Regulatory Analysis

Notice of Intended Action to be published: 281—Chapter 46
"Career and Technical Education"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 256.129(2)

State or federal law(s) implemented by the rulemaking: Iowa Code chapter 256, subchapter VII, part 2

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 19, 2024 8 to 9:30 a.m.	Room B100 Grimes State Office Building Des Moines, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Education no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Purpose and Summary

This proposed rulemaking modernizes language, removes unnecessary or duplicative language, and updates provisions related to work-based learning pursuant to 2024 Iowa Acts, Senate File 2411.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

School districts and community colleges will bear the cost of compliance with this rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

Schools, parents, and communities will benefit from the clarity this rulemaking provides about career and technical education, including work-based learning.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

There is no known quantitative impact.

- **Qualitative description of impact:**

The clarity that the proposed rulemaking provides is anticipated to have a qualitative benefit of unknown magnitude.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

The Department will bear routine enforcement costs (e.g., the costs of monitoring and enforcing any school law).

- **Anticipated effect on state revenues:**

None were noted.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

The statute requires rules, so no comparison is necessary.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

The statute requires rules, so no determination is necessary.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

The statute requires rules, so no alternatives were considered.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The statute requires rules, so no alternatives were considered.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There are no known impacts on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind subrule 46.6(4) and adopt the following **new** subrule in lieu thereof:

46.6(4) *Postsecondary program review.*

a. General. The postsecondary program review process is to ensure career and technical education programs meet standards adopted by the board. The program review will include an assessment of the extent to which:

(1) The knowledge, skills, and abilities aligned with industry expectations are being mastered by the students enrolled;

(2) The program yields a positive return on investment for students;

(3) The general education curriculum in the program is aligned with the program outcomes;

(4) The program provides opportunities for students to pursue other educational opportunities, other co-curricular opportunities, or both at the community college;

(5) The program removes barriers for all students, including special populations defined by the Carl D. Perkins Career and Technical Education Improvement Act of 2006, 20 U.S.C. §2301 et seq., to access educational and employment opportunities;

(6) The curriculum is current and relevant;

(7) There is continued professional development of instructors;

(8) The equipment and facilities are adequate;

(9) Student outcomes, including, at a minimum, program enrollment rates, retention rates, completion rates, and employment rates and wages, are disaggregated at a minimum by gender, race and ethnicity, and other special populations defined by the Carl D. Perkins Career and Technical Education Improvement Act of 2006, 20 U.S.C. §2301 et seq., and addressed by the program; and

(10) The program articulates to additional postsecondary opportunities that further the students' education and training.

b. Process. Each community college will establish a process that ensures at least 20 percent of career and technical education programs are reviewed on an annual basis. The department will ensure compliance with this paragraph through the community college accreditation process established in 281—Chapter 21.

c. Additional components. The following minimum components will also be addressed through the program review process outlined in paragraph 46.6(4)*"a."*

(1) Industry or professional standards. Community colleges will utilize program standards established and recognized by industry or professional organizations when available and appropriate. In lieu of these standards, community colleges will develop program standards through a structured group interview process, which involves committees of incumbent workers within an occupational cluster analyzing standards that include new and emerging technologies, and job-seeking, leadership, entrepreneurial, and occupational competencies. This analysis includes identifying standards that ensure program participants have access to instruction that leads to employment and further training. All standards will be analyzed for the reinforcement of academic skills.

(2) Advisory council. The community college will document how the program engages with the business community to recruit members for the advisory council under rule 281—46.8(258). Program review documentation will include a current member list with titles and employer; advisory committee meeting logistics including, but not limited to, meeting frequency, agendas, and minutes; advice the advisory council has suggested for the program; and any actions or results taken by the program that stem from this advice.

(3) Pathways with secondary institutions. Teachers and administrators from both secondary and postsecondary instructional levels (when applicable) meet to identify competencies required at each level and to jointly develop pathways between secondary and postsecondary levels for specific occupational areas. Such collaborative efforts will facilitate the secondary-postsecondary transition and help reduce duplication between the two levels.

ITEM 2. Amend subrule 46.10(3) as follows:

46.10(3) *Membership.* The membership of each partnership will consist of stakeholders in a position to contribute to the development and successful implementation of high-quality career and technical education programs. Each district that falls within the boundaries of the partnership will be represented on the partnership. Once established pursuant to subrule 46.10(1), the partnership is responsible for identifying and maintaining appropriate membership. Membership of the partnership will include the following:

a. to *c.* No change.

~~*d. Representatives of a regional work-based learning intermediary network.*~~

~~*e.*~~ *d.* Representatives of regional economic and workforce entities including regional advisory boards established under Iowa Code section 84A.4.

~~*f.*~~ *e.* Representatives of business and industry, including representatives of regional industry sector partnerships.

~~*g.*~~ *f.* Career and technical education secondary teachers and postsecondary faculty.

ITEM 3. Amend paragraph **46.11(1)"b"** as follows:

b. Establish a program of study that meets all of the following criteria:

(1) No change.

(2) Integrates academic coursework; includes foundational and transitory career and technical education coursework; includes either work-based learning or the potential to earn an industry-recognized credential or a community college credential as defined in 281—subrule 21.2(9); and utilizes the individual career and academic planning process established under 281—Chapter 49.

(3) No change.

(4) Allows students enrolled in the academy an opportunity to continue on to an associate degree and, if applicable, a postsecondary baccalaureate degree program.

Only institutions that comply with the provisions of this rule may use the term "career academy."

ITEM 4. Amend **281—Chapter 46**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapter ~~258~~ 256, subchapter VII, part 2.