

R277-911 received final approval by the Utah State Board of Education on October 6, 2022. R277-911 was published in the November 15, 2022, Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of December 22, 2022.

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 CTE programs in the public education system; and~~

~~—— (d) Sections 53F-2-311 and 53G-6-708, which direct the Board to distribute specific amounts and percentages for specific CTE programs and facilitate administration of various programs.~~

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

R277-911-2. Definitions.

~~—— (1) "Aggregate membership" means the sum of all days in membership during a school year for:~~

~~—— (a) the student;~~

~~—— (b) the program;~~

~~—— (c) the school;~~

~~—— (d) the LEA; or~~

~~—— (e) the state.~~

~~—— (2) "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.~~

~~—— (3) "Bureau of Apprenticeship and Training" means a branch office for apprenticeship administered by the United States Department of Labor and located in Salt Lake City.~~

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~~———— (4)(a) "Career and technical education" or "CTE" means organized educational programs that:~~

~~———— (i) prepare individuals for a wide range of high-skill, high-demand careers;~~

~~———— (ii) provide all students with a seamless education system from public education to post-secondary education, driven by a Plan for College and Career Readiness; and~~

~~———— (iii) provide students competency-based instruction, hands-on experiences, and certified occupational skills, culminating in further education and meaningful employment.~~

~~———— (b) CTE areas of study include:~~

~~———— (i) agriculture;~~

~~———— (ii) business;~~

~~———— (iii) family and consumer sciences;~~

~~———— (iv) health science;~~

~~———— (v) information technology;~~

~~———— (vi) marketing;~~

~~———— (vii) skilled and technical sciences; and~~

~~———— (viii) technology and engineering education.~~

~~———— (5)(a) "CTE pathway" means a planned sequence of courses within a program of study to assure strong academic and technical preparation connecting high school course work to work beyond high school.~~

~~———— (b) A CTE pathway ensures that a student will be prepared to take advantage of the full range of post-secondary options, including:~~

~~———— (i) on-the-job training;~~

~~———— (ii) certification programs; and~~

~~———— (iii) two- and four-year college degrees.~~

~~———— (6)(a) "Course" means an individual CTE class structured by state-approved standards.~~

~~———— (b) An approved course may require one or two periods for up to one year.~~

~~———— (c) Courses may be completed by demonstrated competencies or by course completion.~~

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~~—— (7)(a) "Entry level" means a set of tasks identified and validated by workers and employers in an occupation as those of a beginner in the field.~~

~~—— (b) Entry level skills are a limited subset of the total set of tasks performed by an experienced worker in the occupation.~~

~~—— (c) Competent performance of entry level tasks enhances employability and initial productivity.~~

~~—— (8) "Extended year program" means CTE programs no longer than 12 weeks in duration, offered during the summer recess, and supported by extended year or other CTE funds.~~

~~—— (9) "CTE Maintenance of Effort" or "MOE" means the expenditure plan outlined in Subsection R277-911-4(1).~~

~~—— (10) "Program" means a combination of CTE courses that:~~

~~—— (a) provides the competencies for specific job placement or continued related training; and~~

~~—— (b) is outlined in the Plan for College and Career Readiness using all available and appropriate high school courses.~~

~~—— (11) "Program completion" means the student completion of a sequence of approved courses, work-based learning experiences, or other prescribed learning experiences as determined by the Plan for College and Career Readiness.~~

~~—— (12) "Regional consortium" means the LEAs, applied technology colleges, colleges and universities within the regions that approve CTE programs.~~

~~—— (13) "Registered apprenticeship" means a training program that:~~

~~—— (a) includes on-the-job training in a specific occupation combined with related classroom training; and~~

~~—— (b) has approval of the Bureau of Apprenticeship and Training.~~

~~—— (14) "Related training" means a course or program that is:~~

~~—— (a) directly related to an occupation;~~

~~—— (b) compatible with apprenticeship training;~~

~~—— (c) taught in a classroom; and~~

~~—— (d) approved by the Bureau of Apprenticeship and Training.~~

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~~———— (15) "Scope and sequence" means the organization of all CTE courses and related academic courses into programs within the high school curriculum that lead to:~~

~~———— (a) specific skill certification;~~

~~———— (b) job placement;~~

~~———— (c) continued education; or~~

~~———— (d) training.~~

~~———— (16)(a) "Skill certification" means a verification of competent task performance.~~

~~———— (b) Skills certification is provided by an approved state or national program certification process.~~

~~———— (17) "Weighted pupil unit" or "WPU" means the basic unit used to calculate the amount of state funds for which an LEA is eligible.~~

~~———— (18) "Work-based learning" or "WBL" means a continuum of awareness, exploration, preparation, and training activities that combine structured learning and authentic work experiences implemented through industry and education partnerships.~~

R277-911-3. CTE Program Approval.

