

**TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY
EDUCATION
CHAPTER 10. ADMINISTRATION AND SUPERVISION**

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from February 16, 2021 until 4:30 p.m. March 22, 2021. During the open public comment period, written comments in electronic form will be accepted during the open public comment period via email at angela.jones@careertech.ok.gov. Written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under “Contact Person.”

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., Thursday, March 25, 2021, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398. Persons wishing to speak must sign in at the door of the State Board meeting prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies will be on file for public viewing beginning February 17, 2021, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law, and will be available beginning February 17, 2021, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at www.okcareertech.org/About/State-Agency/Proposed-Rule-Amendments

CONTACT PERSON:

Angela Jones, Assistant to the State Director, 405-743-5445, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398.

**Oklahoma Department of Career and Technology Education
Title 780 Oklahoma Administrative Code
CHAPTER 10. ADMINISTRATION AND SUPERVISION**

**SUBCHAPTER 3. STATE TECHNICAL ASSISTANCE, SUPERVISION, AND
SERVICES**

780:10-3-3. Instructional materials development and dissemination

- (a) **Purpose.** The Curriculum and Instructional Materials Center (CIMC) and the CareerTech Testing Center shall develop and distribute instructional materials and assessments in print and digital formats.
- (b) **Product pricing.** Prices for assessments, study guides, print products and online courses shall be determined using pricing formulas established or adopted by the CIMC. Prices will be the same for both Oklahoma and non-Oklahoma customers, with the exception of assessments. Assessments shall be provided free of charge to Oklahoma CareerTech students. The End User License Agreement describes bulk seat purchases of CIMC online courses (~~etYOU~~Universe).
- (c) **Order processing.** Orders for assessments, study guides, print products and online courses shall be made by using the online catalog or by transmitting a completed order form by email or fax, or by contacting the designated CIMC customer service staff by phone.
- (1) **Required order information.** Orders shall include the following basic information in order to be processed, regardless of order method:
- (A) Product ID#
 - (B) Title/Description
 - (C) Quantity ordered
 - (D) Item price
 - (E) Additional information may be required to process/deliver orders for web-based products (i.e. assessments online courses).
- (2) **Shipping charges.** Shipping charges shall apply to all products that are not web- based. Domestic shipping charges are 10% for orders up to \$200 and 8% for orders over \$200. International shipping charges are 20% of the value of products ordered. The minimum shipping charge is \$9.00.
- (3) **Sales tax.** Sales tax shall be charges on all products sold for personal use and to non-governmental entities.
- (4) **Payments.** Payment for products shall be made at the time of purchase. Acceptable methods of payment are purchase order, check, and credit card (VISA, MasterCard, or Discover). Checks for orders must be made payable to CIMC. Payment for international orders must be remitted in U.S. dollars drawn on a U.S. bank or world money order.
- (5) **Returns, restocking fee and refunds.** Unless otherwise specified below, all returns must be preauthorized by contacting CIMC Customer Service at (800) 654-4502. No returns will be authorized after 30 days from the date of invoice (90 days for Oklahoma customers). Unless a backorder is pending, refunds on authorized returns will be issued within 120 days of the original date of invoice.
- (A) **Printed materials.** Print material must be returned in its original form and in salable condition. A restocking fee of 20% of the returned product value will be applied to all returns. All returns must include the packing slip and/or invoice number.

- (B) **Multimedia products.** Multimedia products (videos, DVDs, software) cannot be returned.
 - (C) **Online courses.** The End User License Agreement describes the refund policy that applies to CIMC online courses (~~etYOU~~Universe).
 - (D) **Assessments.** Assessments may not be returned for refund; however, testing credits will be issued for unneeded/unused assessments. All testing credits expire on June 30th of the academic year issued.
- (6) **Shipping address.** Returned materials must be shipped to the following address:
 CIMC/Instructional Materials Warehouse, Oklahoma Department of Career & Technology Education, 1201 N. Western Road, Stillwater, OK 74075-2723.

(d) Defective or damaged materials.

- (1) **Defective materials.** The CIMC must receive notification of print materials shipped in defective condition within five (5) days of customer's receipt of the materials. Credit for materials in defective condition shall be 100% of invoice price or free product replacement, as appropriate.
- (2) **Damage In-Transit.** The CIMC is not responsible for damage to CIMC products incurred in transit. In such event, the customer must follow the carrier's claims process.

