

R277. Education, Administration.

R277-911. Secondary Career and Technical Education.

R277-911-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah constitution and state law;

(c) Section 53E-3-507, which allows the Board to establish minimum standards for Career and Technical Education (CTE) programs in the public education system; and

(d) Section 53F-2-311, which directs the Board to distribute specific amounts and percentages for specific Career and Technical Education (CTE) programs and facilitate administration of various programs.

(2) This rule establishes standards and procedures for an LEA to qualify for funds administered by the Board for CTE programs in the public education system.

R277-911-2. Definitions.

(1) "Added instructional costs," "add-on funds," or "CTE add-on funds" means program expenses beyond those normally encountered at the secondary level resulting from higher program operations, maintenance, and improvement expenses and may not include:

(a) direct charges that would otherwise be incurred by the LEA if CTE programs were not offered;

(b) direct charges required by other non-CTE state or federal programs, rules or laws;

(c) charges that have been submitted as part of the LEA's indirect cost rate calculation; and

(d) charges that are used to supplant other LEA funding sources.

(2) "Advisory committee" means a group of individuals working in the occupational area which provides industry feedback for each state funded and approved CTE program at the State, LEA, or regional level.

(3) "Aggregate CTE membership" means the sum of all days in membership during a school year for:

- (a) the student;
- (b) the course;
- (c) the program;
- (d) the school;
- (e) the LEA; or
- (f) the state.

(4) "Approved program" means a program annually approved by the Board through the consent calendar process that meets or exceeds the state program standards or outcomes for career and technical education programs.

(5) "Career and technical education" or "CTE" means organized educational programs that:

(a) prepare students for a wide range of high-skill, high-demand or emerging careers;

(b) provide all students with a seamless education system from public education to postsecondary education, driven by a Plan for College and Career Readiness as defined in Rule R277-462; and

(c) provide students competency-based instruction, hands-on experiences, and certified occupational skills, culminating in meaningful employment.

(6) "Comprehensive high school" means an accredited district school providing a range of courses and offerings including diverse academics, career and technical education, and extracurricular activities from which students can graduate.

(7) "CTE career cluster" means approved CTE programs with related knowledge and skills organized into industry sectors.

(8) "CTE leadership organization" means a qualifying organization that is nationally and state chartered by March 15 annually, which may include:

- (a) SkillsUSA;

- (b) DECA;
- (c) FFA;
- (d) HOSA - Future Health Professionals;
- (e) FBLA - Future Business Leaders of America;
- (f) FCCLA;
- (g) TSA (Technology Student Association); and
- (h) Other organizations that may be approved by the Superintendent.

(9) "CTE pathway" means a planned sequence of courses within a program of study structured to assure strong academic and technical preparation while connecting high school course work including:

- (a) concurrent enrollment opportunities to employment beyond high school; and
- (b) other postsecondary options, including:
 - (i) on-the-job training;
 - (ii) certification opportunities; and
 - (iii) two- and four-year college degrees.

(10) "Course" means an individual CTE class structured by state approved core codes and standards which may require one or two periods for up to one year and may be completed by demonstrated competencies or by course completion.

(11) "Maintenance of Effort" or "MOE" means the expenditure plan outlined in Subsection R277-911-4(1).

(12) "Pathway completion" means a student has met all course and credit requirements of a CTE pathway and is on track to graduate from high school.

(13) "Program" means a structured sequence or combination of CTE courses within a CTE pathway and cluster that provides the competencies needed for specific certifications, job placement, or continued postsecondary training.

(14) "School District Technical Center" means a career and technical education center that meets the requirements in Section R277-911-7, which may include a comprehensive high school and serves as a hub for a minimum of three high schools or is one high school serving a minimum of two additional high schools within the same LEA.

(15) "Skill certification" or "competency attainment" means a verification of industry standard knowledge and skills including both state or nationally approved program certifications and is an integral part of a CTE program.

