

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(b)(4) and (b)(5) and 153 (14 **Del.C.** §§122(b)(4) & (b)(5) & 153)

14 **DE Admin. Code** 525

PROPOSED

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del. C. §122(d)

525 Requirements for Career and Technical Education Programs of Study

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 **Del.C.** §§122(b)(4) and (b)(5) and 14 **Del.C.** §153, the Secretary of the Delaware Department of Education proposes amendments to 14 **DE Admin. Code** 525 Requirements for Career and Technical Education Programs of Study. The proposed amendments include striking the terms "WIOA" and "Youth Registered Apprenticeship Program" from Section 2.0 because the terms do not appear in the body of the regulation; striking the definition of "Program Advisory Committee" from Section 2.0 and adding it to subsection 4.2.2.5; revise the criteria for programs of study by adding language related to social and emotional competencies in subsection 3.2; and revising the requirements for LEAs in subsections 4.2.1.2, 4.2.2.7, and 5.2.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/delaware-education-laws-and-regulations/provide-public-comment/> by the close of business (4:30 p.m. EST) on or before May 1, 2023. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation is designed to help improve student achievement as measured against state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation is designed to help ensure all students receive an equitable education.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The proposed amendments to add language related to social and emotional competencies to the requirements in subsection 3.2 and revise requirements for LEAs in subsections 4.2.1.2, 4.2.2.7, and 5.2 are designed to help to ensure all students' health and safety are adequately protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation is designed to help ensure that all students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulation does not change the necessary authority and flexibility of decision making at the local board and school level.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place any unnecessary reporting or administrative requirements or mandates on decision makers.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The amended regulation does not change the decision making authority and accountability for addressing the subject to be regulated.

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? The amended regulation is consistent with and not an impediment to the implementation of other state educational policies regarding the promotion of students.

9. Is there a less burdensome method for addressing the purpose of the regulation? There is not a less burdensome

method for addressing the purpose of the amended regulation.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There are no anticipated material costs to implementing this amended regulation.

525 Requirements for Career and Technical Education Programs of Study

1.0 Purpose

The purpose of this regulation is to guide Local Education Agencies in establishing Career and Technical Education programs of study that are aligned to industry needs and provide equitable access, supports and outcomes for students in grades 5 to 12.

2.0 Definitions

For purposes of this regulation, the following definitions apply ~~unless the context in which they are used clearly indicates otherwise:~~

"Articulated Credit" means postsecondary credit, clock hours, or credit for prior learning experience awarded by a postsecondary institution as defined in an articulation agreement or memorandum of understanding which exists between the postsecondary institution and the Department of Education or local education agency.

"Career and Technical Education" or **"CTE"** means an organized set of educational activities that provide students with rigorous academic content, relevant technical knowledge and skills, and leadership development or provide students with the opportunity to participate in work-based learning and to earn a recognized postsecondary credential as well as advanced postsecondary credit or standing.

"Career and Technical Student Organization" or **"CTSO"** means a youth organization lead by students who are enrolled in a CTE program of study that provides CTE and leadership development activities as an integral part of the instructional program, including Delaware recognized CTOSs such as Business Professionals of America (BPA); Technology Student Association (TSA); DECA; Family, Career and Community Leaders of America (FCCLA); National FFA Organization; Skills USA; and Health Occupations Students of America (HOSA).

"Combined Delaware State Plan" means the Delaware State Plan under the Workforce Innovation and Opportunity Act of 2014 ("WIOA" or Public Law 113-128), which includes the state plan for the Strengthening Career and Technical Education for the 21st Century Act of 2019 ("Perkins V" or Public Law 115-224) to promote an aligned career pathways system that spans the administration of federal and state education and workforce development activities.

"CTE guidance" means guidance published by the Department of Education related to CTE, for example, policies and procedures for CTE programs of study, fiscal and accountability models, work-based learning, and CTOSs.

"CTE program of study" means a coordinated, non-duplicative sequence of academic and technical content that spans the middle grades, high school, and postsecondary education levels and seamlessly aligns academic and technical instruction to meet the prerequisite expectations of employers, has multiple entry and exit points, and culminates in the attainment of an industry recognized credential or postsecondary degree.