~~———— (1)(a) The Superintendent shall approve CTE programs based on verified training needs of the area and the competencies necessary to provide occupational opportunities for students.~~

~~———— (b) Programs are supported by a data base, including:~~

~~———— (i) local, regional, state, and federal manpower projections;~~

~~———— (ii) student occupational/interest surveys;~~

~~———— (iii) regional job profile;~~

~~———— (iv) advisory committee information; and~~

~~———— (v) follow-up evaluation and reports.~~

~~———— (2) LEA CTE directors shall meet the requirements specified in R277-911.~~

~~———— (3) Within available resources, instructional materials, including textbooks, reference materials, and media, shall reflect current technology, processes, and information for the CTE programs.~~

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~~———— (4)(a) An LEA shall provide CTE guidance, counseling, and Board approved testing for students enrolled in CTE programs.~~

~~———— (b) An LEA shall develop a written plan for placement services with the assistance of local advisory committees, business and industry, and the Department of Workforce Services.~~

~~———— (c) An LEA shall develop a Plan for College and Career Readiness for all students, which shall include:~~

~~———— (i) a student's education occupation plans (grades 7-12), including job placement when appropriate;~~

~~———— (ii) all Board, local board and local charter board graduation requirements;~~

~~———— (iii) evidence of annual parent, student, and school representative involvement;~~

~~———— (iv) attainment of approved workplace skill competencies; and~~

~~———— (v) identification of a CTE post-secondary goal and an approved sequence of academic and CTE courses.~~

~~———— (5)(a) An LEA shall use curricula and instruction that is directly related to business and industry validated competencies.~~

~~———— (b) An LEA shall use a valid skill certification process to verify successful completion of competencies.~~

~~———— (c) An LEA shall provide instruction in proper and safe use of any equipment required for skill certification within the approved program.~~

~~———— (6) An LEA shall provide and safely maintain equipment and facilities, consistent with the validated competencies identified in the instruction standard and applicable state and federal laws.~~

~~———— (7)(a) Counselors and instructional staff shall hold valid Utah teaching licenses with endorsements appropriate for the programs they teach.~~

~~———— (b) Licenses and endorsements required under Subsection (7)(a) may be obtained through an institutional recommendation or through occupational and educational experience verified by the Board's licensure process.~~

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~~—— (c) CTE program instructors shall keep technical and professional skills current through business and industry involvements in order to ensure that students are provided accurate state-of-the-art information.~~

~~—— (8) An LEA shall conduct CTE programs consistent with Board policies and state and federal laws and regulations on access that prohibit discrimination on the basis of:~~

~~—— (a) race;~~

~~—— (b) creed;~~

~~—— (c) color;~~

~~—— (d) national origin;~~

~~—— (e) religion;~~

~~—— (f) age;~~

~~—— (g) sex; and~~

~~—— (h) disability.~~

~~—— (9)(a) An LEA shall establish an active advisory council to review all CTE programs annually.~~

~~—— (b) An advisory council may serve several LEAs or a region.~~

~~—— (c) An advisory council reviews:~~

~~—— (i) program offerings;~~

~~—— (ii) quality of programs; and~~

~~—— (iii) equipment needs.~~

~~—— (10) A program advisory committee made up of individuals who are working in the occupational area shall support each state-funded approved CTE program at the LEA or regional level.~~

~~—— (11) LEAs are encouraged to make training available through nationally-chartered CTE student leadership organizations in each area of study.~~

~~—— (12) An LEA, with oversight by local program advisory committee members, shall make an annual evaluation of its CTE programs.~~

