



**Virginia
Regulatory
Town Hall**

**Notice of Intended Regulatory Action
Agency Background Document**

Agency Name:	20
VAC Chapter Number:	120
Regulation Title:	Vocational Education Regulations
Action Title:	Revision to regulation
Date:	3/6/00

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

The regulations governing Vocational Education are complex and are divided into three specific categories: (1) general provisions; (2) administration; and (3) operation of programs. Specific sections of the regulations may be mandated by federal law while others are mandated by state law. Changes in both federal and state laws pertaining to vocational education have made it necessary to revise the Vocational Education Regulations.

Suggested changes in the Vocational Education Regulations will include: (1) deletion of those regulations not deemed essential; (2) revisions to regulations to reflect changes in federal and state laws; (3) addition of regulations as mandated by federal or state laws; and (4) revision of regulations exceeding minimum requirements.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

The following is a list of state and federal regulations that, in whole or in part, mandate regulations for Vocational Education:

Federal: Part B, Section 121 of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et.seq.) specifies and details the responsibilities of the eligible state agencies. These responsibilities include the requirement that the participating agency coordinate the development, submission, and implementation of the State Plan, and evaluate the program, services, and activities assisted under this title.

State: Section 22.1-16 of the Code of Virginia: The Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-16>

Section 22.1-227 of the Code: The Board of Education is designated as the State Board of Vocational Education to carry out the provisions of the federal Vocational Education Act of 1963, as amended, and as such shall promote and administer the provision of agriculture, business, marketing, home economics, health, technology education, trade and industrial education in the public middle and high schools, regional schools established pursuant to § 22.1-26, postsecondary institutions, and other eligible institutions for youth and adults. For the purposes of this section, "promote" shall not be construed to mandate the implementation of any additional vocational educational programs that are not currently offered. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-227>

Section 22.1-228 of the Code: Definitions: As used in this article: 1. "Vocational education project" or "project" means a project which supplements the regular vocational education program in a school division, which is designed to provide effective practical training to students in the secondary schools of the school division and in which participation is optional and voluntary. <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-228>

Section 22.1-253.13.1, subsection D, paragraphs 3 through 6 states the following:

"3. Career education programs infused into the K through 12 curricula that promote knowledge of careers and all types of employment opportunities including, but not limited to, apprenticeships, the military, career education schools, and the teaching profession, and emphasize the advantages of completing school with marketable skills. School boards may include career exploration opportunities in the middle school grades.

4. Competency-based vocational education programs, which integrate academic outcomes, career guidance and job-seeking skills for all secondary students including those identified as handicapped that reflect employment opportunities, labor market needs, applied basic skills, job-seeking skills, and career guidance. Career guidance shall include employment counseling designed to furnish information on available employment opportunities to all students, including those identified as handicapped, and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subsection.

5. Academic and vocational preparation for students who plan to continue their education beyond secondary school or who plan to enter employment.

6. Early identification of handicapped students and enrollment of such students in appropriate instructional programs consistent with state and federal law." <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-253.13C1>

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

The major issues to be addressed in the proposed revised regulations will be the changes in the regulations necessitated by new federal and state laws. As noted above, one of the goals of the present action will be to make sure that the state's regulations comport with the newly revised

federal Carl D. Perkins Act and the applicable state laws. Listed below is an overview of the sections of 8 VAC 20-120 that may need to be revised during the regulatory review and public comment process.

8 VAC 20-120-30 State/federal financial assistance. The regulation exceeds the minimum requirements of state law by requiring the local education agency to use financial assistance provided through categorical entitlements for the following:

- Travel

- Apprenticeship related instruction

- Excess cost associated with supplemental services

The revisions to this regulation would delete the three items as uses for categorical entitlements. The revisions would further clarify the use of entitlements.

8 VAC 20-120-40 Local vocational plan and application. The regulation exceeds the minimum requirements of the federal law by requiring local educational agencies to submit an application that coincides with the state application. The proposed revision would state that the plan be submitted as specified in federal legislation, the Carl D. Perkins Vocational and Technical Education Act of 1998, Section 134.