SUBCHAPTER 5. FINANCE

780:10-5-1. Accounting

The Department shall maintain records of expenditures to eligible recipients in accordance with state and federal laws and regulations.

780:10-5-4. Instructional funding

(a) Secondary and full-time adult programs in technology centers.

(1) **Formula payments.** The State Board will fund a portion of the cost of instruction and services in accordance with an approved technology center funding formula. The Department shall consider enrollment, number of school sites in the district, number of instructors employed on a full-time basis, transportation, availability of funds, provision of appropriate student services for all students and appropriate state and federal laws in developing the annual technology center funding budget.

(2) **Formula adjustment.** The failure of a technology center to meet minimum standards may result in an adjustment of the funding. In an event of a state revenue failure, may result in an adjustment of funding.

(3) **State mandated salary increases to technology center districts.** When funds are appropriated specifically by the Legislature for state mandated salary increases to instructors and/or staff of technology center school districts, the State Board will provide such funding to the technology center district.

(b) Secondary programs in comprehensive schools.

(1) **Budgets.** The State Board will assist local districts in providing for excess costs of *CareerTech* programs. The Department shall prepare budgets to be approved annually based upon availability of funds and appropriate state and federal laws.

(2) **Program assistance monies.** All approved *CareerTech* programs shall receive the program assistance monies annually. Pending availability of funds. These monies shall be

used to support the additional costs of the *CareerTech* program limited to the purchase of equipment, instructional delivery and supplies, and staff development.

(3) **Equipment matching funds.** New *CareerTech* programs will receive equipment matching funds in the first year of operation, if funding is available. If funding is available, matching funds will be provided to existing programs.

(4) **Location of equipment.** Any program equipment purchased with state or federal funds shall remain in the program area for which it is intended.

(5) **Teacher salary supplement.** The Department shall determine annually the amount to reimburse each school district to augment the salary of each teacher. Teachers are required to attend summer conference and other required teacher professional development per division to receive teacher salary supplement and program assistance.

(6) **Additional salary.** Agriculture Education programs are on a 12 month contract, the department shall determine annually the amount to reimburse each district to augment the salary of each agriculture education 12 month contract teacher.

(7) **Part-time programs.** In order to receive 100 percent funding, a program must be full-time. Any exceptions to the offering of a full-time program shall constitute a reduction in funding. Approved funded programs may not fall below half-time and 50% funding.

~~(e) **TechConnect.** Reimbursement for approved TechConnect programs shall include incentive assistance and teacher salary supplement in the same manner as with other comprehensive school programs. The program assistance (state) funds are provided to meet the minimum program operation requirements. Federal career and technology (vocational) education funds and/or local funds may be used to meet the program operation recommendations.~~

~~(d) (c) **Business and Industry Services.** The Department shall reimburse Business and Industry Services initiatives based on the availability of funds and approved by the Department. ~~Business and Industry Services Division.~~~~

~~(e) (d) **Skills Centers programs.** The Department shall fund Skills Centers programs based on the availability of funds.~~

~~(f) (e) **Postsecondary institutions—collegiate.** Funds shall be allocated to postsecondary institutions as set forth in agreements between the State Board and the Oklahoma State Regents for Higher Education or as mandated by P.L. 101-392.~~

~~(g) (f) **Apprenticeship.** Local education agencies conducting apprenticeship-related training shall qualify for reimbursement at a rate approved by the Department. Reimbursement shall be based on availability of funds and approval by the Department.~~

~~(h) (g) **Work-site learning.** Approved work-site learning activities shall meet the standards established by the Department. Reimbursement shall be based on availability of funds and approval by the Department.~~

(i) **Reduction in instruction and/or student services due to changes in funding.** The Oklahoma Department of Career and Technology Education may also recommend reduction in instruction and/or student services based upon loss of funding, lack of funding, revenue shortfalls or other changes in funding. The rules dealing with probationary status and reevaluation shall not apply to instruction being considered for closure based upon changes in funding. The State Board shall make the determination for reduction in instruction and/or student services based on economic factors, need, duplication, school to industry articulation, school to postsecondary articulation, student demand, student placement, student completion/retention, performance measures and/or standards and the decision of the Board shall be final.

**SUBCHAPTER 7. LOCAL PROGRAMS, OR INSTRUCTIONAL POSITIONS:
APPLICATION; STUDENT ACCOUNTING; EVALUATION**

780:10-7-1. Application; approval; contract for programs

(a) Local Application for CareerTech Programs.