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

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~~—— (1) To be eligible for state CTE program funds, an LEA shall first expend for CTE programs an amount equivalent to the regular WPU for students in approved CTE programs, grades nine through twelve, based on prior year aggregate membership in funded CTE programs, times the current year WPU value, less the amount for:~~

~~—— (a) college and career awareness;~~

~~—— (b) work-based learning; and~~

~~—— (c) comprehensive counseling and guidance.~~

~~—— (2) An LEA may thereafter expend State CTE program funds only for approved CTE programs, grades nine through twelve.~~

~~—— (3) An LEA that does not meet MOE may be subject to a corrective action plan and potential reduction of funds or penalty in accordance with R277-114.~~

~~R277-911-5. Disbursement of Funds -- Added Cost Funds.~~

~~—— (1)(a) WPUs shall be allocated for the added instructional costs of approved CTE programs operated or contracted by an LEA.~~

~~—— (b) Programs and courses provided through technical colleges and higher education institutions do not qualify for added cost funds except for specific contractual arrangements approved by the Board.~~

~~—— (2)(a) Computerized or manually produced records for CTE programs shall be kept by:~~

~~—— (i) teacher;~~

~~—— (ii) class; and~~

~~—— (iii) core code.~~

~~—— (b) Records described in Subsection (2)(a) shall show clearly and accurately the entry and exit date of each student and whether a student has been absent from a CTE class ten consecutive days.~~

~~—— (3) Added cost funds shall not be generated:~~

~~—— (a) during bus travel;~~

~~—— (b) until a student starts attending an approved CTE course;~~

~~—— (c) when a student has been absent, without excuse, for the previous 10 days.~~

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~~———— (4) Approved CTE programs shall receive funds determined by prior year hours of membership for approved programs.~~

~~———— (5) Allocations under this R277-911-5 are computed using grades nine through twelve aggregate membership in approved programs for the previous year with a growth factor applied to LEAs experiencing growth of one percent or greater in grades nine through twelve except as provided by R277-462 and R277-916.~~

~~———— (6) Added cost funds shall be used to cover the added CTE program instructional costs of LEA programs.~~

~~———— (7) An LEA that does not comply with the requirements of this Subsection may be subject to a corrective action plan and potential reduction of funds or penalty in accordance with R277-114.~~

~~R277-911-6. Disbursement of Funds -- Skill Certification.~~

~~———— (1) An LEA that demonstrates approved student skill certification may receive additional compensation.~~

~~———— (2)(a) To be eligible for skill certification compensation, an LEA shall show its student completer has demonstrated mastery of standards, as established by the Board.~~

~~———— (b) An authorized test administrator shall verify student mastery of the skill standards.~~

~~———— (3) The Superintendent may only disburse skill certification compensation if an approved skill certification assessment is developed for the program.~~

~~R277-911-7. Disbursement of Funds -- CTE Leadership Organization Funds.~~

~~———— (1) Participating LEAs sponsoring CTE leadership organizations shall be eligible for a portion of funds set aside for these organizations.~~

~~———— (2) Qualifying CTE leadership organizations shall be nationally chartered and include:~~

~~———— (a) SkillsUSA (an association of Skilled and Technical Sciences Education students);~~

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~~—— (b) DECA (Distributive Education Clubs of America);~~

~~—— (c) FFA (Future Farmers of America);~~

~~—— (d) HOSA (Health Occupations Students of America);~~

~~—— (e) FBLA (Future Business Leaders of America);~~

~~—— (f) FCCLA (Family, Career and Community Leaders of America); and~~

~~—— (g) TSA (Technology Students Association).~~

~~—— (3) Up to 1% of the state CTE appropriation for LEAs shall be allocated to eligible LEAs based on documented prior year student membership in approved CTE leadership organizations.~~

~~—— (4)(a) A portion of funds allocated to an LEA for CTE leadership organizations shall be used to pay the LEA's portion of statewide administrative and national competition costs.~~

~~—— (b) An LEA shall use the remaining amount available for the LEA's CTE leadership organization expenses.~~

~~R277-911-8. Disbursement of Funds -- School District and Charter School WPU.~~

~~—— (1) The Superintendent shall allocate WPUs for costs of administration of CTE programs as described in this section.~~

