROLLED [be] is appropriate to their chosen area of occupational training. EVIDENCE SHALL INCLUDE TRANSCRIPTS, COURSE SEQUENCES, STUDENT IEPS, SUPPORT PLANS AND OPERATING AGREEMENTS.

[(i) Articulation shall be in Mathematics, Science, English, Industrial Arts and Home Economics and be incorporated into courses/credits mandated by Chapter 5 (Reserved).

(ii) Competencies in existing planned courses shall be documented in the following areas:

- (A) Mathematics applications.
- (B) Computer science.
- (C) Applied science.
- (D) Basic manipulative skills.
- (E) Measurement skills.
- (F) Communication skills.]

(9) EVIDENCE ~~(10) Assurance~~ that articulation exists between secondary and postsecondary institutions within a service area [according to § 6.12] **and that a system exists promoting seamless transition to ensure the maximum opportunity for student placement including opportunities for CONCURRENT ENROLLMENT UNDER ARTICLE XVI-B OF THE SCHOOL CODE OR dual enrollment OR and other strategies that promote acquisition of postsecondary credit while still in high**

school. EVIDENCE SHALL INCLUDE ARTICULATION AGREEMENTS AND CONCURRENT OR DUAL ENROLLMENT AGREEMENTS.

(10) EVIDENCE OF ~~(44)~~ **Program sponsorship and/OR involvement in CTSOs.** EVIDENCE SHALL INCLUDE STUDENT ROSTERS FROM THE CTSO OR CHARTER AGREEMENTS BETWEEN THE SCHOOL ENTITY AND THE CTSO.

(11) ~~(42)~~—Evidence, if a program submitted for reapproval is reduced in hours, that the reduction in hours will not result in a less effective education program being offered. EVIDENCE SHALL INCLUDE DEMONSTRATION THAT THE REQUIREMENTS OF THIS CHAPTER WILL BE MET.

(12) ~~(43)~~—**Evidence that joint planning OCCURS BETWEEN THE AVTS AND DISTRICT OF RESIDENCE with sending schools around THE academic and other needs of attending students occurs.** EVIDENCE SHALL INCLUDE AGENDAS AND MINUTES OF JOINT OPERATING COMMITTEE MEETINGS AND OF ADMINISTRATIVE COMMITTEES.

(13) EVIDENCE THAT STUDENTS ARE FOLLOWING AN EDUCATIONAL PLAN AND HAVE AN OCCUPATIONAL OBJECTIVE. EVIDENCE SHALL INCLUDE A COMPLETED “EDUCATIONAL AND OCCUPATIONAL OBJECTIVES FOR A STUDENT ENROLLED IN A PDE-APPROVED CAREER AND TECHNICAL EDUCATION (CTE) PROGRAM” FORM AS SPECIFIED BY THE DEPARTMENT FOR EACH STUDENT.

(c) *Documentation.* Documentation supporting compliance with each item on the application for approval or reapproval--subsection (b)--shall be maintained at the SCHOOL ENTITY ~~local educational agency~~ and shall be available for Department review. [Review includes, but is not limited to, procedures listed in § 339.61 (relating to evaluation.)] ALL DOCUMENTATION SUBMITTED TO THE DEPARTMENT SHALL BE MAINTAINED BY THE SCHOOL ENTITY FOR THREE YEARS AFTER A COMPLIANCE REVIEW HAS BEEN COMPLETED.

(d) *Retain approval.*

(1) [In order to] ~~To retain~~ MAINTAIN program approval GRANTED UNDER SUBSECTION (A)(1) OR (2), it shall be necessary FOR THE SCHOOL ENTITY to MEET ~~achieve~~ [a minimum placement rate--employment, military service or enrollment in postsecondary training program--within 3 years. By March 1, 1987, the Secretary will determine the minimum placement rate, and it will be published as an amendment to this section] ~~the accountability standards established by the Secretary.~~

[(2) In determining compliance with the established placement rate, the Secretary will consider such factors as unemployment rates for needs students served by the program;

and other characteristics, which might affect the placement rate, and may, at his discretion, waive compliance with the minimum placement rate.

(3) If a program does not meet the minimum placement rate, an additional year will be granted to permit the program to meet that rate before the program approval is withdrawn. During this period, the Department will provide assistance to the local education agency.]

~~—(i) *Accountability standards.* School entities shall implement the following standards, which shall be subject to review by the Department:~~

~~(A) (I) SKILL ATTAINMENT TARGETS AS SET FORTH IN THE SCHOOL ENTITY'S LOCAL PLAN, IF APPLICABLE, OR STATE PLAN, WHICH MAY INCLUDE INDUSTRY ~~Industry~~ assessment, industry credentials, certification or State assessment will serve as the vehicle for occupational competency testing. Student performance on occupational competency testing will be measured by the Pennsylvania Skills Certificate or other approved industry certification to define the level of occupational achievement. All completers shall complete an occupational competency evaluation.~~

~~(II) (B) Student performance TARGETS on achieving academic standards AS SET FORTH IN THE SCHOOL ENTITY'S LOCAL PLAN, IF APPLICABLE, OR STATE PLAN, WHICH SHALL INCLUDE ~~will be measured, and the Pennsylvania System of School Assessment (PSSA) OR ANOTHER DEPARTMENT-APPROVED ASSESSMENT WHICH MEASURES STUDENT PERFORMANCE ON ACADEMIC STANDARDS will be used to define the level of academic achievement.~~~~

~~—(C) *Statewide performance measures and standards must address:*~~

~~—(I) *Student attainment of rigorous academic and vocational skill proficiencies.*~~

(III) SECONDARY SCHOOL COMPLETION AND STUDENT GRADUATION TARGETS AS SET FORTH IN THE SCHOOL ENTITY'S LOCAL PLAN, IF APPLICABLE, OR STATE PLAN, WHICH SHALL INCLUDE STUDENT ~~(II) Student attainment of A secondary school diploma or its recognized equivalent OR, a proficiency credential in conjunction with a secondary school diploma, or a postsecondary degree or credential.~~

(IV) STUDENT PLACEMENT TARGETS AS SET FORTH IN THE SCHOOL ENTITY'S LOCAL PLAN, IF APPLICABLE, OR STATE PLAN, WHICH SHALL INCLUDE PLACEMENT ~~(III) Placement in, retention in and completion of postsecondary education or advanced training (including registered apprenticeships), placement in military service, or placement and retention in employment.~~

(V) NONTRADITIONAL PARTICIPATION AND COMPLETION TARGETS AS SET FORTH IN THE SCHOOL ENTITY'S LOCAL PLAN, IF APPLICABLE, OR STATE PLAN, WHICH SHALL INCLUDE NON-TRADITIONAL STUDENT ~~(IV) Student participation in and completion of vocational education programs that lead to non-traditional training and employment.~~

~~—(D) Local entities shall conduct studies to determine the effectiveness of the career and technical education program in preparing students to achieve academic and technical standards. These data shall be shared with local boards of directors or joint operating committees to ensure that students' performance correlates with current workforce needs.~~

~~—(2) School entities shall submit for reapproval at least every 5 years.~~

(2) THE ~~(3) In addition,~~ the Department will notify, in writing, each school entity that does not meet or exceed expectations of the standards UNDER SUBSECTION (D)(1) ~~set by the Secretary,~~ and will require the school ENTITY to submit a compliance plan WITHIN 90 DAYS to the Bureau of Career and Technical Education. Each non-complying school entity shall develop a compliance plan and document all corrective actions taken pursuant to it. Upon its approval of the plan, the Department will continue to review the program and provide technical assistance.