8 VAC 20-120-50 Vocational Advisory Council. Proposed revisions would change the language to correspond to the present federal law as it relates to membership and reporting procedures. Students, teachers, and parents would be added as members to the council as required by the Perkins Act of 1998, Section 134.(b) (4).

The requirement of the council to provide a report annually to the Department of Education would be deleted as this is not required by the Perkins Act of 1998.

8 VAC 20-120-60 Program Evaluation. Proposed revision would eliminate this regulation and include it in the “reporting” regulation.

8 VAC 20-120-80 Management of Equipment Inventory. The current regulation exceeds the minimum federal requirements. The proposed revisions would specify the exact procedures local school boards must follow regarding equipment purchased with state and federal funds as described in the Perkins Act of 1998 and the Education Department General Administrative Regulations (EDGAR).

8 VAC 20-120-90 Construction of Facilities. The proposed revision would delete the reference to financial assistance for construction as this assistance is no longer applicable.

8VAC 20-120-120 Program Requirements. The regulation exceeds minimum requirements because federal regulations do not specifically establish the criterion of requiring a full sequence of courses for each program offered. The proposed revisions would delete the full sequence

requirement. The revisions would add that competencies be validated by industry and include all skill aspects of the industry, as required by the Perkins Act of 1998, Section 3.

8 VAC 20-120-130 Special Populations. The regulation exceeds the minimum requirements of state and federal laws by requiring the local school board to provide certain services to handicapped and disadvantaged students enrolled in vocational education courses. The proposed revision would define special populations and compliance by requiring the IEP and/or 504 Service Plan to be developed cooperatively by technical education and special education representatives.

8 VAC 20-120-140 Cooperative Education. The proposed revisions would define cooperative education and limit the number of students in a class and coordinated by the teacher.

8 VAC 20-120-150 Maximum Class Size. The regulation exceeds the minimum requirements of state and federal law by limiting the enrollment to 20 students. The proposed revision to this regulation would delete the reference to 20 students and state that the enrollment shall not exceed the number of work stations available for student use.

8 VAC 20-120-160 Vocational Student Organizations. The regulation exceeds minimum requirements of state and federal laws by requiring vocational student organizations to be an integral part of each vocational program offered. The proposed revision would change the requirement to meet the definition of a vocational student organization as defined in the Perkins Act of 1998. The Act states that students engage in activities that are an integral part of the instructional program..

8 VAC 20-120-170 Student Safety. This would be proposed as a new regulation. The regulation would meet the minimum requirements of state and federal laws. The Perkins Act of 1998 requires that vocational programs include all aspects of the industry, with safety as one aspect. The Standards for Accrediting Public Schools in Virginia (8 VAC 20-131) requires that safe laboratories be provided by the local education agency. The proposed regulation would address safety as an integral part of the instructional program, limit enrollment where equipment that could result in harm is used, and require each program to comply with health and safety laws.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

The Carl D. Perkins Vocational and Technical Education Act of 1998 was signed into law on October 31, 1998. In November 1998 staff members of the Office of Vocational and Adult Education Services began the process to review Virginia's Vocational Education Regulations

8 VAC 20-120. A review team was organized and certain members of the team attended a workshop conducted by the U S Department of Education concerning audit information on The Carl D. Perkins Vocational and Technical Education Act of 1998.

The review team met in January of 1999 to develop goals for the review process. The following goals were identified:

- To eliminate duplication of regulations;
- To update regulations to comply with new state and federal laws;
- To update definitions for consistency with other state and federal regulations dealing with similar issues; and
- To revise those regulations that exceed minimum requirements.

The team presented the review process goals to the members of the gubernatorial-appointed Virginia Council on Vocational Education in August of 1999 and to the members of the Advisory Council to the State Director of Vocational and Adult Education in October of 1999. Members of the councils reviewed the proposed process goals and determined that revision of the Vocational Education Regulations 8 VAC 20-120 would be the least burdensome and intrusive process for achieving the essential purposes defined by the process goals. Next, the review team solicited input regarding changes in the regulations, from the two advisory councils and issued a draft of Proposed Revisions to Vocational Education Regulations.

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The proposed revisions will not have any measurable impact on the above.