ATTACHMENT II
Text of Adopted Amendments to 19 TAC

Chapter 75. Curriculum

Subchapter BB. Commissioner's Rules Concerning Provisions for Career and Technical Education

§75.1023. Provisions for Individuals Who Are Members of Special Populations.

(a) An individual who is a member of a special population as defined in 20 United States Code (USC), §2302(29), shall be provided career and technical education in accordance with all applicable federal law and regulations, state statutes, and rules of the State Board of Education (SBOE) and commissioner of education.

(b) A student with a disability shall have access to [~~be provided~~] career and technical education in accordance with the provisions of the Individuals with Disabilities Education Improvement Act (IDEA) of 2004, 20 USC , §§1400-1491o, and implementing regulations, state statutes, and rules of the SBOE and commissioner of education relating to services to students with disabilities.

(c) A student with a disability shall be instructed in accordance with the student's individualized education program (IEP) in the least restrictive environment, as determined by the admission, review, and dismissal (ARD) committee. If a student is unable to receive a free appropriate public education (educational benefit) in a regular career and technical education program, using supplementary aids and services, the student may be served in separate programs designed to address the student's occupational/training needs, such as career and technical education for students with disabilities [~~(CTED)~~] programs.

(d) A student with a disability identified in accordance with provisions of Public Law 105-302 and the IDEA of 2004, 20 USC , §§1400-1491o, is an eligible participant in career and technical education when the requirements of this subsection are met.

(1) The ARD committee shall include a representative from career and technical education, preferably the teacher, when considering initial or continued placement of a student in a career and technical education program. An ARD committee member, including a member described in this subsection, is not required to attend an ARD committee meeting if the conditions of 34 Code of Federal Regulations (CFR), §300.321(e)(1), regarding attendance, or 34 CFR, §300.321(e)(2), regarding excusal, have been met.

(2) Planning for students with disabilities shall be coordinated among career and technical education, special education, and state rehabilitation agencies and should include a coherent sequence of courses.

(3) A school district shall monitor to determine if the instruction being provided students with disabilities in career and technical education classes is consistent with the IEP developed for a student.

(4) A school district shall provide supplementary services that each student with a disability needs to successfully complete a career and technical education program [~~,~~] such as curriculum modification, equipment modification, classroom modification, supportive personnel, and instructional aids and devices.

(5) A school district shall help fulfill the transitional service requirements of the IDEA of 2004, 20 USC , §§1400-1491o, and implementing regulations, state statutes, and rules of the commissioner of education for each student with a disability who is completing a coherent sequence of career and technical education courses.

(6) When determining placement in a career and technical education classroom, the ARD committee shall consider a student's graduation plan, the content of [~~the individual transition plan and~~] the IEP, including the consideration of transition services, and classroom supports. Enrollment

numbers should not create a harmful effect on student learning for a student with or without disabilities in accordance with the provisions in the IDEA of 2004, 20 USC , §§1400-1491o, and its implementing regulations.

§75.1024. Career and Technical Student Organizations.

(a) A school district may use federal career and technical education funds to provide opportunities for student participation in approved student leadership organizations and assist career and technical student organizations in accordance with all applicable federal and state laws, rules, and regulations. The following provisions apply to career and technical student organizations.

(1) A student shall not be required to join such an organization.

(2) Student participation in career and technical student organizations shall be governed in accordance with Chapter 76 of this title (relating to Extracurricular Activities).

(b) The following career and technical student organizations are recognized by the United States Department of Education and the Texas Education Agency:

(1) Business Professionals of America (BPA);

(2) DECA;

(3) Future Business Leaders of America (FBLA);

(4) Future Educators Association (FEA);

(5) [~~(4)~~] FFA;

(6) [~~(5)~~] Family, Career and Community Leaders of America (FCCLA);

(7) [~~(6)~~] Health Occupations Students of America (HOSA);

(8) [~~(7)~~] Technology Student Association (TSA); and

(9) [~~(8)~~] SkillsUSA.

§75.1031. Voluntary Workforce Training Standards and Agreements.

(a) A voluntary workforce training program means a career and technical secondary and postsecondary education program conducted under an agreement as described in §75.1033 of this title (relating to Certified Program Agreements) or a voluntary program certified by the Texas Education Agency (TEA) in conjunction with the Texas Workforce Commission that meets the standards prescribed under §75.1032 of this title (relating to Certification Standards). The voluntary workforce training program must:

(1) integrate a secondary school academic curriculum with private sector workplace training and a postsecondary curriculum;

(2) place the participant in job internships;

(3) be designed to continue into postsecondary education and lead to the participant earning an associate's degree or a bachelor's degree;

(4) result in teaching new skills and adding value to the wage-earning potential of the participant and increasing the participant's long-term employability in Texas; and

(5) meet recognized or accepted industry standards.

(b) The participants must be at least 16 years of age and enrolled in a public or private secondary or postsecondary school, or an equivalent program, and have begun [~~who began~~] to voluntarily participate in a certified voluntary workforce training program as part of secondary school education.