(e) *Terminations.*

(1) Programs will be terminated for the following reasons:

(i) Program fails within a 3-year period to successfully meet the accountability standards UNDER THIS SECTION ~~established by the Secretary~~ and may be terminated in accordance with § 339.62 (relating to noncompliance: appeal process).

(ii) School entities request termination. Before program termination, the local administrator shall secure board approval and forward a copy of the board's minutes with a letter of explanation to the Department. If the Department does not respond to the school entity's submission within 60 days, the termination shall be considered approved.

(iii) Program fails to report NO student enrollment for 3 consecutive school years and may be terminated in accordance with § 339.62.

(f) School entities shall report annually to the Department on the accomplishment of ~~Secondary Performance Measures and Standards~~ as outlined in the State plan OR LOCAL PLAN, IF APPLICABLE.

~~—(g) School entities shall report student achievement annually to the Department.~~

~~—(h) Students entering career and technical education programs shall complete annually an Educational and Occupational Objectives for a Student Enrolled in an Approved Vocational Technical Program.~~

(G) [(e)] ~~(f)~~ *Private school contracts.* Contractual arrangements may be made by public schools with approved private institutions to provide secondary or postsecondary vocational-technical instruction [Instruction shall be limited to] **only in** occupational fields [in] **for** which public school programs are unavailable. The private institutions shall meet program certification and other mandates regarding vocational education programs contained in the [Public] School Code [(24 P.S. §§ 1-101--27-2702)] and this title.

[(f) *Terminations.* Before program termination the local administrator shall secure board approval and forward a copy of the board's minutes with a letter of explanation to the Department. If the Department does not respond to the school entity's submission within 60 days, the termination shall be considered approved.]

PLANNING

§ 339.13. Local advisory committee.

[A local advisory committee shall include representatives of education, industry, business, community-based organizations, joint apprenticeship councils--if available--labor, management, parents and students. The committee shall advise the board and the administration concerning the general philosophy, objectives and program needs of the school. The board and the administration will make the decisions.] **The local advisory committee as set forth in § 4.33(a) (relating to advisory committees) shall also include representatives authorized by the workforce investment board, civic organizations, and higher education institutions.**

§ 339.14. Occupational advisory committee.

The occupational advisory committee [shall be comprised of representatives from business and industry actively engaged in the occupation for which training is being provided. Representation may also include management and labor personnel, homemakers, vocational education students, recent graduates of the program and members-at-large from the community. The occupational advisory committee shall provide advice on performance objectives to the classroom teacher. See § 339.22 (relating to program content). The classroom teacher will set performance objectives.] **as set forth in § 4.33(c) (relating to advisory committees) shall also include representatives authorized by the workforce investment board, civic organizations, and higher education institutions.**

§ 339.15. ~~Minutes.~~ RESERVED.

~~—Official minutes of the advisory, occupational advisory and administrative committee meetings shall be maintained by the respective committee for 5 years from the meeting date.~~

CURRICULUM

§ 339.21. Admissions.

An admissions policy developed by the local education agency regarding entrance to a vocational education program [shall] **must** state whether enrollment is unlimited or limited. If enrollment is limited, an admissions policy shall include nondiscriminatory eligibility requirements for the purpose of predicting a student's success in a given program. FOR A STUDENT WITH A DISABILITY SUCCESS SHALL BE PREDICTED BY THE STUDENT'S IEP TEAM ON THE BASIS OF HIS OR HER ABILITY TO BENEFIT FROM THE PROGRAM. When the number of students predicted to be successful in a given program is less than the number of openings available in that given program, the openings may be available to adults or students at another school district, which are predicted to be successful in that program. When the number of students predicted to be successful in a given program exceeds the number of openings available, an admissions policy [shall] **must** include a nondiscriminatory selection procedure, as required by current Federal and Commonwealth statutes, regulations and guidelines.

(1) If a selection procedure is necessary to select and reject qualified applicants, as judged by established and publicized eligibility requirements, the procedure shall be nondiscriminatory under the Federal and Commonwealth statutes and regulations and guidelines.

(2) If a school develops a recruitment program, announcements concerning vocational education [shall] **must** exemplify freedom from occupational stereotypes and to the extent possible the philosophy of equal access [to the following:

- (i) Females and males.
- (ii) Individuals with Disabilities.
- (iii) Disadvantaged individuals.
- (iv) Limited English speaking individuals.
- (v) Racial or ethnic groups].

~~(3) A student enrolled in a charter school may attend a vocational program available to students in the student's school district of residence, as defined in section 1302 of the School Code (24 P.S. § 13-1302).~~

~~—(4) Guidance personnel shall provide to students the information necessary to make informed decisions regarding the selection of appropriate vocational TECHNICAL education programs and discuss the importance of high school academic achievement and postsecondary education and training to career success.~~

~~—(5) (4) Denial of admission may be appealed to the board or joint operating board of the school making the decision. If the board refuses admission, the student may appeal its decision to the State Board of Vocational Education.~~

~~—(6) (5) With regard to the placement of students with IEPs or service agreements in vocational programming, faculty from the vocational programs in which students are recommended for placement will participate as members of the IEP and service agreement teams.~~

~~—(7) (6) IEP and service agreement team meetings, when scheduled by the school district, must give TIMELY notice to the VOCATIONAL career and technical education REPRESENTATIVE instructor assigned and shall be attended by the VOCATIONAL AND TECHNICAL EDUCATION REPRESENTATIVE program instructor to which the student is seeking admission. See § 339.22 (relating to program content).~~

§ 339.22. Program content.

