



Virginia  
Regulatory  
Town Hall

## Proposed Regulation Agency Background Document

<b>Agency Name:</b>	20
<b>VAC Chapter Number:</b>	120
<b>Regulation Title:</b>	Vocational Education
<b>Action Title:</b>	Revision to regulation
<b>Date:</b>	7/18/00

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

### Summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The Board of Education proposes to amend its regulations entitled Vocational Education Regulations (8 VAC 20-120). The regulations are divided into three specific categories:

1. General Provisions;
2. Administration; and
3. Operation of Programs.
- 4.

Specific sections of the regulations are mandated by federal law and other sections are mandated by state law. Changes in both federal and state laws pertaining to vocational education have made it necessary to revise the regulations.

Proposed changes to the regulation include:

1. Changing the name of the regulations to Career and Technical Education Regulations;
2. Deleting those regulations not deemed essential;
3. Revising the regulations to reflect changes in federal and state laws; and
4. Deleting those current provisions that exceed state and federal law.

**Basis**

*Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.*

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, and 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>

## Purpose

*Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.*

The Board of Education proposes to amend its regulations entitled Vocational Education Regulations (8 VAC 20-120). The regulations are divided into three specific categories:

5. General Provisions;
6. Administration; and
7. Operation of Programs.

Specific sections of the regulations are mandated by federal law and other sections are mandated by state law. Changes in both federal and state laws pertaining to vocational education have made it necessary to revise the regulations.

Proposed changes to the regulation include:

5. Changing the name of the regulations to Career and Technical Education Regulations;
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8. Deleting those current provisions that exceed state and federal law.

## Substance

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.*

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.

8VAC 20-120-10 Compliance with state and federal regulations. (Statement not applicable to this regulation)

8VAC 20-120-20 Definitions. (Statement not applicable to this regulation)

8VAC 20-120-30 State/federal financial assistance. The current 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.

8VAC 20-120-40 Local vocational plan and application. The current regulation exceeds the minimum requirements of the federal law by requiring local educational agencies to submit an application annually 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, which is typically less than annually.

8VAC 20-120-50 Vocational Advisory Council. The current regulation does not exceed the minimum requirements of federal law. The proposed revisions are for the purpose of changing 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 (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.

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

8VAC 20-120-70 Reporting requirements. The current regulation does not exceed the minimum requirements of the federal law.

8VAC 20-120-80 Management of equipment inventory. The current regulation exceeds the minimum requirements. The proposed revisions will specify the exact procedures local education agencies 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).

8VAC 20-120-90 Construction of facilities. The current regulation does not exceed the minimum requirements of state and federal laws. The proposed revision would delete the reference to financial assistance for construction as this assistance is no longer applicable.

8VAC 20-120-100 Access to vocational programs. The current regulation does not exceed the minimum requirements.

8VAC 20-120-110 New vocational education programs. The current regulation does not exceed the minimum requirements.

8VAC 20-120-120 Program requirements. The current regulation exceeds minimum requirements as 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 industry validated and include all aspects of the industry (The Perkins Act of 1998, Section 3).

8VAC 20-120-130 Special populations. The current regulation exceeds the minimum requirements of state and federal laws by requiring the local education agency to provide certain services to handicapped and disadvantaged students enrolled in vocational education courses. The proposed revision defines special populations and compliance by requiring the IEP and/or Section 504 Plan to be developed cooperatively by career and technical education and special education representatives. Students' learning and career preparation opportunities are maximized when both career and technical education and special education representatives are involved in the process.

8VAC 20-120-140 Cooperative education. The current regulation does not exceed the minimum requirements of state and federal laws. The proposed revisions define cooperative education and limit the number of students in a class and coordinated by the teacher.

8VAC 20-120-150 Maximum class size. The current 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.

8VAC 20-120-160 Vocational student organizations. The current 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.

8VAC 20-120-170 Student safety. This is 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 State Standards for Accrediting Public Schools in Virginia 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.

*Please provide a statement identifying the issues associated with the proposed regulatory action. The term "issues" means: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.*

The primary advantages to the localities of the proposed revisions would be:

1. The regulations would be in accordance with new state and federal laws. Localities would know what they must do to be in compliance with the state and federal laws pertaining to career and technical education.
2. The regulations would reduce the requirements that localities would need to be in compliance.

The proposed revisions would not present any disadvantages to the Commonwealth.

### Fiscal Impact

*Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.*

The proposed revisions would not increase the cost to the state to implement and enforce or to localities to meet the revisions.

### Detail of Changes

*Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.*

8VAC 20-120-10

New language details the state and federal laws that provide the authority to promulgate the regulations.

8VAC 20-120-20

New language adds definitions, deletes definitions and changes some definitions in accordance with state and federal laws. In general vocational education has been changed to career and technical education.

8VAC 20-120-30

Three items as uses for categorical entitlements are deleted. The items are:

Travel

Apprenticeship related instruction

Excess cost associated with supplemented services

8VAC 20-120-40

New language requires that the Local Plan would be submitted as specified in the federal legislation.

8VAC 20-120-50

Students, teachers, and parents would be added as members of the local advisory council. The requirement of an annual local advisory report to the Department of Education would be eliminated.

8VAC 20-120-60

This regulation would be eliminated.

8VAC 20-120-80

The exact procedures local education agencies must follow regarding equipment purchases are specified.

8VAC 20-120-90

New language would delete the reference to financial assistance for construction.

8VAC 20-120-120

New language would delete the full sequence of courses requirement. The revision would require that competencies be industry validated.

8VAC 20-120-130

The proposed revision defines special populations and compliance by requiring the IEP and/or Section 504 Plan to be developed cooperatively by career and technical education and special education representatives.



## 8VAC 20-120-140

The number of students in a class coordinated by a teacher would be limited to “20”.

## 8VAC 20-120-150

New language would delete the reference to a maximum enrollment of 20 students and state that the enrollment shall not exceed the number of work stations.

## 8VAC 20-120-160

The proposed revision would change the requirement to meet the definition of a career and technical education student organization.

## 8VAC 20-120-170

The proposed is a new regulation. The regulation has been added to meet the requirements of state and federal laws. Career and technical education programs must include safety as one aspect of the industry.

## Alternatives

*Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets 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 1998 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.

### Public Comment

*Please summarize all public comment received during the NOIRA comment period and provide the agency response.*

No public comment was received during the NOIRA period.

### Clarity of the Regulation

*Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.*

Members of the Virginia Council on Vocational Education and the Advisory Council to the State Director of Career, Technical, and Adult Education Services reviewed the proposed revisions. Also, the revisions have been reviewed by specialists in Career and Technical Education. The revisions were made available for public comment. Because of the extensive reviews and the opportunity for relevant public comment, the Board of Education has determined that the revisions are clearly written and easily understandable by the local educational agencies.

### Periodic Review

*Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.*

The regulations will be reviewed annually by the Virginia Council on Vocational Education and the Advisory Council to the State Director of Career, Technical, and Adult Education Services.

The goals of this review and re-evaluation will remain as follow: (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 and state laws; and (4) revision of regulations exceeding minimum requirements.

### Family Impact Statement

*Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which 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.