

DEPARTMENT OF EDUCATION
SUPERINTENDENT OF PUBLIC INSTRUCTION
CAREER AND TECHNICAL EDUCATION REIMBURSED PROGRAMS

(By authority conferred on the superintendent of public instruction by section 61a of 1979 PA 94, MCL 388.1661a and Executive Reorganization Order No. 2007-1, MCL 388.998)

PART 1. GENERAL PROVISIONS

R 395.231 Definitions.

Rule 1. As used in these rules:

(a) "Added cost" means expenditures incurred by a public educational agency in the operation of a career and technical education program which exceed the expenditures required to operate non career and technical education programs.

(b) "Career and technical education program" means an instructional program as defined under section 3 of 1976 PA 451, MCL 380.3.

(c) "Career and technical education program of study" means a coherent, articulated sequence of rigorous academic and career-related courses, commencing in ninth grade and leading to an associate degree, an industry-recognized certificate of licensure, or a baccalaureate and beyond.

(d) "Department" means the Michigan department of education. The office of career and technical education, within the department, shall implement these rules.

(e) "Family and consumer science programs" means non-wage earning programs that are designed to assist students develop knowledge and skills, to become contributing members of society, and to function in multiple roles in day-to-day living and employment throughout their life. Family and consumer science education provides a foundation for achievement of life goals and assumption of future role responsibilities.

(f) Parenthood education means teaching parenting skills via simulation, interaction with people who are parents or caregivers, and direct interaction with children. The preparation shall include practical experiences that develop the necessary knowledge to encourage children's development. This course examines personal readiness to become a parent and the issues important to raising healthy children with positive parent-child relationships.

History: 1979 AC; 2010 AAC.S.

R 395.232 Career and technical education administrators.

Rule 2. (1) Titles of career and technical education administrators of public educational agencies may be director of career and technical education, career education planning district (CEPD) administrator, supervisor, or other administrator or consultant. Career and technical education administrators shall oversee career and technical education programs that are of sufficient size, scope, and quality. The size, scope, and quality of a career and technical education program shall contain the necessary elements to provide effective services, activities, and instructional program offerings so that students are successful as evidenced by performance indicators.

(2) An administrator of career and technical education shall promote, organize, coordinate, supervise, evaluate, and give general direction to state-approved career and technical education programs. The administrator shall be responsible for determining the needs for career and technical education in the various occupational areas and the establishment of programs consistent with the employment needs of the state and region. The administrator shall be responsible for the preparation of periodic reports.

(3) A career and technical education administrator shall have the following qualifications:

(a) A graduate of a recognized college or university with a master's degree and have completed career and technical education courses in the administration, supervision, and organization of career and technical education programs.

(b) Had at least 3 years of experience in administration and/or teaching in career and technical education programs.

(c) If a candidate does not meet the qualifications under (3)(a) and (3)(b) of this rule, the department may waive the requirement(s) following a detailed review of the individual's credentials.

(4) A career and technical education planning district (CEPD) administrator may provide input regarding decisions that affect career and technical education programs. Department decisions will be consistent with the state plan for career and technical education as required under Carl D. Perkins Career and Technical Education Act (Perkins Act), 20 U.S.C. 2301 et. seq. and section 61a of 1979 PA 94, MCL 388.1661a.

History: 2010 AACCS.

R 395.236 Career and technical education guidance counselors.

Rule 6. (1) Duties of career and technical education guidance counselors shall be as follows:

(a) Provide adequate guidance and counseling designed to enable career and technical education students and potential career and technical education students to plan and participate in state-approved career and technical education programs of study.

(b) Provide adequate guidance and counseling for students enrolled in and pursuing a state-approved career and technical education program of study.

(c) Provide additional guidance and counseling services to assist students in their career and technical education program of study to benefit from their academic and technical training.

(d) Provide information to students regarding career awareness and planning with respect to preparing for the student's future academic and career plans.

(e) Provide information to students regarding career options, employment trends, financial aid, and postsecondary options.

(f) Identify and encourage the appropriate placement of students in career and technical education, based on a review of the student's educational development plan.

(2) A career and technical education guidance counselor shall comply with rules governing the certification and licensure of school counselors, pursuant to R 390.1301 to R 390.1308.

History: 1979 AC; 2010 AACCS.

PART 2. STATE-APPROVED CAREER AND TECHNICAL EDUCATION PROGRAMS

R 395.241 State-approved career and technical education programs.