(a) *Occupational program requirements.* The primary [objective of an occupational program is to provide job information and help students acquire specific occupational skills, efficient work habits and positive attitudes about the personal, social and economic significance of work] **objectives of an occupational program are to prepare students for EMPLOYMENT IN high priority occupations or other occupations supported by local labor market information and is supported by local employers, and for successful employment and lifelong learning through acquisition of high-level academic, technical and career development skills, efficient work habits and attitudes about the personal, social and economic significance of work.** Occupational programs include vocational agriculture, vocational business education, vocational health occupations, vocational marketing and distributive education, vocational occupational [home economics] **family and consumer sciences**, and vocational trade, industrial and technical education. Occupational programs [shall] **must** be [competency] **standards-based, PREPARE STUDENTS FOR OBTAINMENT OF meet-licensure or [requirements] industry skill certification or Pennsylvania Skills Certificate, as** required, provide extended classroom experience, and meet minimum time requirements. The specific requirements of the foregoing elements are as follows:

(1) [*Competency*] **Standards-based**. Programs [shall] **must** have [competency] **standards-based** plans. A [competency] **standards-based** plan is an instructional system that is planned and managed by the teacher, based upon occupational analysis and clearly stated performance objectives **that are deemed critical to successful employment** as recommended by occupational advisory committees [that are deemed critical to successful employment]. OCCUPATIONAL TASKS RECOMMENDED BY AN OCCUPATIONAL ADVISORY COMMITTEE MUST PROVIDE THE BASIS FOR INSTRUCTION. The instructional process [shall] **must** derive its content from the task performed in each occupation **and** job and provide for the assessment of student performance on the basis of preset performance standards. [*Competency*] **Standards-based** plans [shall] **must** include:

(i) *Performance objectives*. A vocational education program [shall] **must** identify performance objectives in accordance with criteria developed by the SCHOOL ENTITY ~~local education agency~~ in cooperation with the occupational advisory committee. The performance objectives [shall] consist of the following three parts:

(A) The conditions under which the task will be performed--the materials **and** supplies provided.

(B) A description of the task.

(C) The standard for how well the task shall be performed.

(ii) *Program plans*. Vocational education program content shall be designed in accordance with one of the following [competency] **standards-based** plans:

(A) Regular occupations. A plan designed to provide instruction in preparing students for gainful employment in occupations requiring skills learned in one of the vocational education program areas. The development of leadership competencies and positive attitudes towards fulfilling occupational, civic, social and community responsibilities shall be an integral part of this program plan.

(B) Cluster occupations. A plan designed to provide basic information and skills for a number of closely related occupations and to develop basic competencies in a variety of jobs within an occupational field. Vocational education planned courses from more than one vocational education field may be offered in order to meet the minimum time requirements. The development of leadership competencies and positive attitudes towards fulfilling occupational, civic, social and community responsibilities shall be an integral part of this program plan.

(2) *Pennsylvania academic standards*. **Pennsylvania academic standards UNDER CHAPTER 4 of mathematics, language arts and science shall be integrated within the technical curriculum and instruction.**

(3) *CIP Code.* Programs will be identified by CIP code.

(4) *Planned instruction.* ~~This planned~~ PLANNED instruction must include the integration of academic, career development and technical curricula at the secondary level.

(5) *Occupational analysis.* The occupational analysis CONDUCTED BY THE SCHOOL ENTITY PURSUANT TO § 339.4(A) MUST LEAD ~~leads to~~ clearly stated performance objectives deemed critical to successful employment, and assessment of student competencies based upon performance standards.

(6) *Industry standards.* PROGRAMS MUST PREPARE ~~Prepare~~ students to meet industry-defined standards, certifications, regulations or licensing agreements demonstrated through industry assessment, industry credentials, industry certification, license or State assessment.

(7) *Work-based learning.* ~~Provide students with an opportunity to acquire experiences in appropriate work situations related to their program.~~

~~(8)~~ *License requirements.* Programs designed to provide students with the background to meet certification, registration, and licensure requirements [shall] **must** meet the standards of the licensing agency and [shall] be supervised or administered according to the certifying or licensing agency, Part I (relating to State Board of Education) and Part II (relating to standards). Information on legal requirements or limitations relating to the occupations for which they are preparing shall be given to all students in writing.

(8) [(3)] ~~(9)~~ *Extended classroom AND WORK-BASED LEARNING.* The program shall provide students an opportunity to acquire experience in appropriate work situations related to their vocational program of study. When the traditional shop or laboratory cannot simulate the work situation, the classroom may be extended to a cooperating agency or business as long as the educational objectives are being met. Health occupations curriculum preparing individuals for direct patient care shall provide clinical experience as an integral part of the curriculum.

(9) [(4)] ~~(10)~~ *Minimum time requirements.*

(i) The [local educational agency] **school entity** may develop vocational education programs, ~~to qualify for subsidy,~~ for any time length as long as they do not go below [the minimums listed in this subsection] ~~360 hours per year.~~ VOCATIONAL PROGRAMS MAY RANGE IN DURATION FROM ONE YEAR TO FOUR YEARS, AND THE FOLLOWING REPRESENTS THE MINIMUM TOTAL HOURS REQUIRED FOR A PROGRAM SEQUENCE:

(A) ONE YEAR SEQUENCE. A VOCATIONAL TECHNICAL EDUCATION PROGRAM EXISTING IN THE TWELFTH GRADE WHERE STUDENTS HAVE MET THEIR ACADEMIC GRADUATION REQUIREMENTS BUT REQUIRE TECHNICAL COURSES ONLY, AND LASTING ONE YEAR IN DURATION MUST PROVIDE A MINIMUM TOTAL OF 720 HOURS OF VOCATIONAL PROGRAM INSTRUCTION BY THE END OF THE PROGRAM YEAR.

(B) TWO YEAR SEQUENCE. A VOCATIONAL TECHNICAL EDUCATION PROGRAM CONSISTING OF TWO SEQUENTIAL YEARS MUST PROVIDE A MINIMUM TOTAL OF 720 HOURS OF VOCATIONAL PROGRAM INSTRUCTION BY THE END OF THE PROGRAM SEQUENCE.

(C) THREE YEAR SEQUENCE. A VOCATIONAL TECHNICAL EDUCATION PROGRAM CONSISTING OF THREE SEQUENTIAL YEARS MUST PROVIDE A MINIMUM TOTAL OF 1,080 HOURS OF VOCATIONAL PROGRAM INSTRUCTION BY THE END OF THE PROGRAM SEQUENCE.

(D) FOUR YEAR SEQUENCE. A VOCATIONAL TECHNICAL EDUCATION PROGRAM CONSISTING OF FOUR SEQUENTIAL YEARS MUST PROVIDE A MINIMUM TOTAL OF 1,320 HOURS OF VOCATIONAL PROGRAM INSTRUCTION BY THE END OF THE PROGRAM SEQUENCE.

	Representative Planned Course Sequence				Minimum Total Hours
	9th grade	10th grade	11th grade	12th grade	
Four Year Sequence	2	3	3	3	1320
Three year Sequence		3	3	3	1080
Two year Sequence			3	3	720
	9th grade	10th grade	11th grade	12th grade	
One Year Sequence				6	720

{(ii) The following requirements shall be considered in planning vocational education programs based on the minimum time requirements listed in subparagraph (i):

(A)] [A planned vocational course shall be equal to 120 clock hours and is equal to one unit of credit.

(B)] {Vocational education credits may be given for hours spent in supervised occupational AGRICULTURAL experience, and cooperative and clinical experiences AND OTHER SUPERVISED OCCUPATIONAL EXPERIENCE OCCURRING

DURING OR AFTER THE SCHOOL DAY AS DEFINED IN THE PUBLIC SCHOOL CODE.

(B) ~~(C)~~—A minimum of two planned courses shall be operated per year. These two planned courses shall be skilled courses.

