

ARTICLE 4. VOCATIONAL AND TECHNICAL EDUCATION

Rule 1. General

646 IAC 4-1-1 National uniform definitions and information elements

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 1. National Uniform Definitions. (1) Policy. The State Board will use nationally uniform definitions and information elements as prescribed by Federal law. The definitions which apply to vocational education in Indiana are delineated in Definitions, section V of the Five-Year State Plan for Vocational Education.

(2) Procedure. The uniform definitions and information elements will be communicated to all eligible recipients for common usage. (*Department of Workforce Development; 1,a; filed Dec 20, 1977: Rules and Regs. 1978, p. 835; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA*) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-1-1) to the Department of Workforce Development (646 IAC 4-1-1) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 4-1-2 State plan public hearings and public information

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 2. State Plan Public Hearings and Public Information. The State Board will adopt policies, procedures, rules and regulations, as necessary, at a monthly public board meeting. Copies of such policies, procedures, rules and regulations will be distributed to the public including eligible recipients twenty (20) days following each meeting.

The State Board will hold annual public hearing(s) on the State Plan as prescribed by State law in addition to the series of public input hearings required by Federal law. All reasonable comments and presentations will be recorded and taken under consideration before the State Plan is adopted. Notification of hearings will be published in accordance with State law.

Copies of the approved State Plan will be public information and available for review in the State Board office, 401 Illinois Building, 17 West Market Street, Indianapolis, Indiana 46204. Copies of the approved State Plan will be made available upon request. (*Department of Workforce Development; 1,b; filed Dec 20, 1977: Rules and Regs. 1978, p. 835; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA*) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-1-2) to the Department of Workforce Development (646 IAC 4-1-2) by P.L.105-1994, SECTION 5, effective July 1, 1994.

Rule 2. Planning and Coordination

646 IAC 4-2-1 State planning; policy and procedure

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 1. State Planning. (1) Policy. The State Board will develop the Five-Year State Plan, Annual Program Plan and Accountability Report in accordance with Public Law 227 and the Act.

(2) Procedure. The State Board has adopted a Procedure for State Planning as outlined in the State Plan for Vocational Education. (*Department of Workforce Development; 2,a; filed Dec. 20, 1977: Rules and Regs. 1978, p. 836; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA*) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-2-1) to the Department of Workforce Development (646 IAC 4-2-1) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 4-2-2 Program coordination

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 2. Coordination.

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(1) Policy. (a) The State Board will coordinate all programs of public vocational education.

(b) The State Board has adopted the following Functional Chart to show the coordinated relationships between the Department of Public Instruction, Commission for Higher Education and State Board. The Functional Chart will be reviewed annually by the State Board.

FUNCTIONAL CHART

State Department of Public Instruction Division of Vocational Education

Functions:

Provides services to public school system.

1. Program development services.
2. Program improvement services.
3. Curriculum and materials development.
4. Student leadership organization services.
5. Certification of public school personnel.
6. State Plan input relative to public schools.
7. Distribution of state funds to public schools.
8. Approved program monitoring.
9. Cooperate with State Board staff for program review and evaluation.

Implementation

- A. Staffing pattern will reflect functions assigned to the Department.
- B. Personnel selection, while requiring conformity to personnel standards established in the State Plan for Vocational Education, will be the responsibility of the State Department of Public Instruction or its designate.
- C. Federal funds may be granted to the Department of Public Instruction for approved services as specified in a contract for administrative services between the State Board and the State Department of Public Instruction.

State Board of Vocational and Technical Education

Functions:

1. Development of the State Plan for vocational education.
2. Statewide coordination of the vocational education system and all approved programs.
3. Definition of vocational education missions and goals of all public vocational institutions and programs.
4. Needs assessments and projection of fiscal and personnel resource needs.
5. Review of legislative budget requests for vocational-technical purposes (operating and capital) of all state institutions and agencies applying for state funds, and make recommendations to the General Assembly.
6. Program approval for state and federal funds.
7. Receive and distribute federal funds available for vocational education and meet federal requirements.
8. Annually evaluate vocational education activities and report findings.
9. Serve as state approval agency for public postsecondary vocational education desiring federal funds eligibility.
10. Adopt rules and regulations for the operation of vocational education in Indiana.
11. Appoint necessary advisory committees needed to perform duties of the State Board.
12. Contract for necessary services.
13. Employ necessary staff to perform the duties of the State Board.
14. Maintain necessary fiscal and statistical data for required reports, audits and for public information.
15. Provide vocational services to prime sponsors under CETA contract.