(16) "Spend Plan" means an application submitted to the USBE requesting the use of local CTE carryforward funds as described in Section R277-911-4.

(17) "Summer Agriculture Program" means a teacher or college intern supervised, intensive, individualized educational experience that is the practical application of instructional competencies in agriculture education.

(18) "Weighted pupil unit" or "WPU" means the same as the term is defined in Subsection 53F-2-102(5).

(19) "Work-based learning" or "WBL" means the same as the term is defined in Section R277-915-2.

R277-911-3. CTE Program Approval and LEA CTE Program Annual Review or Initial Application Review.

(1) The Superintendent shall forward to the Board a comprehensive list of proposed secondary CTE programs for the Board to approve as the approved programs.

(2) The Superintendent shall determine if a secondary CTE program offering shall be forwarded to the Board based upon needs in a specific area including:

(a) a program need supported by data, including:

(i) local, regional, state, and federal workforce projections;

(ii) State level advisory committee recommendations for a program or program update in the related program area;

(iii) a need for new or updated technical training and marketable job skills for the related program area; or

(iv) a need related to an industry upgrade or upskill specifications to keep a program current or relevant; and

(b) new or emerging economic need with occupational opportunities for a student in a program area with clear competencies.

(3) An LEA shall qualify for a funding disbursement pursuant to Section 53F-2-311 and this rule only for approved programs and subsequently be subject to the requirements for an annual review or application as described in Subsection (5).

(4) An LEA that implements an approved program and applies for a funding disbursement shall provide all necessary materials required by the Superintendent to conduct an annual review or initial application review by May 1.

(5) The annual review or initial application review shall include:

(a) the LEA's Plan for College and Career Readiness consistent with Sections 53E-2-304 and R277-462-5;

(b) the LEA's results of an annual placement survey for grade 12 CTE pathway concentrators from the prior school year;

(c) adherence to current industry standards for each implemented CTE program including a demonstration of the industry standards being reflected in:

(i) available resources for the program; and

(ii) program instructional materials including:

(A) textbooks;

(B) reference materials; and

(C) additional media.

(d) a demonstration the LEA:

(i) used curricula and instruction that is directly related to business and industry validated competencies;

(ii) provided approved certification opportunities for students enrolled in each CTE program to verify successful completion of competencies;

(iii) provided instruction in proper and safe use of equipment required within each CTE program and maintained a local safety plan;

(iv) provided and safely maintained equipment and facilities, consistent with the validated competencies identified in:

(A) the instruction standard for the CTE program;

(B) state risk management; and

(C) other applicable state and federal laws;

(v) employed instructional staff in each CTE program that:

(A) holds a valid Utah teaching licenses with appropriate endorsements pursuant to Rule R277-301 for the CTE program; and

(B) maintains technical and professional skills current through professional learning, business and industry partnerships to ensure that students are provided current industry standard programs.

(vi) conducted a local needs assessment with stakeholder engagement;

(vii) performed an annual CTE program self-evaluation by the CTE director;

(viii) conducted CTE programs consistent with Board policies and state and federal laws pertaining to CTE program access that prohibit discrimination as required by law; and

(ix) established an active advisory committee to inform CTE programs annually as described in Subsection (6); and

(e) any other requirements identified by the Superintendent.

(6) An LEA implementing an approved program shall:

(a) create an advisory committee that includes education and industry stakeholders which may serve several LEAs or a region; or

(b) utilize an existing advisory committee created by an LEA that is implementing an approved CTE program.

(7) An advisory committee described in Subsection (6) shall review and make recommendations to an LEA that is implementing an approved CTE program regarding:

(a) program offerings;

(b) quality of programs;

(c) equipment needs; and

(d) work-based learning opportunities.

(8) An LEA may make the LEA's CTE leadership opportunities available through Career and Technical Student Organization (CTSOs) for each career cluster offered by the LEA.