~~—— (2)(a) The Superintendent shall distribute Twenty (20) WPUs to a school district for costs associated with the administration of CTE.~~

~~—— (b) To qualify, a school district shall employ a minimum one-half time CTE director.~~

~~—— (3)(a) To encourage multidistrict CTE administrative services, the Superintendent shall distribute 25 WPUs to a school district that consolidates CTE administrative services with one or more other school districts;~~

~~—— (b) To qualify, a participating school district shall employ a full-time CTE director.~~

~~—— (4)(a) The Superintendent shall distribute Twenty-five (25) WPUs to a single charter school acting as fiscal agent, to provide CTE administrative services to a group of at least 10 charter schools offering CTE pathways, grades 9-12.~~

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~~———— (b) If more than 10 charter schools offer CTE pathways, the Superintendent shall distribute an additional 5 WPU for each additional charter school over 10.~~

~~———— (c) To qualify, the charter school acting as fiscal agent must employ a full-time CTE director.~~

~~———— (5)(a) A district or charter school receiving additional WPUs under Subsection (3)(a) or (4)(a) shall annually submit to the Superintendent a Memorandum of Understanding with each partnering district or school, which shall include:~~

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

~~———— (ii) provisions for sharing data under the agreement, including provisions for protecting the privacy of student education records under FERPA;~~

~~———— (iii) maintenance of effort requirements; and~~

~~———— (iv) other information as directed by the Superintendent.~~

~~———— (b) The Superintendent may withhold funds from a district or charter school under Rule R277-114 for failure to submit a memorandum of understanding as required by this rule.~~

~~———— (6)(a) The Superintendent shall distribute 10 WPUs to a small school district consisting of only necessarily existent small high school(s), where multi-district CTE administration is not feasible.~~

~~———— (b) To qualify, a small school district shall assign a CTE director to a minimum of part-time CTE administration.~~

~~———— (7) To qualify for 10, 20 or 25 CTE administrative WPUs as provided in this Subsections (1) through (6), a CTE director shall:~~

~~———— (a) hold or be in the process of completing requirements for a Education Leadership License Area of Concentration described in R277-505;~~

~~———— (b) have an endorsement in at least one career and technical area listed in Rule R277-518; and~~

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

~~or~~

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~~—— (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.~~

~~—— (8) In addition to WPU's appropriated under Subsections (1) through (6), the Superintendent shall allocate funds to each approved high school as described in Subsections (9) through (16):~~

~~—— (9) The Superintendent shall distribute 10 WPU's to a high school that:~~

~~—— (a) conducts approved programs in a minimum of two CTE areas specified in Subsection R277-911-1(4)(b);~~

~~—— (b) conducts a minimum of six different state-approved CTE courses including at least one CTE pathway; and~~

~~—— (c) has at least one approved career and technical student leadership organization.~~

~~—— (10) Consolidated courses in small schools may count as more than one course as approved by the Superintendent.~~

~~—— (11) The Superintendent shall distribute 15 WPU's to a high school that:~~

~~—— (a) conducts approved programs in a minimum of three CTE areas specified in Subsection R277-911-2(4)(b);~~

~~—— (b) conducts a minimum of nine different state-approved CTE courses including at least one CTE pathway; and~~

~~—— (c) has at least one approved CTE student leadership organization.~~

~~—— (12) Consolidated courses in small schools may count as more than one course as approved by the Superintendent.~~

~~—— (13) The Superintendent shall distribute 20 WPU's to a high school that:~~

~~—— (a) conducts approved programs in a minimum of four CTE areas specified in Subsection R277-911-2(4)(b);~~

~~—— (b) conducts a minimum of twelve different state-approved CTE courses including at least two CTE pathways; and~~

~~—— (c) has at least two approved CTE student leadership organization.~~

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~~———— (14) Consolidated courses in small schools may count more than one course as approved by the Superintendent.~~

~~———— (15) The Superintendent shall distribute 25 WPU's to a high school that:~~

~~———— (a) conducts approved programs in a minimum of five CTE areas specified in Subsection R277-911-2(4)(b);~~

~~———— (b) conducts a minimum of fifteen different state-approved CTE courses including at least two CTE pathways; and~~

