

## EDUCATION DEPARTMENT [281]

### Notice of Intended Action

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby proposes to amend Chapter 46, “Career and Technical Education,” Iowa Administrative Code.

Items 1, 2, 3, 6, 8, and 12 are non-substantive, clarifying modifications to existing rules.

Item 4 adds policy language to a previously reserved section. The language details the process to be followed for programs that do not meet program requirements established in this chapter.

Items 5, 7, 9, 10, and 11 implement the provisions of House File 648, passed by the Iowa Legislature and signed by Governor Reynolds during the 2018 legislative session. The items relate to the disbursement, monitoring, and allowable uses of state career and technical education funds.

An agency-wide waiver provision is provided in 281–Chapter 4.

Interested individuals may make written comments on the proposed amendments on or before October 30, 2018, at 4:30 p.m. Comments on the proposed amendments should be directed to Nicole Proesch, Department of Education, Second Floor, Grimes State Office Building, Des Moines, Iowa 50319-0146; telephone (515) 281-8661; e-mail [nicole.proesch@iowa.gov](mailto:nicole.proesch@iowa.gov) ; or fax (515) 242-5988.

A public hearing will be held on October 30, 2018, from 10:00 a.m. – 11:00 a.m. in the State Board Room, Second Floor, Grimes State Office Building, East 14<sup>th</sup> Street and Grand Avenue, Des Moines, Iowa, at which time persons may present their views either orally or in writing. Any person who intends to attend the public hearing and has special requirements, such as those related to hearing or mobility impairments, should contact and advise the Department of Education of specific needs by calling (515) 281-5295.

After analysis and review of this rule making, no impact on jobs has been found. These amendments are intended to implement Iowa Code chapter 258.

The following amendments are proposed.

Item 1. Amend 281-IAC section 46.6, subsection 1, paragraph “b” as follows:

**281 – 46.1(258) Federal Act accepted.** The provisions of the Act of Congress known as the Carl D. Perkins Career and Technical Education Improvement Act of 2006, as codified at 20 U.S.C. §2301 et seq., as amended, and subsequent reauthorizations, and the benefit of all funds appropriated under said ACT and all other Acts pertaining to career and technical education, are accepted.

Item 2. Amend 281-IAC section 46.6, subsection 1, paragraph “b” as follows:

*b. Program report and self-study.* A district shall create a program report and self-study for each offered program. The program report and self-study shall include ~~narrative~~ ~~on~~ the following minimum criteria:

Item 3. Amend 281-IAC section 46.6, subsection 3, paragraph “a”, subparagraph (1) as follows:

(1) Conclusions drawn from annual program measurement. A district shall, for each program, annually review and evaluate program outcomes and student assessment data. The district shall ~~describe~~ document any conclusions drawn from the review and evaluation of program outcomes and student assessment data, and how those conclusions impact the future direction of the program. In addition to and as a result of this review, the district shall identify program strengths, in order of importance, and describe how these strengths will be maintained; perceived barriers to accomplishing the program’s goal(s) and objective(s); and primary opportunities for improvement, in order of importance, and how these opportunities for improvement will be addressed. The district shall also review program enrollment and participation data by high school to determine if students from each participating high school have access to the program. The district shall describe how the district is ensuring access to the program for all students from each participating high school.

Item 4. Amend 281-IAC section 46.7 as follows:

**281—46.7(258) Accreditation standards not met. Reserved.**

46.7(1). The following shall be conditions under which a district has failed to meet accreditation standards:

a. A district fails to submit a program for approval under section 6 of this chapter.

b. A program fails to comply with the corrective action process outlined in section 6, subsection 1, paragraph “d” or section 6, subsection 3, paragraph “c” of this chapter.

46.7(2). Any findings under subsection 1 of this section shall be documented and reviewed as part of the comprehensive desk audit established under Iowa Code section 256.11, subsection 10, paragraph “a”, subparagraph 1.

a. A program identified under subsection 1, paragraph “a” of this section shall not be used by a district to meet minimum education program requirements for career and technical education specified under 281-IAC 12.5, subsection 5, paragraph “i”. Such a program is ineligible to receive funds distributed under section 9 of this chapter.

b. A program identified under subsection 1, paragraph “b” of this section shall not be used by a district to meet minimum education program requirements for career and technical education specified under 281 – IAC section 12.5, subsection 5, paragraph “i”.