Rule 11. (1) State-approved career and technical education wage-earning programs shall include all of the following:

(a) A coherent sequence of courses so that students gain academic, technical, and work behavior skills.

(b) Instruction that includes classroom, laboratory, work based learning, and leadership opportunities.

(c) Instruction that is supervised, directed, or coordinated by an appropriately certificated career and technical education teacher.

(2) State-approved family and consumer science education programs shall include all of the following:

(a) Instruction and activities in a sequence of courses determined by the department.

(b) Coordinated related instruction with field, laboratory, or other experience appropriate to the content area of sufficient duration to develop necessary competencies.

(c) Instruction that is supervised, directed, or coordinated by a certificated teacher of family and consumer science.

(d) Parenthood education is a required course of a state-approved family and consumer science program and the only course eligible for reimbursement.

History: 1979 AC; 2010 AACCS.

R 395.242 Persons to be served.

Rule 12. Programs are for students attending high school that have indicated on their educational development plan an interest in enrolling in 1 of the state-approved career and technical education programs of study.

History: 1979 AC; 2010 AACCS.

R 395.243 Career and technical education standards; career clusters.

Rule 13. (1) Career and technical education standards shall align with the career clusters as approved by the state board of education. The career clusters as approved by the state board of education include all of the following:

- (a) Agriculture, food, and natural resources.
- (b) Architecture and construction.
- (c) Arts, audiovisual technology, and communications.
- (d) Business, management, and administration.
- (e) Education and training.
- (f) Finance.
- (g) Government and public administration.
- (h) Health science.
- (i) Hospitality and tourism.
- (j) Human services.
- (k) Information technology.
- (l) Law, public safety, corrections, and security.
- (m) Manufacturing.
- (n) Marketing, sales, and service.
- (o) Science, technology, engineering, and mathematics.
- (p) Transportation, distribution, and logistics.

(2) "Career clusters" means an organizing tool defining career and technical education programs using 16 broad clusters of occupations and career cluster pathways with validated standards that ensure opportunities for all students.

History: 1979 AC; 2010 AACCS.

R 395.244 Career and technical education program criteria.

Rule 14. (1) Instruction shall meet the following criteria:

(a) It is organized and operated under the direction of the department, intermediate school district, or a local educational agency responsible for expenditure of public education agency funds for career and technical education in the state or community.

(b) The teachers are appropriately certified and are employed as public school teachers under the conditions generally applicable to the employment of other public school teachers employed by the department, intermediate school district, or local educational agency responsible for career and technical education.

(2) Instruction under contract shall meet the following criteria:

(a) Whenever any portion of the career and technical education program is being administered by a public or nonpublic agency or institution other than the department, intermediate school district, or local educational agency pursuant to an arrangement made with it by the department, intermediate school district, or local educational agency, there shall be a written agreement between the parties of such agreement. The agreement shall describe the portion of the career and technical education program to be administered by the agency or institution and incorporate those standards and requirements in these rules

and prescribed by the department which are applicable to the portion. The agreement shall be reviewed annually by the parties concerned.

(b) All written agreements shall include an assurance that federal, state, and local funds allocated to an agency or institution shall be used only to cover those additional costs which are necessary to administer that portion of the career and technical education program which the parties have agreed would be administered by an agency or institution, or to lower the rate of or eliminate tuition, fees, and other charges collected from persons benefiting from the portion of the program or both; and that federal, state, and local funds shall not be used to cover those costs which would otherwise be covered by the institution's own resources, thereby diverting those resources to other purposes.

(c) The department, intermediate school district, or local educational agency may not enter into any agreement with an agency or institution which collects tuition, fees, and other charges, and which is able to cover with its own resources substantially all the necessary costs of administering that portion of the career and technical education program which the department, intermediate school district, or local educational agency desires to have carried out by an agency or institution, unless the agency or institution agrees to use federal, state, and local funds allocated to it to cover the cost of reducing the rate or eliminating tuition, fees, and other charges collected from those benefiting from such portion.

(3) Instruction shall prepare students for occupations that lead to high skill, high wage and high demand careers and prepare students for postsecondary education. These occupations shall be identified by the department based on available employment and workforce data.

(4) Instruction shall meet all of the following:

(a) Contain a coherent and complete sequence of instruction, as determined by the department for the United States department of education classification of instruction (CIP) code area.

(b) Be part of a high school program of study that includes a post high school component.

(c) Teach content standards approved by the state board of education.