- (1) **Description.** Any comprehensive school district, technology center or other eligible recipient requesting funds for *CareerTech* education programs, instructional positions, services and/or activities must submit an annual Local Application and Assurances of Compliance for Secondary and Full-time Adult Career and Technology Education Programs. Approval and return of the Assurances of Compliance to the Department indicates the school district's intent to form a contract for *CareerTech* education programs, instructional positions, services and/or activities and comply with all terms set forth in the local application. For comprehensive schools only, this application includes a listing of programs and/or instructional positions.
- (2) **Application Dates.** The local application shall be mailed from the Department to the superintendent of each comprehensive school district on or around March 1 for the next fiscal year. The local application shall be returned by the deadline indicated on the application.
- (3) **Contents.** The local application gives comprehensive school districts the opportunity to verify ongoing programs, request new or expanded programs, or request the deletion or reduction of programs.
- (4) **Additions and revisions.** Additions and/or revisions may be made to the Form-2 local application any time during the fiscal year. Changes or revisions must be sent by the comprehensive school to the Department.
- (5) **Special funding.** Any special discretionary funds available for programs or projects shall be awarded on a proposal basis with all eligible recipients being notified. The criteria for selection will be stated in a "Request for Proposals." Selection of funding recipients will be based upon the stated criteria.

(b) Criteria for approval of secondary and full-time adult programs. The criteria for approving secondary (grades 6 ~~7~~ through 12) and full-time adult programs in comprehensive schools and technology centers may all include the following:

- (1) Employment opportunities for completers;
- (2) Availability of students;
- (3) Impact upon other *CareerTech* offerings;
- (4) Availability of similar programs;
- (5) Facilities and equipment;
- (6) Program priority; and,
- (7) Willingness to follow all *CareerTech* rules; and
- (8) Availability of funds.

(c) Contract for *CareerTech* programs.

- (1) **Description.** All comprehensive school districts approved by the State Board to receive reimbursement for *CareerTech* secondary programs must submit the signed "Contract for Secondary *CareerTech* Programs," which includes a listing of programs being funded. Approval and return of the contract and the Salary and Teaching Schedule, as indicated in (3) below, by the school district to the Department indicates the school district's willingness to comply with all terms set forth in the contract.

- (2) **Contract dates.** The "Contract for Secondary *CareerTech* Programs" will be made available ~~mailed~~ from the Department on or around July 15-October 1 ~~October 1~~ of the current fiscal year to the superintendent of each comprehensive school district. The contract is to be presented to the local board of education for approval before being returned to the Department by the established date of October 30.
- (3) **Salary and Teaching Information.** The Salary and Teaching Schedule is a part of the contract for *CareerTech* programs for comprehensive school districts. Comprehensive schools must complete and submit ~~and return~~ the "Salary and Teaching Schedule" for each *CareerTech* instructional position in the district. The Salary and Teaching Schedule must be completed to indicate teaching schedule, numbers of students enrolled, teacher salary, beginning and ending date of employment, and expiration date of teacher's certificate. The "Salary and Teaching Schedule" must be signed submitted by the appropriate individuals ~~and returned to the Department~~ by September 30. Technology centers will submit salary information to the Department by October 15.

780:10-7-3. Institutional Standards; accreditation; review

(a) Quality standards.

- (1) **Establishment; funding.** As appropriate, quality standards shall be established by the State Board for postsecondary and secondary *CareerTech* institutions, programs, courses and/or services. These standards shall be comprehensive, reflecting state and federal mandates as they relate to quality *CareerTech* education. Funding approval is contingent upon meeting quality standards or making satisfactory progress toward meeting those standards.
- (2) **Standards.** Standards shall include the following:
 - (A) STANDARD I-Leadership and Administration
 - (B) STANDARD II-Instruction and Training
 - (C) STANDARD III-Support Services
 - (D) STANDARD IV-Measurement and Analysis
 - (E) STANDARD V-Personnel
 - (F) STANDARD VI-Operations
 - (G) STANDARD VII-System Impact
- (3) **Revisions.** The standards are revised periodically based upon input from appropriate sources and relevant data regarding factors that influence student learning and the quality of *CareerTech* education. Any such revisions will be taken to the State Board for approval.
- (4) **Dissemination.** The standards will be disseminated to *CareerTech* personnel throughout the state. Evaluation results will be considered in the processes of planning and funding programs.
- (5) **Technical assistance.** The Department staff will provide technical assistance to help *CareerTech* institutions, programs, courses, and/or services meet the standards established by the State Board and other accrediting agencies.