Item 5. Amend 281-IAC section 46.9, subsection 1 as follows:

**281—46.9(258) Distribution of career and technical education funds.**

~~46.9(1) An approved regional career and technical education planning partnership is eligible to receive from state funds reimbursement for expenditures made during the fiscal year on behalf of school districts and community colleges participating on the regional career and technical education planning partnership for purposes allowed under subrule 46.10(6). If federal and state funds are not sufficient to make the reimbursement to the extent provided in this rule, the director shall prorate the respective amounts available to the regional career and technical education planning partnerships entitled to reimbursement.~~

Item 6. Amend 281-IAC section 46.9, subsection 2 as follows:

**46.9(2)** All federal funds shall be spent pursuant to the state plan required under the federal Carl D. Perkins Career and Technical Education Improvement Act of 2006, as codified at 20 U.S.C. §2301 et seq., as amended, and subsequent reauthorizations.

Item 7. Amend 281-IAC section 46.9 by adding the following new subsection:

**46.9(3) Monitoring.** An approved regional career and technical education planning partnership receiving funds under this section shall comply with financial monitoring processes established by the department.

a. At the end of the state fiscal year, the fiscal agent of an approved regional career and technical education planning partnership shall submit to the department financial forms and other evidence documents required by the department to complete a comprehensive review of all transactions completed during the previous fiscal year which involve state and federal funds issued to the approved regional career and technical education planning partnership by the department. Documentation shall be submitted by the regional career and technical education planning partnership in a manner prescribed by the department.

b. Instances of transactions involving state and federal funds issued to an approved regional career and technical education planning partnership that are found to be non-compliant with state and federal regulations governing the use of such funds, including but not limited to section 10, subsection 6 of this chapter, shall be documented by the department.

(1) The fiscal agent of the approved regional career and technical education planning partnership shall be notified of any instances of noncompliance, and prepare, in consultation with the regional career and technical education planning partnership and department, a corrective action plan. The plan shall, at a minimum, detail the policies and procedures to be implemented by the fiscal agent to ensure subsequent transactions involving state and federal funds issued to the regional career and technical education planning partnership are compliant with applicable state and federal regulations.

(2) The corrective action plan shall be approved by the regional career and technical education planning partnership, and submitted to the department for approval through the annual approval process established under section 10, subsection 2 of this chapter. The department shall review and approve or deny approval of the corrective action plan. A regional career and technical education planning partnership required to create a corrective action plan must secure approval of the corrective action plan to be awarded

continuing approval. A regional planning partnership that fails to secure continuing approval shall be subject to the requirements of section 10, subsection 2, paragraph “c” of this chapter.

Item 8. Amend 281-IAC section 46.10, subsection 4, paragraph “b” as follows:

*b.* Collect and review all relevant plans required by the federal Carl D. Perkins Career and Technical Education Improvement Act of 2006, as codified at 20 U.S.C. §2301 et seq., as amended, and subsequent reauthorizations; career and academic plans required under 281 – Chapter 49; and regional labor market, socioeconomic, and demographic information.

Item 9. Amend 281-IAC section 46.10, subsection 2, paragraph “b” as follows:

*b. Continuing approval.* By June 30, 2018, and for each subsequent year, each partnership shall have adopted a multiyear plan meeting the requirements of subrule 46.10(5). The multiyear plan and documents required under paragraph “a” of this subsection shall be reviewed and, as necessary, revised on an annual basis by the partnership and submitted to the department. To maintain approval, the partnership shall maintain evidence that the duties assigned to the partnership under subrule 46.10(4) are performed on a continuing basis. In awarding continuing approval, the department shall consider documented findings from the financial monitoring process established under section 9, subsection 3 of this chapter.

Item 10. Amend 281-IAC section 46.10, subsection 6 as follows:

**46.10(6) Secondary career and technical education funds.** An approved regional career and technical education partnership may use funds received from state and federal sources on behalf of school districts and community colleges participating in the regional career and technical education planning partnership for the following:

Item 11. Amend 281-IAC section 46.10, subsection 6, paragraph “b” as follows:

*b.* To offer regional career and technical education professional development opportunities, coordinate ~~and~~, maintain, and support a career guidance system pursuant to

281—Chapter 49 and related work-based learning opportunities for students, and purchase career and technical education equipment and curricular resources on behalf of school districts and community colleges participating in the regional career and technical education planning partnership to include standard classroom consumable supplies directly related to and necessary for the courses curriculum, other than basic consumable supplies that will be made into products to be sold or used personally by students, teachers, and other persons. All expenditures on allowable uses specified under this paragraph must conform to the requirements of the federal Carl D. Perkins Career and Technical Education Improvement Act of 2006, codified at 20 U.S.C. §2301 et seq., as amended, and subsequent reauthorizations.

Item 12. Amend 281-IAC section 46.11, subsection 4 as follows:

**46.11(4) *Compliance.*** Districts and community colleges shall maintain compliance with the federal Carl D. Perkins Career and Technical Education Improvement Act of 2006, 20 U.S.C. §2301 et seq. as amended, and subsequent reauthorizations, in implementing career academies.