R277-911-4. Disbursement and Expenditure of CTE Funds -- General Standards for Qualification.

(1) To be eligible for any funding disbursement pursuant to Section 53F-2-311 and this rule, an LEA shall first expend for an approved CTE program, an amount equivalent to the regular WPU for students in the approved CTE programs, grades 9 through 12, based on prior year aggregate membership in funded CTE programs, multiplied by the current year WPU value and minus the amount for:

- (a) college and career awareness;
- (b) work-based learning; and
- (c) school counseling.

(2) An LEA shall expend the amount required in Subsection (1) to remain eligible for a funding disbursement for approved programs in grades 9 through 12.

(3) Expenses charged to state CTE add-on funds must use the unrestricted indirect cost rate and be directly related to approved CTE programs.

R277-911-5. Disbursement of Funds -- Administrative WPUs for School Districts and Charter Schools.

(1) Except as provided for in Subsection (3), pursuant to Subsection 53F-2-311(3)(a), the Superintendent shall distribute 20 WPUs to a school district for costs associated with the administration of a CTE program.

(2) To qualify for an administrative WPU disbursement, an LEA shall:

- (a) employ a minimum one-half time CTE director; and
- (b) place the administrative assignment for CTE in the educator licensing system.

(3) Except as provided for in Subsection (10) and pursuant to Subsection 53F-2-311(3)(a), the Superintendent shall distribute 25 WPUs to a school district that consolidates CTE administrative services with one or more other school districts.

(4) To qualify for the consolidated CTE administrative WPU disbursement described in Subsection (3), the school district consolidating the administrative services shall employ a full-time CTE director.

(5) The Superintendent shall distribute 25 WPUs to a single charter school acting as fiscal agent, to provide CTE administrative services.

(6) To qualify for the administrative WPU described in Subsection (5), a charter school shall:

(a) provide CTE administrative services to a group of at least 10, but not more than 15, charter schools offering approved CTE programs to students in grades 9 through 12; and

(b) if the charter school services 11 through 15 charter schools the Superintendent shall distribute an additional five administrative WPUs for each charter school up to 25 additional administrative WPUs.

(7) To qualify for the charter school administrative WPU described in Subsection (6), the charter school acting as fiscal agent shall employ a full-time CTE director.

(8) An LEA receiving additional WPUs under Subsection (3) or (6) shall annually submit to the Superintendent a memorandum of understanding with each partnering LEA, which shall include:

(a) a scope of work to be performed by the full-time CTE director for each LEA involved;

(b) provisions for sharing data under the agreement, including provisions for protecting the privacy of student education records under FERPA 20 USC 1232g;

(c) maintenance of effort requirements; and

(d) other information as directed by the Superintendent.

(9) The Superintendent may withhold funds from an LEA for failure to submit a memorandum of understanding as required by Subsection (8).

(10) The Superintendent shall distribute 10 WPUs to a small school district consisting only of necessarily existent small high schools as described in Section 53F-2-304, where multi-district CTE administration described in Subsection (3) is not feasible.

(11) To qualify for the administrative WPU described in Subsection (10) a small school district shall assign a CTE director to a minimum of part-time CTE program administration.

(12) To qualify for any administrative WPUs as provided in Subsections (1) through (11) an LEA shall ensure a CTE director:

(a) hold requirements for a School Leadership License Area of Concentration described in Rule R277-301;

(b) have an endorsement in at least one career and technical area listed in Subsection R277-309-4(8)(a); and

(c) one of the following:

(i) have four years of experience as a full-time career and technical educator; or

(ii) complete a prescribed professional development program provided by the Superintendent within a period of two years following board appointment as an LEA CTE director.

R277-911-6. Disbursement of Funds -- High School WPU.

(1) Pursuant to Subsection 53F-2-311(3)(b), the Superintendent shall allocate funds to each high school offering approved CTE programs as described in this section.