(b) Postsecondary accreditation.

- (1) **Approval/accreditation agency.** For the purpose of determining eligibility federal student aid (FSA) programs administered by the U.S. Department of Education, the Oklahoma State Board of Career and Technology Education is recognized as the

authority for the approval of public postsecondary vocational education offered at CareerTech institutions in the state of Oklahoma that are not offered for college credit or under jurisdiction of the Oklahoma State Regents for Higher Education, including the approval of public postsecondary vocational education offered via distance education.

(2) **Adopted procedures.** Schools seeking and maintaining postsecondary approval/accreditation status shall follow the State Board's adopted procedures as prescribed in the publication **Accreditation Guidelines**. This publication shall be made available to interested parties from the Department.

(A) **Self-Study, Onsite Visit, and Monitoring.** Accreditation status is reviewed through monitoring annually. Every five years, a technology center must complete a self-assessment application and examiners must conduct a ~~an~~ **onsite** visit. State agency staff shall visit the institution, as applicable, following the ~~onsite~~ visit review to ensure that the technology center's corrective action plan(s) are being followed. In addition, ODCTE staff will conduct a monitoring visit during year 3 of the accreditation cycle.

(B) **Publication and Reevaluation.** The accreditation status of the education institution must be publicized in an official notification. Technology centers must be reevaluated at least every five years.

(C) **Ethics.** The school must demonstrate it has enforceable written policies and procedures in place that demonstrates its ethical practices by showing that it has a well-defined set of ethical standards governing institutional or programmatic practices, including recruitment, advertising, transcripts, fair and equitable student tuition refunds, and student placement services.

(3) **Noncompliance of corrective action plan.** The State Board shall have the authority to assume the administration and supervision of any technology center that after being placed on "Probational Accreditation Status" continues to be in noncompliance of the corrective action plan(s) as approved by the State Board.

SUBCHAPTER 9. SERVICE CONTRACTS AND EQUIPMENT GUIDELINES

780:10-9-1. Contracted services, boards, and commissions

- (a) **Agreements and contracts.** The Department may enter into agreements and contracts with other agencies and entities as may be necessary or feasible for the furtherance of career and technology education. Such contracts and agreements shall be in accordance with state and federal laws and internal agency rules and procedures.
- (b) **Housing and other support.** The Department may, through contractual arrangements, provide housing and support services to other entities whose primary purpose is delivery of career and technology education if there is availability of space and/or resources.

780:10-9-2. Equipment

(a) Tangible assets (equipment).

- (1) **State-owned equipment.** An item shall be classified as an equipment inventory item or fixed asset if it has a useful life of one year or more with an acquisition cost of \$2500 or more and is a complete and independent item which does not lose its identity or become a component part of another item. [74 O.S., Section 110.1(D)].

- (2) **State-owned telecom and electronic information technology.** To meet the requirements specified in Title 62, §34.12, Subsection 6, the fixed asset system will be used to track applications to “include but are not limited to state owned information technology equipment. ~~The use of mainframe computers, minicomputers, or microcomputers, word processing equipment, office automation systems, Internet, eGovernment, broadband, Wi-Fi or wireless networking, radio, including the interoperable radio communications system for state agencies, or Global Positioning Systems (GPS)~~’ costing \$500 or more.
- (3) **Donated or purchased equipment.** Equipment donated to or purchased by the Department through re-imbursement shall be considered the property of the Department.
- (4) **Special funding.** Equipment purchased through special funding, which require that the equipment be used in specific programs, shall be placed in those programs and shall be subject to appropriate state and federal laws, rules and regulations.
- (5) **Maintenance.** The receiving institution shall be responsible for maintaining equipment supplied by the Department.
- (6) **Closing program.** The Program Administrator of the training program shall notify the Department inventory personnel, in writing, when a program or class is to be terminated or completed.
- (b) **Loaning of equipment.** Equipment purchased for use by the Business and Industry Development Division may be loaned to other eligible training sites. The equipment shall be subject to any restrictions and is subject to recall on notice by the Department when needed for industrial training.
- (1) The local education authority (LEA) agrees to maintain all equipment covered under loan in the same condition when received from the ODCTE.
- (2) It is understood that all equipment is to be insured and maintained in operating condition at the expense of the local education agency (LEA) and that equipment lost or stolen will be replaced at the expense of the local education agency (LEA).
- (3) The ODCTE reserves the right to withdraw this equipment at any time after giving a notification of five (5) workdays.
- (4) All equipment will be picked up at the close of the training program unless the equipment is used in another Business and Industry training program.
- (5) Business and Industry Services equipment is only to be used for approved training. Use for other reasons is against state statutes and shall be cause for immediate removal of the equipment from the training site.
- (c) **Identification.**
- (1) **Department Purchased.** Equipment as defined in 780:10-9-2(a)(1) and (2) purchased by the Department shall be affixed with an appropriate tag.
- (2) **Department Reimbursement.**
- (A) Equipment as defined in 780:10-9-2(a)(1) purchased by local education agencies (LEA) and reimbursed by the Department with state funds for Business and Industry Development Programs shall be affixed with an appropriate Department asset tag. The equipment will be subject to a five day recall by the Business and Industry Development Division.
- (B) Equipment as defined in 780:10-9-2(a)(1) purchased by local education agencies (LEA) and reimbursed by the Department for non-Business and Industry Development Programs with state funds shall be affixed with an appropriate Department asset tag.

