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

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
Subchapter 5. Finance [AMENDED]
Subchapter 7. Local programs, or instructional positions: application; student accounting; evaluation [AMENDED]

SUMMARY:
The proposed amendments in subchapter 5 reflects the current threshold dollar amount for federal audits ($750,000), and that when funding for Business and Industry Services initiatives is provided, the funding is not on a reimbursement basis only. The proposed amendments in subchapter 7 removes the requirement that local applications for CareerTech programs be mailed and allows more flexibility in delivery of the applications, and clarifies that some programs may be offered in comprehensive schools for grade 5 students.

PROPOSED ACTION BEING TAKEN:
The threshold dollar amount for federal audits has changed from $500,000 to $750,000. Funding for Business and Industry Services initiatives will no longer only be on a reimbursement basis. Local program applications may be sent electronically and by other means, versus the current requirement for mailing. There is a clarification that some school districts may offer programs for grade 5 students.

CIRCUMSTANCES CREATING THE NEED FOR THE RULE:
The federal audit threshold dollar amount was increased. The other amendments are needed to improve efficiencies and better serve the public.

AUTHORITY:
Oklahoma State Board of Career and Technology Education: 70 O.S. 2011, § 14-103 and § 14-104, as amended.

THE INTENDED EFFECT OF THE RULE:
The effect of these amended rules will assure compliance with federal audit guidelines, and improve efficiencies and service to the public.

COMMENT PERIOD:
Written comments on the proposed rule(s) will be accepted from February 16, 2022 until 1:00 p.m. March 18, 2022. During the open public comment period, written comments in electronic form will be accepted via email sent to angela.jones@careертех.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 24, 2022, Oliver Hodge Building, Room 1-20, 2500 N. Lincoln Blvd, Oklahoma City, Oklahoma 73105. 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 16, 2022, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at https://oklahoma.gov/careertech/about/rules/proposed-amendments.html

RULE IMPACT STATEMENT:
A Rule Impact Statement will be prepared as required by law, and will be available beginning February 16, 2022, at the Oklahoma Department of Career and Technology Education, 1500 W. Seventh Avenue, Stillwater, Oklahoma 74074-4398 or view online at https://oklahoma.gov/careertech/about/rules/proposed-amendments.html

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.
CHAPTER 10. ADMINISTRATION AND SUPERVISION

SUBCHAPTER 5. FINANCE

780:10-5-2. Audits
The Department shall require annual audits of all schools that are subrecipient of funding from this agency. O.S. 70-22-101 thru 113 cited as the "Oklahoma Public School Audit Law" provides specific guidance. The audit staff of the Oklahoma Department of Career and Technology Education will conduct follow-up reviews of school audits or conduct audits of subrecipients as directed by the State Director. Audit reports which reflect Federal expenditures of $500,000 $750,000 or more shall be in accordance with the provisions of OMB Circular A-133. Technology Centers governed by the State Board of Career and Technology Education shall adopt the general provisions of the Governmental Accounting Standards Board (GASB) Statement Number 34. Guidance on acceptable deviations from Statement Number 34 will be provided by this Agency.

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.

(c) **Business and Industry Services.** The Department shall provide funding for Business and Industry Services initiatives based on the availability of funds and approved by the Department.

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

(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.

(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.

(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.

(h) **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.

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**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 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 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 from the Department on or around July 15 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 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 submitted by the appropriate individuals by September 30. Technology centers will submit salary information to the Department by October 15.