(2) The Superintendent shall distribute 10 WPUs to an LEA for each high school that:

(a) conducts approved programs in a minimum of two CTE career cluster areas;

(b) conducts a minimum of six different state approved CTE courses including at least the ability to concentrate in two CTE pathways and complete one pathway; and

(c) has at least one approved career and technical student leadership organization that aligns with the pathways offered by the LEA.

(3) The Superintendent shall distribute 15 WPUs to an LEA for each high school that:

(a) conducts approved programs in a minimum of three CTE career cluster areas.

(b) conducts a minimum of nine different state approved CTE courses including at least the ability to concentrate in three CTE pathways and complete one pathway; and

(c) has at least one approved CTE student leadership organizations that aligns with a pathway offered by the LEA.

(4) The Superintendent shall distribute 20 WPUs to an LEA for each high school that:

(a) conducts approved programs in a minimum of four CTE career cluster areas.

(b) conducts a minimum of 12 different state approved CTE courses including at least the ability to concentrate in four CTE pathways and complete two pathways; and

(c) has at least two approved CTE student leadership organizations that align with the pathways offered by the LEA.

(5) The Superintendent shall distribute 25 WPU to an LEA for each high school that:

(a) conducts approved programs in a minimum of five CTE career cluster areas.

(b) conducts a minimum of 15 different state approved CTE courses including the ability to concentrate in at least five CTE pathways and complete three pathways; and

(c) has at least three approved CTE student leadership organizations that align with the pathways offered by the LEA.

(6) A maximum of one alternative high school per LEA may qualify for funds under this section.

(7) Exceptions for advanced pathway completion requirements may be approved annually for an LEA that has a sponsorship or partnership with a degree granting public higher education institution by the Superintendent through specific contractual agreements.

(8) Programs and courses provided through school district technical centers may not receive funding under this section.

R277-911-7. Disbursement of Funds -- School District Technical Centers.

(1) Pursuant to Subsection 53F-2-311(3)(c), the Superintendent shall disburse 40 WPUs to a school district operating an approved school district technical center.

(2) Except as provided in Subsection (4), to qualify for the school district technical center WPU disbursement, the school district shall:

(a) enroll a minimum of 400 students grades 9 through 12 in the school district technical center courses;

(b) prevent unwarranted duplication by the school district technical center of courses offered in existing high schools, and partnering higher education institutions;

(c) centralize high-cost programs in the school district technical center;

- (d) conduct approved programs in a minimum of five CTE career cluster areas;
- (e) conduct a minimum of 15 different state approved CTE concentrator and completer courses; and

- (f) submit verification of all requirements stated in this section annually or as requested to the Superintendent.

(3) A school district that serves 18,000 students or more in grades 9-12 may qualify for up to two school district technical center locations through an application process prescribed by the Superintendent.

(4) To qualify for the school district technical center WPU disbursement, a school district serving rural and necessarily existent small schools, as described in Section 53F-2-304 shall:

- (a) determine the administrative structure for the career and technical education center, which may or may not include a separate administrator;

- (b) enroll a minimum of 300 students in the school district technical center courses;

- (c) prevent unwarranted duplication by the school district technical center of courses offered in existing high schools, and partnering higher education institutions;

- (d) centralize high-cost programs in the school district technical center;

- (e) conduct approved programs in a minimum of four CTE career cluster areas;

- (f) conduct a minimum of 12 different state approved CTE concentrator and completer courses; and

- (g) submit verification of all requirements stated in this section annually and as requested to the Superintendent.

R277-911-8. Disbursement of Funds -- Skill Certification.

(1) Pursuant to Subsection 53F-2-311(2)(c), an LEA may receive additional disbursement for competency attainment of student achievement on approved program certifications.

(2) To be eligible for skill certification compensation, an approved LEA shall demonstrate the LEA's students have demonstrated mastery of established standards for the CTE program.