(C) Equipment as defined in 780:10-9-2(a)(1) purchased by local education agencies (LEA) and reimbursed by the Department based on grant awards, shall be tagged by (LEA) and maintained in accordance with grant requirements.

(3) **Inventory records.** The Department shall maintain inventory records on all tagged equipment. Identification tags will be assigned by the Department and sent to the local education agency or to the appropriate Department personnel to be affixed to the equipment.

(d) **Accountability.**

(1) **Tagged equipment.** A list of equipment to be inventoried annually will be sent to the Superintendent and their designee, by the Department, with a request to verify and update the list, sign and return within 60 days.

(2) **Adjustments.** The Department, after review of requests, will make necessary adjustments to the inventory.

(e) **Disposal.** Schools requesting items to be removed due to lost, stolen, salvage, or surplus must submit an inventory adjustment form for approval. Department personnel will inspect and/or make recommendations on the request.

(f) **Transfer of Ownership.** In no case shall an equipment transfer be made without advanced approval from Department inventory personnel. The ownership of state-owned equipment may be transferred upon approval of the Division Manager, appropriate Senior Staff, and Oklahoma Management and Enterprise Services (OMES), to the local education agency (LEA) in possession of equipment unless said equipment is essential for operation of industry specific or new industry training programs. Department inventory personnel will provide requests to accept and notification of transfers.

Guidelines. Equipment procedures and guidelines, and the inventory adjustment forms can be found on the Department Website and will be utilized to enforce these rules.

Rule Impact Statement Information:

1. A brief description of the purpose of the proposed rule.

The proposed rule amendments eliminate and add clarifying language to assist in the public better understanding of the rule. Language in several sections now illustrates majority of documents are sent and submitted electronically. Old language indicated mail. Proposed amendments clarify that adjustment may occurs when state revenues increase or decrease.

2. A description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the agency from any private or public entities.

Students, teachers, administrators and other customers of the Oklahoma Department of Career and Technology Education will be affected by the rule amendment. No cost are anticipated.

3. A description of the classes of persons who will benefit from the proposed rule.

The rule amendments will not benefit any one class of persons; however it will improve the agency processes for all CareerTech customers.

4. A description of the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change.

There is no economic impact on any class of persons as a result of the proposed rule amendments.

5. The probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule, and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency.

There is no cost to the agency or other entities as a result of the rule amendments.

6. A determination of whether implementation of the proposed rule will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule.

Schools would be the only political subdivision to potentially see an economic impact as a result of the proposed rule amendments. However, this impact would be very minimal.

7. A determination of whether implementation of the proposed rule may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.

There is no adverse economic impact on small business.

8. An explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule.

The rule amendments in this Chapter are not intrusive and there are no other appropriate methods to make the needed corrections and improvements.

9. A determination of the effect of the proposed rule on the public health, safety and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk.

The rule amendments have no effect on the public health, safety and environment.

10. A determination of any detrimental effect of the public health, safety and environment if the proposed rule is not implemented.

The rule amendments will not have a detrimental effect on the public health, safety and environment if not implemented, but agency rules would be inconsistent with state statutes.

11. The date the rule impact statement was prepared and if modified, the date modified.

This rule impact statement was prepared January 22, 2021.