~~———— (c) has at least three approved CTE student leadership organizations.~~

~~———— (16) Consolidated courses in small schools may count more than one course as approved by the Superintendent.~~

~~———— (17)(a) A maximum of one approved alternative high school, as outlined in Rule R277-730, per school district may qualify for funds under Subsection (12).~~

~~———— (b) LEAs sharing an alternative school shall receive a prorated share.~~

~~———— (18) Programs and courses provided through school district technical centers may not receive funding under this section.~~

~~R277-911-9. Disbursement of Funds -- School District Technical Centers.~~

~~———— (1)(a) The Superintendent may award a maximum of forty WPU's for each school district operating an approved school district center.~~

~~———— (b) To qualify under the approved school district technical center provision, the school district shall:~~

~~———— (i) provide at least one facility other than an existing high school as a designated school district technical center;~~

~~———— (ii) employ a full-time CTE administrator for the center;~~

~~———— (iii) enroll a minimum of 400 students in the school district technical center;~~

~~———— (iv) prevent unwarranted duplication by the school district technical center of courses offered in existing high schools, applied technology colleges, and higher education institutions;~~

~~———— (v) centralize high-cost programs in the school district technical center;~~

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~~—— (vi) conduct approved programs in a minimum of five CTE areas specified in Subsection R277-911-1(4)(b); and~~

~~—— (vii) conduct a minimum of fifteen different state-approved CTE courses.~~

~~R277-911-10. Disbursement of Funds -- Summer CTE Agriculture Programs.~~

~~—— (1)(a) To receive state summer CTE agriculture program funds, an LEA shall submit to the Superintendent, an application for approval of the LEA's program.~~

~~—— (b) An LEA shall submit its application prior to the annual due date specified by the Superintendent each year.~~

~~—— (c) The Superintendent shall send notification of approval of an LEA's program within ten calendar days of receiving the application.~~

~~—— (2) A teacher of a summer CTE agriculture program shall:~~

~~—— (a) hold a valid Utah teaching license, with an endorsement in agriculture, as outlined in Subsection R277-911-3(7);~~

~~—— (b) develop a calendar of activities which shall be approved by LEA administration and reviewed by the Superintendent;~~

~~—— (c)(i) work a minimum of eight hours a day in the summer CTE agriculture program;~~

~~—— (ii) An LEA may approve exceptions which shall be reflected in the calendar of activities;~~

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

~~—— (e) 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~~

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

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~~———— (3) College interns may be approved to conduct summer CTE agriculture programs upon approval by the Superintendent.~~

~~———— (4) Students enrolled in the summer CTE agriculture program shall:~~

~~———— (a) have on file in the LEA office the student's Plan for College and Career Readiness goal related to agriculture;~~

~~———— (b) in conjunction with the student's parent or employer and the teacher, develop an individual plan of activities, including a supervised occupational experience program;~~

~~———— (c) have completed the eighth grade; and~~

~~———— (d) have not have graduated from high school.~~

~~———— (5)(a) The Superintendent shall collect data from the program and staff of each LEA to ensure compliance with approved standards.~~

~~———— (b) An LEA shall submit to the Superintendent a final program report, on forms provided by the Superintendent on the annual due date specified by the Superintendent.~~

~~———— (6)(a) The Superintendent shall allocate Summer CTE agricultural funding to each LEA conducting an approved program for a minimum of 35 students lasting nine weeks.~~

~~———— (b) An LEA may receive funding for no more than nine weeks or 35 students.~~

~~———— (7) An LEA operating a program with fewer than 35 students per teacher or for fewer than nine weeks may only receive a prorated share of the summer CTE agricultural allocation.~~

~~R277-911-11. Disbursement of Funds – Comprehensive Counseling and Guidance; College and Career Awareness, and Work-Based Learning Programs.~~

~~———— (1) The Superintendent shall distribute funds to LEAs consistent with Section 53F-2-311.~~

~~———— (2) An LEA shall spend funds distributed for comprehensive guidance consistent with Subsection 53E-2-304(2)(b) and R277-462, which explain the purpose and criteria for student Plans for College and Career Readiness.~~

~~———— (3) An LEA may spend funds allocated under this section to fund work-based learning programs consistent with Rules R277-915 and R277-916.~~

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~~_____ (4) An LEA may spend funds allocated under this section to fund College and Career Awareness programs consistent with Rule R277-916.]~~

~~_____ (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 CTE programs in the public education system; and~~

~~_____ (d) Sections 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 LEA or regional level.~~

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(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-one experiences, and certified occupational skills, culminating in meaningful employment.