(C) ~~(D)~~—Sequences shall be offered in consecutive years and the last year of the program will conclude in the twelfth grade.}]

[(E) Where necessary to promote the educational program, up to three planned vocational courses may be substituted for the required graduation units of credit set forth in § 5.5(b) (Reserved), except that not more than one substitution may be made in a single listed course title and no substitution may be made for the one required unit of credit in health and physical education. The school district shall verify that a relationship exists between the content learned or the skills developed in the approved vocational course and the high school graduation credit for which it is substituted. The substitution shall be reported to the Department under the process for curriculum exceptions set forth in § 5.12(a) (Reserved).

(F) Options for awarding planned course credit are explained in § 5.11 (Reserved).]

[~~(D) (G)~~—**This section includes the minimum requirements for a program to be eligible for vocational reimbursement. It is recognized that selected vocational programs may require more than the minimum hours to offer an effective education program.**

(b) *Exceptional programs requirements.* Exceptional programs could include any of the occupational areas defined in this section. See subsection (a). An exceptional program will be approved to address special needs documented by the SCHOOL ENTITY local education agency. The program content shall be designed in accordance with one of the following competency-STANDARDS-based plans:

(1) *Special vocational.* A plan designed to meet the vocational education requirements of special NEEDS students in accordance with A LEAST RESTRICTIVE ENVIRONMENT AND their individualized education programs IEPS.

(2) *Experimental.* Special pilot, experimental, exemplary or innovative programs, which do not fit within the structure of any of the plans, may be approved on an annual basis after review by the Secretary.

~~—(e)]~~~~(b)~~(C) *Diversified occupations program requirements.* Diversified occupations programs [could] **may** include any of the occupational areas defined in subsection (a) or other occupational areas not offered at the comprehensive high schools or [area vocational technical school] **AVTS**. The diversified occupations program shall be

available as a 1-year or 2-year program. This program is for 11th and 12th grade students who are unable to gain admission to a vocational program due to excessive **numbers of** applicants, inability to meet entrance requirements for other existing vocational programs, or lack of specific vocational areas offered at the comprehensive high school or participating [area vocational-technical school] AVTS. ~~The requirements for these programs are:~~

- ~~—(1) One planned course—equal to one unit of credit—of general related theory or technical related content, or both, [per year] shall be offered **per year.**~~
- ~~—(2) Students shall be legally employed a minimum of 15 hours a week during the school year[—these]. **These** hours can be other than school hours.~~
- ~~—(3) Students shall be legally employed a minimum of 150 school days to be eligible for reimbursement.~~
- ~~—(4) A training plan and a training agreement shall be developed with the employer and **shall** be on file with both the school and the employer.~~
- ~~—(5) **The program is taught by a certified cooperative education teacher.**~~

WHEN DIVERSIFIED OCCUPATIONS PROGRAMS ARE PROVIDED, THEY SHALL BE PLANNED IN ACCORDANCE WITH THE STUDENT'S STATED CAREER OBJECTIVE AND INCLUDE:

- (1) WORK-BASED LEARNING EXPERIENCES HELD AT A SCHOOL-APPROVED WORKSITE.
- (2) A TRAINING PLAN AND A TRAINING AGREEMENT SHALL BE DEVELOPED WITH THE EMPLOYER AND AVAILABLE ON FILE WITH BOTH THE SCHOOL AND THE EMPLOYER. THE TRAINING AGREEMENT AND TRAINING PLAN MUST BE SIGNED BY THE STUDENT, PARENT/GUARDIAN, SCHOOL OFFICIAL(S), AND COOPERATING EMPLOYER.
- (3) SCHOOL-BASED, ACADEMIC, AND CAREER-SPECIFIC INSTRUCTION.
- (4) ONE PLANNED COURSE – EQUAL TO ONE UNIT OF CREDIT – OF GENERAL RELATED THEORY OR TECHNICAL RELATED CONTENT, OR BOTH, PER YEAR. IN ORDER TO MEET THIS REQUIREMENT, THE SCHOOL DISTRICT OPERATED DIVERSIFIED OCCUPATIONS STUDENT MUST MEET WITH HIS/HER TEACHER-COORDINATOR FOR AT LEAST ONE 40- TO 45-MINUTE PERIOD PER DAY OR A MINIMUM OF 3 HOURS PER WEEK. TO MEET THIS REQUIREMENT AT A CAREER AND TECHNICAL CENTER OPERATED PROGRAM THE DIVERSIFIED OCCUPATIONS STUDENT MUST MEET WITH HIS/HER TEACHER-COORDINATOR FOR AT LEAST ONE 40 TO 45 MINUTE PERIOD PER WEEK.

- (5) PAYMENT OF THE EXISTING LEGAL WAGE.
- (6) PROVISION FOR ADMINISTRATION, SUPERVISION, AND MONITORING BY A CERTIFIED TEACHER IN COOPERATION WITH THE EMPLOYER.
- (7) PROVISION OF WORKSITE SUPERVISION BY AN EXPERIENCED PERSON, AND THE STUDENT HAS HAD AN OPPORTUNITY TO PERFORM A VARIETY OF WORK ASSIGNMENTS.
- (8) A CERTIFIED TEACHER TO MANAGE THE PROGRAM.
- (9) PROVISION FOR COORDINATION OF WORKSITE ACTIVITIES OF AT LEAST ONE-HALF HOUR PER WEEK PER STUDENT, INCLUDING WORKSITE VISITS AND OBSERVATIONS, AS WELL AS PREPARATION FOR THE RELATED IN-SCHOOL INSTRUCTION.
- (10) STUDENTS SHALL BE LEGALLY EMPLOYED A MINIMUM OF 15 HOURS A WEEK DURING THE SCHOOL YEAR. GRADUATION CREDITS CAN BE AWARDED FOR HOURS WORKED OUTSIDE OF SCHOOL HOURS.
- (11) STUDENTS SHALL BE LEGALLY EMPLOYED A MINIMUM OF 150 SCHOOL DAYS TO BE ELIGIBLE FOR PDE REIMBURSEMENT.
- (12) RECOGNITION AND HIGH SCHOOL CREDIT FOR THE STUDENT'S PARTICIPATION IN THE COOPERATIVE EDUCATION DIVERSIFIED OCCUPATIONS PROGRAM.
- (13) COMPLIANCE WITH FEDERAL AND STATE STATUTES.
- (14) INSURANCE PROTECTION FOR BOTH THE SCHOOL AND STUDENTS.

~~-(d)-~~ (e) *Nonoccupational program requirements.*

(1) [*Consumer and homemaking*] **Family and consumer sciences** education programs. The [consumer and homemaking] **family and consumer sciences** education programs [shall] **must** operate in a comprehensive high school. [Only approved programs are eligible for Federal vocational funds.]