"Department" means the Delaware Department of Education.

"Dual Enrollment and Credit" means the simultaneous enrollment of youth in both a high school and a postsecondary institution and the award of credit at both the high school and postsecondary levels.

"Equitable access, supports and outcomes" means that every student, inclusive of their race, gender, ethnicity, language, disability, sexual orientation, family background or family income has access to the educational resources, rigor, and varied support that they need, at the right moment, to achieve their postsecondary education and career goals.

"ESSA" means the Every Student Succeeds Act (Public Law 114-95) to provide all children with the significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.

"Industry Recognized Credential" means an advanced certificate or license that holds value at the professional level, postsecondary level, in a Registered Apprenticeship program, or in an Associate or Baccalaureate degree program.

"Local Education Agency" or **"LEA"** means a traditional school district, vocational-technical school district, or Charter School, legally constituted and established under Delaware law for either administrative control or the direction of public elementary or secondary schools.

"Postsecondary" means education, training, or career experiences that occur after high school.

"Pre-Apprenticeship Program" means a program or set of strategies designed to prepare individuals to enter and succeed in a Registered Apprenticeship program and also provides advance standing in a Registered Apprenticeship program for up to three years after successful completion.

~~**"Program Advisory Committee"** means a diverse body of stakeholders including, but not limited to, representatives of: LEA CTE programs, postsecondary CTE programs, business and industry, parents and caregivers, students, and special populations as defined in Perkins V.~~

"Registered Apprenticeship program" means an employer-driven education and training model that combines compensated employment, on-the-job training, and related technical instruction, which culminates in a nationally recognized industry credential or journeyperson certificate.

"Perkins V" means the Strengthening Career and Technical Education for the 21st Century Act of 2019 ("Perkins V" or Public Law 115-224) which develops more fully the academic knowledge and technical and employability skills of secondary and postsecondary education students who are enrolled in CTE programs of study.

"Student Success Plan" means a written plan developed by youth to establish and evaluate progress towards postsecondary education and career goals based on the individual's career interests. The Student Success Plan typically spans 8th grade through one year beyond high school.

~~**"WIOA"** means the Workforce Innovation and Opportunity Act of 2014 ("WIOA" or Public Law 113-128) which strengthens the United States workforce development system through innovation and the alignment and improvement of employment, training, and education programs to promote individual and national economic growth.~~

"Work-Based Learning" means a progressive approach to link education and employment through student, school, and employer partnerships which occur through career awareness, career exploration, and career immersion experiences.

~~**"Youth Registered Apprenticeship program"** means a Registered Apprenticeship program occurring in high school.~~

3.0 Career and Technical Education Programs of Study

- 3.1 CTE programs of study must be established in accordance with requirements outlined in the Combined Delaware State Plan and be approved via CTE guidance established by the Department.
- 3.2 CTE programs of study must meet the criteria in subsections 3.2.1 through 3.2.13 of this regulation, and shall:
 - 3.2.1 Align with current or real-time labor market information or projected labor market demands as evidenced by data, which is reflective of the state, regional, and local economies;
 - 3.2.2 Be developed by the Department or an LEA in conjunction with relevant stakeholder groups, including postsecondary institutions, employers, and other industry, community, family, caregiver, and student partners;
 - 3.2.3 Integrate academic, technical, and employability skills to include social and emotional competence in order to inform curriculum training, curriculum, and assessment as well as culturally responsive instructional strategies;
 - 3.2.4 Support opportunities for discovery and development of student ~~identity~~ self-awareness, identity, and assets;
 - 3.2.5 Provide opportunities to earn early postsecondary credit through articulated credit, pre-apprenticeship and Registered Apprenticeship programs, or dual enrollment and credit experiences;
 - 3.2.6 Create intentional paths to accelerate the completion of a postsecondary credential or degree and align to credit for prior learning policy at the postsecondary level;
 - 3.2.7 Provide opportunities to earn an industry recognized credential, where relevant and appropriate;
 - 3.2.8 Provide opportunities to engage in work-based learning with industry ~~professionals through professionals,~~ using social competencies and skills to engage students regarding career awareness, career exploration, and career immersion activities that occur during the school day or through an alternative schedule;
 - 3.2.9 Provide differentiated instruction and support services through a multi-tiered system of supports to meet the needs of every student and provide equitable access, supports, and outcomes;
 - 3.2.10 Connect and extend in-school learning opportunities with out-of-school learning through social and emotional learning experiences to create opportunities for youth to engage in the community and with employers beyond the CTE program of study;
 - 3.2.11 Provide CTSOs as co-curricular opportunities to support career development experiences as well as to demonstrate and refine technical knowledge and skills, and ~~exhibit leadership~~ strengthen social and emotional competencies;