(3) The LEA shall demonstrate the mastery through an authorized test administrator that shall follow test administration and ethics requirements identified in Rule R277-404.

(4) An LEA shall keep records of the certification and skill verification tests or processes used to demonstrate mastery as described in Subsection (3) for monitoring and auditing purposes.

(5) The Superintendent shall distribute funds to an LEA by the following formula:

(a) an amount determined by using a count of total points of skill certification weight points determined by the Superintendent from a student's skill certification earned by June 15 annually; and

(b) a proportionate amount of the available funding based on the LEA's number of skill certification points earned proportionate to the total number of skill certification points earned statewide for the prior year.

R277-911-9. Disbursement of Funds -- Summer CTE Agriculture Programs.

(1) Pursuant to Subsection 53F-2-311(3)(d), an LEA shall receive a 5 WPU disbursement for a qualifying summer CTE agriculture program as described in this section.

(2) To receive state summer CTE agriculture program funds, an LEA shall apply using a form and timeline specified by the Superintendent each year.

(3) If approved, the LEA shall:

(a) provide evidence or assure that a teacher of the summer CTE agriculture program:

(i) holds a valid Utah teaching license, with an endorsement in agriculture, as outlined in Subsection R277-911-3(5)(d)(v);

(ii) has developed a calendar of activities which shall be approved by the LEA's administration and reviewed by the Superintendent;

(iii) has or will work a minimum of 360 hours in the summer CTE agriculture program;

(iv) has or will not engage in other employment, including self-employment, which conflicts with the teacher's performance in the summer CTE agriculture program;

(v) has developed and filed a weekly schedule and a monthly report outlining accomplishments related to the calendar of activities with:

- (A) the school principal;
- (B) the LEA CTE director; and
- (C) the Superintendent; and

(vi) has a minimum of 35 students enrolled in the summer CTE agriculture program; and

(vii) visits the participating students a minimum of two times during the summer program with a minimum average of four on-site visits to students; and

(b) provides evidence or assures that a student enrolled in the summer CTE agriculture program:

(i) has on file in the LEA office the student's Plan for College and Career Readiness goal related to agriculture;

(ii) in conjunction with the student's parent or employer and the teacher, has a developed individualized plan of activities, including a supervised occupational experience program;

(iii) has completed the eighth grade; and

(iv) has not graduated from high school.

(4) A college intern may be approved to be the instructor of a summer CTE agriculture program upon approval by the Superintendent.

(5) To be approved as an instructor, the LEA shall provide evidence or assure that the college intern shall:

(a) be enrolled in an approved postsecondary Agricultural Education-Teacher Preparation program, minimally at the junior or senior level;

(b) under the guidance of the supervising teacher, develop a calendar of activities which shall be approved by LEA administration and reviewed by the Superintendent;

(c) work a minimum of 360 hours in the CTE summer agriculture program;

(d) not engage in other employment, including self-employment, which conflicts with the intern's performance in the CTE summer agriculture program;

(e) under the guidance of the supervising teacher, develop and file a weekly schedule and a monthly report outlining accomplishments related to the calendar of activities with:

- (i) the school principal;
- (ii) the LEA CTE director; and
- (iii) the Superintendent; and

(g) enroll a minimum of 20 students in the summer CTE agriculture program; and

(h) visit the participating students a minimum of two times during the summer program with a minimum average of four on-site visits to students.

(6) The Superintendent shall collect data from the program and staff of each LEA to ensure compliance with approved standards.

(7) An LEA shall submit to the Superintendent a final program report through the funding application due August 31 annually.

(8) The Superintendent shall allocate Summer CTE agricultural funding to each LEA conducting an approved program for no more than 360 hours and 35 students.

(9) An LEA operating a program with a supervising teacher and college intern shall receive a combined total of seven WPU's of the summer CTE agricultural allocation.

R277-911-10. Disbursement of Funds -- College and Career Awareness, and Work-Based Learning Programs.