(i) *Primary objectives.* The primary objectives of [consumer and homemaking] **family and consumer sciences** education programs are:

(A) TO INTEGRATE WITHIN THE TECHNICAL CURRICULUM INSTRUCTION ALIGNED WITH **Pennsylvania academic standards** UNDER CHAPTER 4 ~~of mathematics, language arts, and science shall be integrated within the technical curriculum and instruction.~~

(B) To prepare both males and females with knowledge and skills [in the five subject matter areas relating to home and family life. The areas include: food and nutrition, human development and interpersonal relationships, management and consumerism, housing and home furnishings and clothing and textiles] **required to meet the approved Family and Consumer Sciences Academic Standards.**

[(B)] **(C)** To provide knowledge and skills that are interrelated and necessary for the optimum quality of life for individuals and families.

[(ii) *Requirements.* The requirements for consumer and homemaking education programs are:

(A) The minimum instructional time for an approved consumer and homemaking education program shall be equal to two planned courses—240 clock hours— for a minimum of 2 years beginning in the ninth grade or any year thereafter, providing a 2-year sequence.

(B) The consumer and homemaking education program shall include content from all five subject matter areas as follows: foods and nutrition; human development; management and consumerism; housing, furnishings and equipment; and textiles and clothing. The first year of the program offering shall be broad in scope. The second year may be more advanced or concentrated in several subject matter areas. Programs are to be designed to provide students adequate learning and activities in all subject matter areas for a comprehensive program.

(2) *Industrial arts programs.* Industrial arts programs shall operate only in approved secondary schools. Only approved programs are eligible for Federal vocational funds. Upon the conclusion of grade 9, the students shall have completed a planned course, equal to one unit of credit--120 clock hours--of instruction encompassing the following minimum clustered content:

(i) *Industrial Materials*--Construction; Manufacturing.

(ii) *Visual Communications*--Drafting; Graphic Arts.

(iii) *Power Technology*--Electricity/Electronics; Power Mechanics/Systems; Fluids.]

~~(d)~~ **(E) Postsecondary education and training. Encourage articulation of the secondary program of studies with postsecondary institutions, technical institutes and industry partners who offer registered apprenticeship, certificate or degree programs SHALL OCCUR.**

§ 339.23. Vocational education safety.

Vocational education **shall be provided consistent with** safety standards [shall be met as defined by Department guidelines] in the following areas:

- (1) Safety instruction **shall be** practiced in the laboratory and classroom.
- (2) Equipment guards and personal safety devices **shall be** in place and used.
- (3) Class enrollment shall be safe relative to classroom or laboratory size and number of workstations.
- (4) [Work stations] **Workstations** shall be barrier-free, assuring accessibility and safety under section 504 of the Rehabilitation Act of 1973 (29 U.S.C.A. § 794) and 34 CFR 104.22(a) (relating to existing facilities) **and the Americans with Disabilities Act of 1990 (42 U.S.C.A. §§ 12101--12213).**
- (5) Provisions **shall be** made for safe practices to meet individual educational needs of handicapped persons under section 504 of the Rehabilitation Act of 1973, 34 CFR 104.33(b) (relating to free appropriate public education), OCR Guidelines, VI and 45 CFR Part 80 (relating to nondiscrimination under programs receiving Federal assistance through the Department of Health and Human Services effectuation of Title VI of the Civil Rights Act of 1964).
- (6) Storage of materials and supplies [meeting] **must meet** 34 Pa. Code Part I (relating to PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY ~~Industrial Board~~).
- (7) Safety practices [met according to] **must meet** State and Federal regulations.

§ 339.29. Cooperative vocational education.

{If cooperative vocational education is provided, it shall be planned in accordance with the stated career or occupational objectives of the student and shall include:

- (1) Related learning experiences HELD at a school-approved work station.
- (2) ~~A memorandum of understanding as defined in the Department guidelines, signed by the student, parent or guardian, school official and cooperating employer or representative.~~ A TRAINING PLAN AND A TRAINING AGREEMENT DEVELOPED WITH THE EMPLOYER AND AVAILABLE ON FILE WITH BOTH THE SCHOOL ENTITY AND THE EMPLOYER. THE TRAINING AGREEMENT AND TRAINING PLAN MUST BE SIGNED BY THE STUDENT, PARENT/GUARDIAN, SCHOOL OFFICIAL(S) AND COOPERATING EMPLOYER.

(3) Payment of the existing legal wage when applicable under section 206 of the Fair Labor Standards Act of 1938 (29 U.S.C.A. § 206) and The Minimum Wage Act of 1968 (43 P.S. §§ 333.101--333.115).

(4) Provision for administration and supervision by school staff members in cooperation with the employer.

(5) A minimum of one onsite student evaluation by a CERTIFIED TEACHER ~~coordinator~~ for on-the-job activities per month.

(6) At least 45 minutes per week, or 90 minutes every other week, for students to meet with their vocational instructor to discuss job problems and related information.

(7) Credit for cooperative vocational education work experience.

(8) A certified TEACHER ~~cooperative vocational education instructor~~ coordinating the program.

(9) Compliance with Federal and State statutes.

(10) Insurance protection for both the school and students. ~~Cooperative education shall be conducted in accordance with the educational and occupational objectives for a student enrolled in an approved vocational technical program and shall meet published Department guidelines. See § 4.3 (relating to advisory committee).~~

§ 339.30. Student organizations.

(a) [Recognized student organizations] **CTSOs** shall be an integral part of the respective vocational education program. Instruction shall provide for the development of human relations skills; knowledge of occupations; leadership competencies and positive attitudes towards fulfilling occupational, civic, social, and community responsibilities.

(b) [Student organizations] **CTSOs** recognized in this Commonwealth are those recognized as [vocational student organizations] **CTSOs career and technical** student organizations by the United States Department of Education. [(c)] Members of [vocational education student organizations] **CTSOs** shall be under the direct supervision of professional [vocational] **career and technical** education personnel within the respective [vocational] **career and technical** education program.

(c) **CTSOs in this Commonwealth include:**

(1) **Distributive Education Clubs of America (DECA).**

(2) **Future Business Leaders of America (FBLA).**

- (3) **Family, Career and Community Leaders of America (FCCLA).**
 - (4) **Health Occupations Students Organization (HOSA).**
 - (5) **National FFA Organization (FFA).**
 - (6) **National Young Farmer Educational Association (NYFEA).**
 - (7) **SkillsUSA (formerly Vocational Industrial Clubs of America).**
 - (8) **Technology Student Association (TSA).**
 - (9) **Other organizations that are approved by the United States Department of Education in the future.**
- (d) **Members of CTSOs shall be under the direct supervision of certified professional education personnel as assigned by the joint operating committee or school board.**
- (e) **CTSOs shall hold a charter between their National organization and the Department.**

GUIDANCE

§ 339.31. Plan.

There shall be a written plan on file, approved by the local board of school directors, for the development and implementation of a comprehensive, sequential program of guidance services for kindergarten through 12th grade. The plan [shall] **must** include procedures to provide for [the extension of] guidance services to [area vocational-technical schools that service participating school districts] **AVTSs**. Upon request, the plan shall be submitted to the Secretary.

§ 339.32. Services.