- 3.2.12 Provide opportunities for in-person, virtual, or hybrid instruction to accommodate the needs of every learner; and
- 3.2.13 Be reviewed and revised, at minimum, every five years, to reflect shifts in the labor market, new industry standards or practices, and demonstrated student needs.

4.0 Requirements for Local Education Agencies

- 4.1 LEAs offering CTE programs of study must meet the requirements outlined in the Combined Delaware State Plan and follow the CTE guidance established by the Department.
- 4.2 LEAs offering CTE programs of study must meet the criteria in subsections 4.2.1 through 4.2.4 of this regulation, and shall:
 - 4.2.1 Leverage quantitative and qualitative data to allocate human and fiscal resources and to provide equitable access, supports and outcomes for youth, and shall:
 - 4.2.1.1 Support every student's access, participation, achievement, and completion of a high quality CTE program of study in accordance with Section 3.0 of this regulation;
 - 4.2.1.2 Implement a system of student advisement and coaching that supports the development of student ~~identity~~ social and emotional competencies, identity, and enrollment in an aligned CTE program of study to help youth to achieve their postsecondary and career goals that are defined in the Student Success Plan and to meet the requirements of 14 **DE Admin. Code** 507;
 - 4.2.1.3 Implement procedures to determine when a student requires evidence-based interventions within a multi-tiered system of supports to meet the requirements of 14 **DE Admin. Code** 508;
 - 4.2.1.4 Collect and submit federal and state student and accountability data, as required under the Combined Delaware State Plan and ESSA, and as requested by the Department; and
 - 4.2.1.5 Establish communication and engagement routines with postsecondary institutions, employers, community, caregivers, and student partners in order to promote and improve CTE program of study quality, and to improve equitable outcomes for students.
 - 4.2.2 Establish CTE programs of study that meet the requirements in Section 3.0 of this regulation, and shall:
 - 4.2.2.1 Analyze local policies and procedures, ESSA and Perkins student enrollment, achievement, and placement data by special population and subgroup to identify inequities and to implement research-based strategies that close opportunity gaps;
 - 4.2.2.2 Create and manage articulated credit agreements, pre-apprenticeship and Registered Apprenticeship models, dual enrollment and credit opportunities, or other opportunities that lead to the completion of an industry recognized credential or degree program or credit for prior learning at the postsecondary level;
 - 4.2.2.3 Create and manage opportunities for students to earn an industry recognized credential;
 - 4.2.2.4 Expand and manage opportunities for students to engage with industry and community professionals through work-based learning and related career awareness, career exploration, and career immersion activities;
 - 4.2.2.5 Establish program advisory committees to ensure CTE programs of study are aligned with real-time labor market information or projected labor market demands as evidenced by data that is reflective of the state, regional, and local ~~economies~~; economies. For the purpose of this regulation, "program advisory committee" means a diverse body of stakeholders including representatives of: LEA CTE programs, postsecondary CTE programs, business and industry, parents and caregivers, students, and special populations as defined in Perkins V;
 - 4.2.2.6 Ensure CTE programs of study facilities, equipment, and supplies are fully accessible and in compliance with federal, state, and local health and safety requirements and are comparable to those used by business and industry; and
 - 4.2.2.7 Ensure CTSOs are co-curricular and enroll youth to provide additional social and emotional competency, skill and leadership development, and leadership development opportunities.
 - 4.2.3 Ensure that CTE educators hold an appropriate Delaware license and certification in alignment with the CTE program of study and in accordance with the Delaware regulation for educator licensure and certification to meet the requirements of 14 **DE Admin. Code** 1500, and to participate in high quality and on-going professional learning that creates equitable learning environments, including those opportunities offered through the Department; and
 - 4.2.4 Designate federal and state CTE funds to implement, support, and maintain CTE programs of study.