(d) Use required assessments.

(e) Contain criteria for state-approved career and technical education programs under subrule (9) of this rule.

(5) Reimbursement for instruction costs shall comply with Part 4 of these rules.

(6) Access to career and technical education instruction shall comply with the pupil accounting rules pursuant to R 340.1 to R 340.18.

(a) All individuals residing in the state who are available and qualified to receive instruction will have access to programs being offered. If it is not economically or administratively feasible to provide each type of program in all areas and communities served by a local educational agency, individuals residing in an area served by 1 local educational agency will be permitted to enroll, in accordance with policies and procedures established by the department or by the local educational agencies involved, in a program of instruction offered by another local educational agency so long as the local educational agency serving the area in which the individual resides does not offer a reasonably comparable type of program, the student is otherwise available and qualified to receive such instruction, and facilities are reasonably available for additional enrollees in the program offered by the receiving local educational agency.

(b) Access to career and technical education instruction offered within the area served by the department or local educational agency shall be provided to the extent that facilities are available so that each type of program of career and technical education instruction offered by the department will be made available to all individuals residing in the state, and each program of instruction offered by a local educational agency will be made available to all individuals residing in the district or community served by the local educational agency offering such instruction, if such individual is otherwise available and qualified to receive such instruction in accordance with the standards and requirements of the state plan. The fact that an individual resides in a certain attendance area within such district or community shall not preclude his access to a program of instruction available to other individuals residing in other attendance areas within the district or community, if access to a reasonably comparable program is not otherwise available to him. If a school district is the local educational agency offering career and technical education instruction, it must agree in writing to accept nonresident individuals if such career and technical education instruction is not available to such pupils and if such school has facilities available.

(7) Students shall be admitted for enrollment in career and technical education programs and be provided career and technical education instruction for each type of occupation or occupational field on the basis of the individual being qualified and the facilities being reasonably available.

(8) The criteria for continued state approval or development of a new state-approved career and technical education program shall include, but is not limited to, all of the following:

(a) Teacher certification. A career and technical education teacher shall comply with the teacher certification code pursuant to R 390.1101 or R 390.1216.

(b) Professional development.

(c) Completer rates.

(d) Use of advisory committees.

(e) Facilities.

(f) Classroom safety.

(g) Implementation of program standards and course content.

(h) Equipment.

(i) Elimination of barriers to access.

(j) Work based learning.

(k) Accuracy of program and student data.

(l) Alignment of programs of study to postsecondary education.

(m) Opportunities for student leadership activities.

(n) Administration of the required assessments.

(9) Related career and technical education instruction may be appropriate for students prior to participation in an apprenticeship program. The term "apprentice" means a worker who is learning a recognized apprenticeable occupation in accordance with a written apprentice training agreement between the apprentice and an individual employer or group of employers which either provides for or makes reference to a document which provides for a given length of planned work experience through employment on the job, supplemented by appropriate related instruction, and other recognized standards and requirements of apprenticeship. Apprenticeship program oversight is provided by the United States department of labor.

(10) Less-than-class-size programs are work based learning experiences that are contracted through a business or industry. These programs provide additional options for students to receive a career and technical education program using a business as the instructional site. Less-than-class-size programs shall comply with R 340.16.

(11) Guidelines for facilities, equipment, and materials shall be determined by the department based on instructional safety and enrollment needs.

(12) The program of instruction shall be conducted by qualified teachers meeting certification requirements.

(13) When the activities of career and technical student organizations complement the career and technical education instruction offered, such activities shall be conducted by persons who are qualified as career and technical education teachers in the respective career and technical fields within the state or school personnel supervised by qualified career and technical education teachers.

(14) A local school district shall comply with work-based learning experience requirements under R 340.16 when placing students into paid (capstone), unpaid, in-district, or less-than-class-size work-based learning experiences. Students who participate in these work-based learning experiences may generate added cost funding and may be counted in membership if the requirements are met.

History: 1979 AC; 2010 AACS.

R 395.251 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

R 395.252 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

R 395.253 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

R 395.254 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

R 395.261 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

R 395.262 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

R 395.271 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

R 395.272 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

PART 3. FINANCIAL COMPLIANCE

R 395.281 Assurance of compliance.

Rule 51. All public education agencies operating career and technical education programs in the state shall comply with these rules; the revised school code, 1976 PA 451, MCL 380.1 et seq., section 61a of 1979 PA 94, MCL 388.1661a; all provisions of the state's application for federal funds under the career and technical education act, 20 U.S.C. 2342; and the federal regulations governing education programs, 34 C.F.R. parts 76, 77, 80, 81, 82, 85 and 99, which are adopted by reference in these rules.