The plan shall be designed to promote equal opportunity and include the following guidance service areas:

- (1) [Encouragement of students to select the vocational curriculum, which will meet their needs.] **Assistance to students in selecting vocational curricula that meet their needs and address their interests.** SCHOOL ENTITY COUNSELING SERVICES MUST ENSURE THAT COUNSELORS DO NOT DIRECT OR URGE ANY STUDENT TO ENROLL IN A PARTICULAR CAREER OR PROGRAM, OR MEASURE OR PREDICT A STUDENT'S PROSPECTS FOR SUCCESS IN ANY CAREER OR PROGRAM BASED UPON THE STUDENT'S RACE, COLOR,

NATIONAL ORIGIN, SEX, OR DISABILITIES. SCHOOL ENTITIES CANNOT COUNSEL STUDENTS WITH DISABILITIES TOWARD MORE RESTRICTIVE CAREER OBJECTIVES THAN STUDENTS WITHOUT DISABILITIES AND WITH SIMILAR ABILITIES AND INTERESTS.

(2) Assistance for all vocational students in making educational career plans **including, but not limited to, high school academic and technical preparation and postsecondary education and training**, and adjustments through the use of individual and group counseling and appropriate student assessment procedures.

(3) Provision of occupational and educational information needed for realistic career planning in an organized, systematic fashion for students, parents and teachers.

(4) Maintenance of cumulative records and the use, exchange and release of student information in accordance with §§ 12.31 and 12.32 (relating to general requirements; and elements of the plan).

(5) Adequate orientation procedures for vocationally oriented pupils.

(6) Support of a placement service [which] **that** is developmental and makes provisions for the transition from school to the world of work.

(7) Formal and informal consultation with teachers, administrators and other school staff.

(8) A school-initiated system of parental involvement.

(9) Liaison activities with community agencies.

(10) Assistance in the conduct of follow-up studies to determine the effectiveness of the curriculum.

PERSONNEL

§ 339.41. Certification.

Certification requirements [shall] include:

(1) *Professional [employees] employees.* [Professional personnel shall meet the standards as defined in the Department's publication, Certification and Staffing Policies and Guidelines. The publication may be obtained from the Bureau of Teacher Certification and Preparation of the Department.] **Professional staff shall meet standards as defined in Chapters 49 and 354 (relating to certification of professional**

personnel; and preparation of professional educators) as well as certification and professional standards and requirements for teachers under sections 1201--1215 and 2070.1--2070.18 of the School Code (24 P.S. §§ 12-1201--12-1215 and 2070.1--2070.18).

(2) [*Inservice*] ***In-service plan***. Local education agencies shall have a plan on file that [insures] **ensures** professional personnel will keep up with the technology and remain current with practices and standards of their professional areas[--for example, participation in professional development activities].

(3) Temporary certification. The Secretary may issue a temporary letter of certification for a resource specialist to provide supplemental vocational instruction under the supervision of a certified teacher. The services shall be part-time and may not exceed 300 clock hours during a school year.

(4) *Chief administrator of the area school*. [Since the Director of Vocational Education is not a commissioned school officer, the Public] **The** School Code [(24 P.S. §§ 1-101--27-2701)] provides that area vocational-technical boards shall designate the executive director of the intermediate unit or a chief school administrator of one of the participating school districts to serve in the capacity of the chief administrator of the area school.

(5) Vocational supervision. A vocational supervisory certificate or vocational director certificate is mandated when 50% or more of an assignment is related to supervising vocational education programs.

FACILITIES

§ 339.51. Learning environment.

The requirements for the learning environment are as follows:

(1) *Size of laboratory*. Shop laboratory size [shall] **must** be adequate as [recommended by the occupational advisory committee,] **required by State licensing boards, accreditation providers and industry certification standards and take into consideration the recommendations of the occupational advisory committee.**

(2) *Type of equipment [and number of work station]*. Refer to [22 Pa. Code] § [§ 6.12(b)(6), 6.63 and 339.4(10)] **339.4(b)(5)** (relating to [Reserved; Reserved; and] program approval) for requirements related to equipment.

(3) *Number of [work stations] workstations*. Students assigned may not be greater than the number of [work stations] **workstations** available.

(4) Safety of students. Refer to § 339.23 (relating to vocational education safety) for safety of students requirements.

§ 339.53. Contemporary equipment.

[Equipment needs are identified in § 6.12(b)(6) (Reserved).] **The equipment and facilities must MEET ~~be comparable to industry standards~~ BASED ON OCCUPATIONAL ADVISORY COMMITTEE RECOMMENDATIONS. EQUIPMENT WILL BE DEEMED TO MEET INDUSTRY STANDARDS IF IT IS COMPATIBLE, INsofar AS PRACTICAL, TO THAT USED IN OCCUPATIONS FOR WHICH VOCATIONAL-TECHNICAL EDUCATION IS PROVIDED. ~~The Department may withhold reimbursement if equipment and facilities are not comparable to industry standards.~~**

STATE VOCATIONAL FUNDING

§ 339.54. SUBSIDY ON BEHALF OF SECONDARY VOCATIONAL STUDENTS.

ONLY STUDENTS WHO MEET THE DEFINITION OF CONCENTRATORS SHALL BE INCLUDED IN THE CALCULATION OF VOCATIONAL AVERAGE DAILY MEMBERSHIP UNDER THE SCHOOL CODE.

§ 339.55. PAYMENT ON BEHALF OF TECHNICAL INSTITUTES.

THE COMMONWEALTH WILL PAY EVERY SCHOOL DISTRICT HAVING OUT OF SCHOOL YOUTH OR ADULTS ENROLLED IN A TI PROGRAM APPROVED BY THE DEPARTMENT PURSUANT TO SUBSECTION 339.57, FOR EACH STUDENT IN AVERAGE DAILY MEMBERSHIP, ONE-THIRD OF CURRENT EXPENSE PER STUDENT AS PROVIDED IN THE APPROVED BUDGET, OR THE PER STUDENT COST FOR CURRENT EXPENSE, WHICHEVER IS LESS. REIMBURSEMENT WILL BE MADE IN THE SUBSEQUENT STATE FISCAL YEAR AND BASED UPON DATA SUPPLIED TO THE DEPARTMENT BY THE TI. THE REMAINDER OF THE COST OF TOTAL CURRENT EXPENSE SHALL BE BORNE BY THE DISTRICT OF RESIDENCE, OR BY THE DISTRICT OF RESIDENCE AND THE STUDENT. THE STUDENT WILL NOT BEAR MORE THAN ONE-THIRD OF THE CURRENT EXPENSE PER STUDENT.

TECHNICAL INSTITUTES

§ 339.56. AUTHORITY ~~Technical institutes.~~

(a) Article 18 of the School Code (24 P.S. §§ 18-1801--18-1855) authorizes school boards to establish and operate ~~technical institutes (TIs)~~ for the purpose of offering post-high school programs to prepare out of school youths and adults for occupations requiring technical training.

(b) TIs shall be regulated by Article 18 of the School Code, this chapter and by procedural guidelines prepared by the Department and adopted by the State Board for Vocational Education.