(c) Each certified voluntary workforce training program must have a designated sponsor responsible for operating the program and in whose name the program is registered when certified by the TEA. The term "sponsor" shall be defined as the entity or organization in whose name the program is registered. Examples

of sponsors may include, but are not be limited to, a business, a school district, a local workforce development board, or other appropriate entity that [~~who~~] has agreed to operate the program according to the established guidelines.

(d) No student will be required to participate in a certified voluntary workforce training program.

§75.1032. Certification Standards.

(a) Entities wishing to sponsor a voluntary workforce training program will apply to the Texas Education Agency (TEA) for certification. The TEA [~~Agency~~] will process applications from secondary and postsecondary sponsors. Applications that include an agreement between a participant and a sponsor that is not a secondary or postsecondary institution will be processed by the TEA [~~Agency~~] in conjunction with the Texas Workforce Commission (Commission). The Commission's role in the certification process will be to review the applications and inform the TEA [~~Agency~~] of any past violations of Texas Labor Code, Chapter 51 (Employment of Children) and Chapter 61 (Payment of Wages). The TEA [~~Agency~~] will make the final determination of certification and revocation of certifications. Certification will be granted for a period of three years and will be reauthorized automatically every three years unless the program fails to maintain the required certification standards. The TEA [~~Agency~~] may revoke certification at any time for failure to maintain the required certification standards.

(b) Certified programs will agree to submit to the TEA [~~Agency~~] annual documentation of student participants disaggregated by race, ethnicity, gender, and socioeconomic status.

(c) If certified programs are inactive for two years, certification will be automatically revoked.

(d) To be eligible for certification by the TEA [~~Agency~~] , a program must meet the criteria in §75.1031(a) of this title (relating to Voluntary Workforce Training Standards and Agreements) and must:

(1) be conducted under an organized, written training plan embodying the terms and conditions of employment, job training, classroom instruction, and supervision of participants and be approved by a sponsoring school district or other sponsoring entity that assumes responsibility to carry out the program;

(2) comply with all local, state , and federal laws, including laws pertaining to fair labor standards and workplace health and safety;

(3) comply with recognized industry standards applicable to the program in which the participant is engaged; and

(4) include an agreement by the employer to assign an employee to serve as a mentor for the participant.

§75.1033. Certified Program Agreements.

(a) A certified program must be conducted under a signed written agreement between each participant and the employer. The agreement may include the following:

(1) the name and signature of the participant, the sponsor, the employer, and a parent or guardian of the participant [,] if the participant is under 18 years of age;

(2) a description of the career field in which the participant is to be trained, the academic and technical skills to be attained, and the beginning date and duration of the broad-based training; and

(3) the employer's agreement to provide paid employment, at a base wage not less than the minimum wage, for the participant during the participant's junior and senior years in high school . The agreement may extend [~~and~~] after the participant's first year of postsecondary education.

(b) A participant's time spent at the worksite in a certified program prescribed under §75.1031(a) of this title (relating to Voluntary Workforce Training Standards and Agreements) will be limited to 15 hours during the school week. A school week is defined as the week beginning at 12:01 a.m. on the first instructional day

of a calendar week and ends at the close of instruction on the last instructional day of the calendar week, excluding holidays.

(c) A participant may, but is not required to, enter into a postsecondary education agreement with the participant's employer. A postsecondary education agreement must include at least the following:

(1) the participant's agreement to pay half of the participant's wages to be held in trust to be applied toward the participant's postsecondary education and the employer's agreement to pay into the trust an additional amount equal to the amount paid by the participant;

(2) the participant's agreement to work for the employer for at least two years immediately following the date of completion of the participant's postsecondary education;

(3) the employer's agreement to pay the participant during the period described under paragraph (2) of this subsection at least the prevailing wage for employees having a similar education or license and performing similar work and to provide other employee benefits to which employees performing similar work are entitled; and

(4) the participant's agreement to reimburse the employer if the participant does not perform the two years of employment described by paragraph (2) of this subsection for the employer's contribution to the trust, plus interest at the prime interest rate at the time the participant defaults on the agreement. Terms of the reimbursement arrangements should be mutually determined by the employer, participant, and parent or guardian if the participant is under 18 years of age, and formalized through a written agreement.

(d) The agreement between the participant and employer may be modified through mutual written consent at any time.

(e) If a participant decides not to continue in the program before beginning postsecondary education, the participant and employer each shall be refunded, not later than the 30th day after the last date of participation in the program, their respective contributions to the trust and a pro rata share of the interest earned on the money in the trust.

(f) The money held in trust under subsection (c)(1) of this section must be held for the benefit of the participant. The fund must be specified in the written agreement between the participant and the employer. The trust funds must be held in an account or fund with the beneficiary identified by name. The trust fund agreement must prohibit access to trust fund assets by a creditor of the employer, the participant, or the trustee. In developing a trust agreement, the employer and participant shall consider the qualifications and powers of the trustee, the method of and schedule for transferring funds to the trust, the investment of the trust fund, accounting requirements for the fund, requirements for and the method of disbursing funds from the trust, and requirements and procedures for the termination of the trust. Payment into a trust approved under 29 United States Code, §1103, for the benefit of the participant satisfies the requirements of this subsection.

(g) An employer who enters into an agreement under this section may not retain participants solely to replace the employer's current employees.