History: 1979 AC; 2010 AACS.

R 395.282 Source of funds.

Rule 52. Funds for operating career and technical education programs and services by intermediate school districts, local school districts, and public school academies shall be derived from federal appropriations; general and categorical appropriations in the state school aid act, 1979 PA 94, MCL 388.1601 et seq., and local general and specific property taxes, gifts, grants, and bequests.

History: 1979 AC; 2010 AACS.

R 395.283 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

R 395.284 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

R 395.285 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

R 395.286 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

R 395.291 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

Editor's Note: An obvious error in R 395.291 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Michigan Register, 2010 MR 9. The memorandum requesting the correction was published in Michigan Register, 2010 MR 12.

R 395.301 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

R 395.311 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

R 395.312 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

R 395.321 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

R 395.322 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

R 395.323 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

R 395.331 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

R 395.332 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

R 395.333 Rescinded.

History: 1954 ACS 50, Eff. May 15, 1967; rescinded 1954 ACS 74, Eff. Jan. 19, 1973.

R 395.334 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

R 395.335 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

R 395.341 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

R 395.351 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

R 395.352 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

R 395.353 Rescinded

History: 1954 ACS 50, Eff. May 15, 1967; rescinded 1954 ACS 74, Eff. Jan. 19, 1973.

R 395.354 Rescinded.

History: 1954 ACS 50, Eff. May 15, 1967; rescinded 1954 ACS 74, Eff. Jan. 19, 1973.

R 395.355 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

R 395.361 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

R 395.362 Rescinded.

History: 1979 AC; rescinded 2010 AACS.

R 395.363 Rescinded.

History: 1954 ACS 50, Eff. May 15, 1967; rescinded 1954 ACS 74, Eff. Jan. 19, 1973.

PART 4. REIMBURSEMENT FOR CAREER AND TECHNICAL EDUCATION ON AN ADDED COST BASIS

R 395.371 Exceptions to allowable expenses.

Rule 141. Allowable expenses related to reimbursement for career and technical education on an added cost basis shall not include more than 10 percent of instructional support costs associated with providing activities, including, but not limited to, staff salaries, wages, and benefits, under section 7 of 1976 PA 451, MCL 380.7. In addition, allowable expenses shall not include acquisition and rental of real property, construction of buildings, maintenance, repair, and replacement of buildings, lands, and associated construction equipment, and building supplies. Reimbursable expenses shall apply to persons to be served under R 395.242.

History: 1979 AC; 1988 AACS; 2010 AACS.

R 395.372 Added cost determination.

Rule 142. The distribution of added cost funding shall be determined by the department based on availability and eligibility for reimbursement under R 395.374.

History: 1979 AC; 2010 AACS.

R 395.373 Eligible agencies.

Rule 143. Area career and technical education centers as well as local and intermediate school districts which are not area career and technical centers but which are operating in compliance with all applicable statutory provisions and administrative regulations are eligible agencies.

History: 1979 AC; 2010 AACS.

R 395.374 Availability and eligibility for reimbursement.

Rule 144. Availability of grants shall be made public by the department. An educational agency's career and technical education program shall be state approved and student enrollment data shall be reported as required on the department's career and technical education data collection system. Applications for funding are not required.

History: 1979 AC; 2010 AACS.

R 395.375 Approval.

Rule 145. To be funded on an added cost basis, career and technical education programs shall be determined by the department to be in compliance with all applicable statutory provisions and administrative regulations.

History: 1979 AC; 2010 AACS.

R 395.376 Administration of funds.

Rule 146. (1) The department shall disburse added cost monies annually to eligible agencies which operate secondary state-approved career and technical education programs which are in compliance with all applicable statutory provisions and administrative rules. The department shall determine priorities for funding programs after considering available funds and eligible requests.

(2) The department shall annually determine career and technical education programs to be funded with 60% of the available added cost money. Programs to be funded with the remaining 40% of the available money shall be determined by career education planning districts. If available monies do not cover the added costs, the department shall determine the amount of fund distribution.

(3) Any amounts not used shall be redistributed to eligible agencies as determined by the department based on availability and eligibility for reimbursement under R 395.374.

History: 1979 AC; 1982 AACS; 1988 AACS; 2010 AACS.