(c) Section 1841 of the School Code (24 P.S. § 18-1841) authorizes the establishment of a TI by a majority vote in convention or by mail called for by:

(1) Boards of public education.

(2) Intermediate units' board of directors through a certified vote. (See section 1844(a) and (d) of the School Code (24 P.S. § 18-1844 (a) and (d) regarding establishment of schools and institutes.) State Vocational Board approval is required prior to the establishment of a TI.

(d) Participating school districts shall have authority to enter into written agreements establishing their rights and obligations. This agreement may not be changed without the consent of each participating school district's board of directors as determined by a majority vote, in accordance with section 1850.1(a) of the School Code (24 P.S. § 18-1850.1(a)) regarding organization and operation of schools and institutes.

(E) TIS HAVE THE AUTHORITY TO OFFER TECHNICAL CERTIFICATES. TIS MAY NOT GRANT DEGREES, BUT SHALL DEVELOP ARTICULATION AGREEMENTS WITH DEGREE-GRANTING INSTITUTIONS TO FACILITATE TRANSFER OF STUDENT CREDIT.

(F) THIS SUBCHAPTER APPLIES ONLY TO THE ESTABLISHMENT OF TIS AS AUTHORIZED BY SECTION 18-1855 OF THE SCHOOL CODE (24 P.S. § 18-1855).

§ 339.57. APPLICATION FOR ESTABLISHMENT; PROGRAM APPROVAL AND REAPPROVAL; TERMINATION.

(A) ESTABLISHMENT. ~~(e)~~ **To be eligible for funding** AND ESTABLISHMENT AS A TI UNDER THIS CHAPTER, AN APPLICANT MUST OBTAIN APPROVAL FROM THE DEPARTMENT. APPLICATION SHALL BE MADE ON FORMS APPROVED BY THE DEPARTMENT WHICH SHALL INCLUDE, ~~an institute must have:~~

(1) **A statement of philosophy documenting how the mission fulfills the educational needs of this Commonwealth.** ~~§ 40.2 (relating to statement of philosophy, mission and need).~~

(2) **Strategic plans, including needs assessment; action plans; coordination and articulation plans among secondary, postsecondary, adult and apprenticeship programs; professional staff development plan; written plan for job placement; and a plan for repair, replacement and addition of instructional equipment.** ACTION PLANS SHALL INCLUDE FORMAL STRATEGIES AND ACCOUNTABILITY PLANS FOR ENSURING THAT ALL STUDENTS ARE EQUIPPED WITH THE ACADEMIC AND OCCUPATIONAL SKILLS THEY NEED FOR CAREER SUCCESS AND LIFELONG LEARNING.

(3) EVIDENCE OF **A local advisory committee**, WHICH HAS THE FUNCTION OF ADVISING THE ADMINISTRATION OF THE INSTITUTE CONCERNING THE NEEDS OF THE INSTITUTE AND THE NEEDS OF BUSINESS AND INDUSTRY AS THEY RELATE TO STRATEGIC PLANNING, EDUCATIONAL PLANNING AND RECRUITMENT OF PERSONNEL. EVIDENCE MUST BE GIVEN THAT THE LOCAL ADVISORY COMMITTEE WILL HOLD AT LEAST ONE MEETING EACH YEAR. THIS IS EVIDENCED BY AGENDAS AND MINUTES OF LOCAL ADVISORY COMMITTEE MEETINGS.

~~(4) An occupational advisory committee.~~

~~(5)~~(4) EVIDENCE THAT NONDISCRIMINATORY WRITTEN ADMISSIONS **Admissions policies** EXIST, ARE PUBLICIZED AND ARE EFFECTIVE. THIS IS EVIDENCED IN THE SCHOOL ENTITY'S POLICY MANUAL AND PUBLICATIONS SUCH AS THE ADMISSIONS HANDBOOK; COURSE ANNOUNCEMENTS, MATERIALS, BROCHURES, AND SIMILAR MATERIALS THAT CONVEY THE PHILOSOPHY OF EQUAL ACCESS TO STUDENTS CONSIDERING ENROLLMENT. ONCE ESTABLISHED, A TI SHALL DEMONSTRATE EFFECTIVENESS OF ADMISSIONS POLICIES THROUGH DISAGGREGATED STUDENT ENROLLMENT DATA.

(5) EVIDENCE THAT INFORMATION RELATED TO GUIDANCE COUNSELING, PLACEMENT AND FINANCIAL AID INFORMATION SHALL BE AVAILABLE TO ALL STUDENTS.

~~—(6) Planned instruction and programs that have been approved under criteria established by the Secretary.~~

~~—(7) A method of compliance review to meet requirement of being evaluated every 5 years.~~

~~—(8) A compliance plan as required by formal compliance review conducted by the Department.~~

~~—(9) Contemporary equipment.~~

(B) PROGRAM APPROVAL AND REAPPROVAL. NEW, EXPANDED OR REVISED PROGRAMS SHALL BE APPROVED BY THE SECRETARY PRIOR TO OPERATION. A PROGRAM WILL NOT RECEIVE VOCATIONAL EDUCATION PAYMENTS UNDER § 339.55 UNTIL IT HAS BEEN APPROVED BY THE SECRETARY UNDER THIS CHAPTER. A TI SHALL APPLY FOR PROGRAM APPROVAL OR REAPPROVAL IN THE SAME MANNER AS PROVIDED UNDER § 339.4.

(C) LICENSURE AND CERTIFICATION. INSTRUCTIONAL PROGRAMS SHALL BE DESIGNED TO MEET LICENSURE, CERTIFICATIONS OR EXAMINATIONS ADMINISTERED BY STATE OR FEDERAL REGULATORY BODIES, TRADE ASSOCIATIONS OR PROFESSIONAL ORGANIZATIONS.

(D) STRATEGIC PLAN. EACH TI MUST SUBMIT TO THE DEPARTMENT FOR REVIEW AND APPROVAL A STRATEGIC PLAN NO FEWER THAN EVERY FIVE YEARS.

(E) PROGRAM TERMINATION. PROGRAMS MAY BE TERMINATED AT ANY TIME BY THE TI BOARD. ANY STUDENT ENROLLED IN THE PROGRAM BEING TERMINATED SHALL BE GIVEN A REASONABLE OPPORTUNITY TO COMPLETE IT.

(F) DOCUMENTATION. TECHNICAL INSTITUTES MUST RETAIN DOCUMENTATION ON FILE SUPPORTING EACH ITEM IN THIS SECTION FOR A PERIOD OF THREE YEARS AND THE DOCUMENTS SHALL BE MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST.

~~—(10) Accreditation by those recognized accrediting agencies listed for postsecondary purposes by the United States Department of Education.~~

~~—(f) Once a favorable vote takes place, a proposal to establish a TI shall be presented to the State Board for Vocational Education for its approval.~~

§ 339.58. OPERATION.

(A) ~~(g)~~ The TI board may delegate operation to:

(1) A joint committee elected by the participating boards in accordance with sections 1850.1--1850.3 of the School Code (24 P.S. §§ 18-1850.1--18-1850.3).