5.0 Work-Based Learning

- 5.1 Work-based learning opportunities must be established in accordance with requirements outlined in the Combined Delaware State Plan and follow the CTE guidance established by the Department.
- 5.2 CTE programs of study must meet the criteria in subsections 5.2.1 through 5.2.13 of this regulation, and LEAs shall:
 - 5.2.1 Analyze local policies and procedures, ESSA and Perkins student enrollment, achievement, and placement data by special population and subgroup to identify work-based learning inequities and implement research-based strategies that close opportunity gaps;
 - 5.2.2 Offer career awareness and exploration activities that expand the student's knowledge of career opportunities and support the exploration of careers that ~~are~~ leverage their social and emotional competence and allow for the exploration of non-traditional careers based on student ~~identity~~ abilities and interests;
 - 5.2.3 Offer career immersion experiences that result in the award of high school credit and include both in-school experiences and other types of hands-on learning ~~through~~ that supports their social and emotional competency development and direct employer engagement;
 - 5.2.4 Ensure students enrolled in work-based learning career immersion experiences are rising seniors or current seniors that have completed a CTE program of study or are currently enrolled in the CTE program of study completer course;
 - 5.2.5 Ensure work-based learning career immersion experiences align with the student's CTE program of study and postsecondary education and career goals as defined in the Student Success Plan to meet the requirements for 14 **DE Admin. Code 507**;
 - 5.2.6 Support work-based learning career immersion experiences for students whose education is guided by an Individualized Education Program (IEP) or a Section 504 or ADA accommodation plan and aligned with the student's career goals as approved in the IEP or by the multidisciplinary team and is implemented in consultation with the CTE program of study educator;
 - 5.2.7 Ensure work-based learning students are prepared for the career immersion placements, as defined in the Delaware work-based learning standards and the prerequisite expectations of employer partners;
 - 5.2.8 Ensure the safety and intended learning outcomes of the student are coordinated and managed by the LEA in conjunction with the partnering employer and communicated with the family or caregiver;
 - 5.2.9 Provide a certified CTE educator or trained work-based learning coordinator with the equivalent of one full working day each academic quarter to make quarterly virtual or in-person visits to the career immersion student employee's worksite for every fifteen (15) students enrolled in a work-based learning career immersion experience;
 - 5.2.10 Ensure that student career immersion experiences conform with federal, state, and local laws and regulations, and ensure that youth are compensated fairly, and are not paid a wage at a rate less than the rate at which a student employee of a varying gender, race or ethnicity or special population in the same establishment is paid for equal work, or for which requires equal skill, effort and responsibility, or which is performed under similar working conditions, LEAs shall award students 1 hour of instructional time for every 1 hour of career immersion experience;
 - 5.2.11 Maintain copies of all required documentation required by federal, state, and local labor laws and regulations for work-based learning career immersion experiences;
 - 5.2.12 Award high school credit and credit for prior learning for work-based learning career immersion experiences; and
 - 5.2.13 Collect and submit student work-based learning data as required under the Combined Delaware State Plan and ESSA, and as requested by the Department.

2 DE Reg. 111 (07/01/98)

6 DE Reg. 955 (02/01/03)

9 DE Reg. 1070 (01/01/06)

12 DE Reg. 439 (10/01/08)

12 DE Reg. 936 (01/01/09)

15 DE Reg. 1147 (02/01/12)

25 DE Reg. 404 (10/01/21)

26 DE Reg. 798 (04/01/23) (Prop.)