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

(7) "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.

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(8) "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.

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

(10) "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.

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

(12) "School District Technical Center" means a career and technical education center that meets the requirements in Section R277-911-7 and is not a comprehensive high school.

(13) "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.

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

(15) "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.

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

(17) "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.

R277-911 received final approval by the Utah State Board of Education on October 6, 2022. R277-911 was published in the November 15, 2022, Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of December 22, 2022.

(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) 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 be 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:

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- _____ (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:

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_____ (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.

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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:

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_____ (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 WPU's 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 WPU's 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's.

_____ (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.

R277-911 received final approval by the Utah State Board of Education on October 6, 2022. R277-911 was published in the November 15, 2022, Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of December 22, 2022.

(2) The Superintendent shall distribute 10 WPU's 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 WPU's 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 WPU's 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's 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

and

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_____ (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 WPU's 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, schools shall:

_____ (a) provide at least one facility other than an existing high school as a designated school district technical center;

_____ (b) employ a full-time CTE administrator for the center in addition to the district CTE director;

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

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

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

_____ (f) conduct approved programs in a minimum of five CTE career cluster areas;

_____ (g) conduct a minimum of 15 different state approved CTE concentrator and completer courses; and

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

R277-911 received final approval by the Utah State Board of Education on October 6, 2022. R277-911 was published in the November 15, 2022, Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of December 22, 2022.

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

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

(a) provide at least one facility other than an existing high school as a designated school district technical center;

(b) employ a full-time CTE administrator for the center in addition to the district CTE director;

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

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

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

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

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

(h) 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.

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(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 -- CTE Leadership Organization Funds.

(1) Pursuant to Subsection 53F-2-311(2)(d), an LEA may receive an additional disbursement for student participation costs in approved student leadership organizations also known as Career and Technical Student Organizations (CTSO) as described in Subsection (4).

(2) The Superintendent shall distribute funds to an LEA with:

(a) an approved CTE program; and

(b) evidence of student participation in CTSOs with related expenses.

(3) The Superintendent shall distribute funds to an LEA that meets the criteria listed in Subsection (2) using the following formula:

(a) an amount using a count of the LEA's total CTSO student members by March 15 annually; and

(b) a proportionate amount of the available funding based on the LEA's number of CTSO members proportionate to the total number of student members in the state for the prior year.

R277-911 received final approval by the Utah State Board of Education on October 6, 2022. R277-911 was published in the November 15, 2022, Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of December 22, 2022.

(4) An LEA shall use the student leadership disbursement for qualifying CTE leadership organizations that are nationally and state chartered by March 15 annually and 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 that meet qualifications identified in Subsection R277-914-2(3).

(5) An LEA shall use the funds disbursed under this section only for the LEA's CTE leadership organization expenses.

R277-911-10. 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;

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_____ (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;

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_____ (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.

R277-911-11. Disbursement of Funds -- School Counseling, 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 shall use the distributed funds for school counseling consistent with Subsection 53E-2-304(2)(b) and Rule R277-462.

_____ (3) An LEA may use funds distributed under this section for:

R277-911 received final approval by the Utah State Board of Education on October 6, 2022. R277-911 was published in the November 15, 2022, Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of December 22, 2022.

- _____ (a) work-based learning programs consistent with Rule R277-915; and
- _____ (b) Career Awareness programs consistent with Rule R277-916.

R277-911-12. Disbursement 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.

R277-911 received final approval by the Utah State Board of Education on October 6, 2022. R277-911 was published in the November 15, 2022, Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of December 22, 2022.

(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;
and
- (e) professional expenses for CTE-related professional learning, professional organizations, and CTSOs.

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

R277-911-13. Corrective Action.

R277-911 received final approval by the Utah State Board of Education on October 6, 2022. R277-911 was published in the November 15, 2022, Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of December 22, 2022.

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

Date of Last Change: 2022~~[August 7, 2017]~~

Notice of Continuation: May 16, 2022

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