(2) An intermediate unit board of directors in accordance with section 1850.2 of the School Code.

(B) ~~(h)~~ The TI board has the following powers:

(1) Budgeting.

(2) Setting institute policies.

(3) Employing supervisors and teachers.

(4) Buying, building, or renting buildings and land.

~~—(i) The participating school districts shall be responsible for all expenses in connection with the establishment of, addition to, and improvements of TIs in the proportion agreed upon. All property of each TI shall be owned jointly by the participating school districts. (See section 18-1845 of the School Code (24 P.S. § 18-1845) regarding cost of establishment, etc., ownership of property).~~

~~—(j) The Commonwealth will pay every school district having out of school youth or adults enrolled in a TI, for each student in average daily membership, one-third of current expense per student as provided in the approved budget, or the per student cost for current expense, whichever is less. Reimbursement will be made in the subsequent State fiscal year and based upon data supplied to the Department by the TI. The remainder of the cost of total current expense shall be borne by the district of residence, or by the district of residence and the student. The student will not bear more than one-third of the current expense per student.~~

~~—(k) TIs are not degree-granting institutions, but can offer technical certificates.~~

~~—(l) Programs may be terminated at any time by the TI board. Any student enrolled in the program being terminated shall be given a reasonable opportunity to complete it.~~

~~—(m) Instructional programs in which licensure, certifications or examinations are required or would enhance the employment of completers shall be designed to meet those requirements.~~

~~—(n) Guidance counseling, placement and financial aid information shall be available to all students.~~

~~—(o) This section applies only to the establishment of TIs as authorized by section 18-1855 of the School Code (24 P.S. § 18-18-1855).~~

~~—(p) It shall be subject to the provisions of § 339.4 (relating to program approval), and to meeting the Standards set by the Secretary.~~

EVALUATORS

§ 339.61. Evaluation.

(a) *General rule.* Approved vocational education curriculum shall be subject to review by the Secretary [of Education] to determine compliance with CHAPTER 4 AND [Chapter 6 (Reserved) and] this chapter.

(b) *Team.* Evaluations shall be performed by vocational educators and other competent evaluators, as selected by the Department.

(c) [Reserved].

[(d)] *Report.* The Department evaluation team shall file a report with the board of school directors and area vocational-technical school board of directors within 30 calendar days after the on-site evaluation.

[(e)] **(d)** *Content.* The report [shall] **must** identify areas [which] **that** are not in compliance with CHAPTER 4 AND THIS CHAPTER [Chapter 6 and] § 339.1 ~~(relating to scope of applications)~~ and other applicable statutes, regulations and guidelines.

(f) *Noncompliance.* If an evaluation reveals noncompliance with this title, the school ENTITY district or ~~[area vocational-technical school]~~ **AVTS** shall develop a compliance plan according to § [§ 6.42 and] 339.62 (relating to [Reserved; and compliance] **noncompliances; appeal process**).

§ 339.62. [Compliance] **Noncompliance; appeal process.**

(a) *Plan.* If the evaluation report identifies areas of noncompliance, the board of school directors or area vocational-technical board of school directors shall file [with the Department of Education] a plan for correcting the noncompliance identified in the report **with the Department.**

(b) *Reevaluation.* Following a submission of the plan required in subsection (a), the Department will conduct a reevaluation to determine whether to issue, conditionally

withhold, or withhold approval that will terminate State and Federal funding to the program.

(c) Hearing. The decision to withhold approval and the subsidies related to that approval will be an adjudication under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) and notices, hearings and appeals will be conducted in accordance therewith.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF EDUCATION
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TDD: 783-783-8445

March 6, 2008

Kim Kaufman
Executive Director
Independent Regulatory Review Commission
14th Floor, Harestown 2
333 Market Street
Harrisburg, PA 17126

Dear Mr. Kaufman:

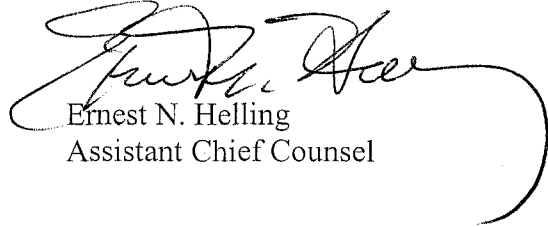
Enclosed is a copy of proposed regulations, Title 22 – Education, Chapter 339 (regulatory package #006-298), for review by the Commission pursuant to the provisions of section 5 (c) of the Regulatory Review Act. The act provides that the Commission may, within thirty days after the close of the public comment period, convey to the Department of Education and committees any comments, recommendations, and objections to the proposed regulation. The comments, recommendations, and objections shall specify the regulatory review criterion which the proposed regulation has not met.

We are aware that the Pennsylvania Association for Career and Technical Administrators (PACTA) expressed concern to the Commission regarding a proposed change to 22 Pa. Code §339.41, relating to supervision of vocational programs. The Department has chosen to accept PACTA's good faith legal argument in opposition to the proposed change. Therefore, the Department has chosen not to amend 22 Pa. Code §339.41.

The Department of Education will provide the Commission with any assistance you may require to facilitate a thorough review of these proposed regulations.

I look forward to working with you, your staff, and members of the Commission in the review and consideration of these regulations that address the Vocational Education Standards.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ernest N. Helling". The signature is written in black ink and is positioned above the printed name and title.

Ernest N. Helling
Assistant Chief Counsel

cc: Gerald Zahorchak, Secretary of Education
Diane Castelbuono, Deputy Secretary of Elementary and Secondary Education
Linda Rhen, Special Assistant to the Secretary

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT

I.D. NUMBER: 6-298
SUBJECT: VOCATIONAL EDUCATION STANDARDS
AGENCY: DEPARTMENT OF EDUCATION

TYPE OF REGULATION

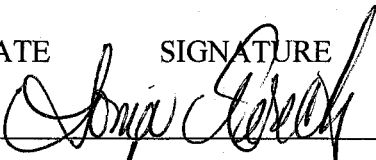
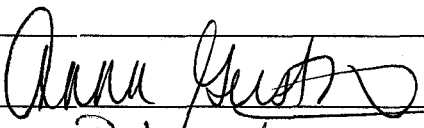
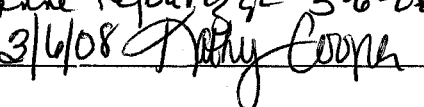
- Proposed Regulation
- X Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
- a. With Revisions b. Without Revisions

INDEPENDENT REGULATORY
REVIEW COMMISSION

2008 MAR -6 PM 1:54

RECEIVED

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
		HOUSE COMMITTEE ON EDUCATION
Bob Stark 3-6-08		MAJORITY CHAIRMAN <u>Jess M. Stairs</u>
		SENATE COMMITTEE ON EDUCATION
		MAJORITY CHAIRMAN <u>James J. Rhoades</u>
Anne Reber 3-6-08		
3/6/08 		INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
		LEGISLATIVE REFERENCE BUREAU (for Proposed only)

March 6, 2008