(1) Pursuant to Subsection 53F-2-311(2)(b)(ii), the Superintendent shall distribute funds to an LEA as described by each respective provision listed in Subsection (2).

(2) An LEA may use funds distributed under this section for work-based learning programs consistent with Rule R277-915.

R277-911-11. Disbursement and Use of Funds -- Added Cost Funds.

(1) Subject to remaining funds and pursuant to Subsection 53F-2-311(4), an LEA may receive an additional distribution for added costs of a CTE program after all

other distributions have been allocated pursuant to Subsections 53F-2-311(2) and (3) as further described in this rule.

(2) An LEA's added cost distribution shall be a proportionate amount of the remaining funds calculated by:

(a) using the LEA's grades 9 through 12 aggregate membership in approved CTE programs from the previous school year to calculate a CTE average daily membership (ADM); and

(b) determining the LEA's proportionate amount of CTE ADM compared to the statewide CTE ADM.

(3) An LEA may not utilize the following for purposes of generating CTE ADM:

(a) travel time, except as described in Subsection R277-419-8(9)(b);

(b) a student who has yet to attend an approved CTE course;

(c) a student who has been absent, without excuse, for the previous 10 days;

and

(d) for student enrollment in courses taken outside of the regular school day or school year.

(4) Except as provided for in Rules R277-462, R277-915, and R277-916, an LEA that experiences CTE membership growth of 1-10% from the LEA's previous CTE ADM shall qualify for a growth factor equivalent to the growth percentage to be applied to the LEA's added cost distribution amount described in Subsection (2).

(5) An LEA that receives an added cost distribution shall maintain records to accurately demonstrate:

(a) the entry and exit date of each student; and

(b) whether a student has been absent from a CTE course ten consecutive days.

(6) An LEA shall maintain electronic records, including data system records, for each CTE program which shall include:

(a) LEA name;

(b) school name;

(c) teacher of each CTE course;

(d) each CTE course name;

(e) each CTE course core code;

- (f) each CTE course section;
- (g) semester each CTE course is offered;
- (h) period the student had each CTE course;
- (i) student membership;
- (j) total enrollments; and
- (k) total membership.

(7) An LEA that receives an added cost distribution shall only use the funds for the following expenditures:

- (a) instructional and program materials and supplies;
- (b) equipment necessary to the program above and beyond equipment provided to non-CTE classrooms;
- (c) CTE Instructor salaries;
- (d) contracted services for equipment service and specialized program needs;
- (e) professional expenses for CTE-related professional learning, professional organizations, and CTSOs; and
- (f) college and career awareness middle school courses to purchase and maintain needed student equipment and supplies for the course subject to the following:
 - (i) LEA expenditures shall be reasonable and necessary to sustain the College and Career Awareness program;
 - (ii) LEA expenditures shall be adequately documented;
 - (iii) an LEA may not use for personnel costs;
 - (iv) an LEA may not use funds to cover the cost of goods and services for teacher personal use, such as teacher equipment, materials, and supplies;
 - (v) an LEA may not use funds for costs associated with:
 - (A) entertainment;
 - (B) amusement;
 - (C) diversion;
 - (D) social activities;
 - (E) incentives;
 - (F) marketing materials; or
 - (G) thank you gifts; and

(vi) an LEA may only use funds for costs that will directly achieve program outcomes for students.

(8) Notwithstanding, Subsection (f), an LEA may use up to 15% of available funds for teachers and counselors to participate in ongoing professional development sponsored by the Board.

(9) Programs and courses provided through technical colleges and degree granting institutions may not qualify for an added cost distribution unless approved by the Superintendent.

R277-911-12. Corrective Action.

An LEA that does not comply with the requirements of this Rule R277-911, including not providing MOE of CTE programs, may be subject to a corrective action plan and potential reduction of funds or penalty in accordance with Rule R277-114.

KEY: career and technical education

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Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-507; 53F-2-311; 53G-6-708