Implementation

- A. Staffing pattern will reflect functions assigned to the State Board.
- B. Personnel selection, while requiring conformity to personnel standards established in the State Plan for Vocational Education, will be the responsibility of the State Board or its designate.

- C. Federal funds will be budgeted for necessary staff services.

Commission for Higher Education

Functions:

Provides services to postsecondary institutions.

1. State Plan input relative to higher education institutions.
2. Cooperate with State Board for program coordination and fiscal analysis.
3. Cooperate with State Board for program review and evaluation.

Implementation

- A. Staffing pattern will reflect functions assigned to the Commission.
- B. Personnel selection, while requiring conformity to personnel standards established in the State Plan for Vocational Education, will be the responsibility of the Commission for Higher Education or its designate.
- C. Federal funds may be granted to the Commission for approved services as specified in a contract for administrative services between the State Board and the Commission.

(2) Procedure for Cooperative Arrangements. The State Board has developed cooperative arrangements with many State agencies and organizations interested in promoting and providing services that will enhance vocational education.

(a) State Employment Service. The State Board and the Indiana Employment Security Division have entered into a cooperative agreement which assures cooperation at the State and local levels. The information obtained from the Indiana Employment Security Division will be used by the State Board to assist in the determination of employment needs and job opportunities in the State. The information will also be made available to eligible recipients for use in determining the need for vocational education.

(b) Handicapped Persons. Cooperative agreements with other agencies, organizations and institutions concerned with handicapped persons will be encouraged at State and local levels. Agreements with the Division of Special Education, Department of Public Instruction and Indiana Rehabilitation Services Board are in effect at the present time. These agreements will assist the State Board in assuring that funds used for the handicapped are consistent with the State Plan submitted pursuant to section 613 (a) of the Education of the Handicapped Act.

(c) State Apprenticeship Council, Bureau of Apprenticeship and Training. The State Board has agreed to provide related instruction for apprentices who are employed to learn skilled trades under the following conditions.

- (i) The vocational training is supplemental to the on-the-job training experience of the apprentice.
- (ii) The worker involved in the apprenticeable occupation must be at least sixteen (16) years of age, except where a higher minimum age standard is otherwise fixed by law.
- (iii) The apprentice training agreement must specify a given length of planned work experience training through employment on the job which is supplemented by related instruction.
- (iv) The skilled trade:
 - (a) is customarily learned in a practical way through training and work on the job,
 - (b) is clearly identified and commonly recognized throughout an industry, and
 - (c) involves manual, mechanical and technical skills and knowledge.
- (v) Apprentices will be classified as:
 - (a) Registered
 - (1) where the program, apprentice or both are registered under the apprenticeship law of the State in which the apprentice is employed,
 - (2) where the program, apprentice or both are registered by a State apprenticeship agency operating under powers vested in it by legally responsible State authority, and
 - (3) where the program, apprentice or both are registered by the Bureau of Apprenticeship and Training, U.S. Department of Labor, under "standards" or "fundamentals" approved by the Federal Committee on Apprenticeship. Such registration or recognition exists only where neither conditions in paragraph i., ii., iii., v. (a) (1) nor paragraph i., ii., iii., v. (a) (2) of the above exist; or
 - (b) Non-registered—Where the program, apprentice or both are not registered under any of the three conditions in paragraphs i., ii., iii., v. (a) (1), (2), and (3) of the above, but a non-certifiable apprenticeship program is conducted under an implied or written agreement between the apprentice and an individual employer, a group of employers, employer-employee committees, or a governmental agency.

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(vi) The standards of apprenticeship programs must adhere to the requirements outlined in 20 CFR Part 29 (Department of Labor Apprenticeship Programs).

(d) Indiana Manpower Development Council, Comprehensive Employment and Training Act of 1973 (CETA). The Indiana Manpower Development Council is represented on the State Plan Input Committee. The Executive Officer/State Director of Vocational Education represents the State Board on the Indiana Manpower Development Council. The Executive Director of Indiana Office of Manpower Development serves as a member of the State Plan Sounding Committee and as a member of the State Advisory Council on Vocational Education. These joint memberships aid in the coordination between the two agencies. This cooperative working relationship will be continued in an effort to eliminate unnecessary duplication and to improve vocational education.

The State Board and the Indiana Office of Manpower Development have entered into an interagency agreement for the operation and administration of vocational education services to CETA prime sponsors.

(e) Other Agencies, Organizations and Institutions. The State Board will cooperate with the Indiana Private School Accrediting Commission; Indiana Department of Correction; Department of Veterans' Affairs; Division of Adult Education, Department of Public Instruction and others as necessary to effectively plan and develop vocational education programs in the State.

(f) Other States. The State Board may, upon receiving legislative authority, enter into cooperative agreements with other states for the coordination and administration of vocational programs, services or related activities, when it is deemed by the State Board to be beneficial to vocational education in Indiana.

(Department of Workforce Development; 2,b; filed Dec 20, 1977: Rules and Regs. 1978, p. 836; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-2-2) to the Department of Workforce Development (646 IAC 4-2-2) by P.L.105-1994, SECTION 5, effective July 1, 1994.

Rule 3. Budget Review

646 IAC 4-3-1 Budget policy

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 1. Policy. The State Board will review State budget requests, operating and capital, of all State institutions and agencies applying for State funding for vocational education and will make recommendations to the General Assembly concerning State appropriations for vocational education. *(Department of Workforce Development; 3,a; filed Dec 20, 1977: Rules and Regs. 1978, p. 839; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-3-1) to the Department of Workforce Development (646 IAC 4-3-1) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

646 IAC 4-3-2 Budget review procedure

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 2. Procedure. The State Board Procedure for Budget Review for State Funds for Vocational Education Purpose is outlined in the State Plan for Vocational Education. *(Department of Workforce Development; 3,b; filed Dec 20, 1977: Rules and Regs. 1978, p. 839; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-3-2) to the Department of Workforce Development (646 IAC 4-3-2) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

Rule 4. Program Review

646 IAC 4-4-1 Program criteria

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 1. Policy. The State Board will approve vocational education programs before recipients are eligible for Federal or State funds, using the following criteria.

(1) Secondary

(a) Authority and Planning Approval

(i) As required by Public Law 227, all vocational programs shall be approved by the State Board. Further, the local education agencies shall comply with policies and procedures set forth in the State Plan for Vocational Education and in accordance with the rules for public secondary schools adopted by the Commissions on General Education, Textbook Adoptions and Teacher Training and Licensing.

(ii) Specific vocational programs proposed by a local education agency must receive planning approval by the State Board prior to submission of facility plans (preliminary) to the Division of Schoolhouse Planning, Department of Public Instruction.

(b) General Criteria. Each local education agency seeking program approval for secondary level courses in vocational and technical education must meet the following general criteria.

(i) Students—The local education agency shall insure that:

(a) An organized follow-up of vocational students is accomplished on a one and five-year basis with results reported to the State Board in accordance with appropriate Office of Education (OE) Codes.

(b) All classes are open to both sexes with the same effort to recruit males and females. All classes shall be in compliance with Title IX of the Education Amendments of 1972.

(c) Disadvantaged and handicapped students shall be mainstreamed in regular vocational education programs whenever possible. Modification of programs and additional services are recommended to facilitate this inclusion where practicable.

(ii) Program

(a) General Program Criteria—The local education agency shall insure that:

(1) The student-to-teacher ratio for the program is commensurate with the particular program areas as recommended by the Division of Vocational Education, Department of Public Instruction.

(2) Safety is taught as an integral part of the instructional program in the classroom and at the training station.

(3) The program is directly related to employment opportunities as classified in the most recent edition of the Dictionary of Occupational Titles and Occupational Outlook Handbook. Individual student career objectives are on file within the local education agency.

(4) A written curriculum is available for each program area.

(b) Additional Cooperative Education Method Criteria—For cooperative education method the following additional criteria apply:

(1) A training agreement explaining essential features of the program and outlining the responsibilities of each party concerned is on file for each student in the teacher-coordinator's office. The training agreement shall be signed by the student, employer, parent and teacher-coordinator.

(2) A schedule of on-the-job training experiences (training plan) for each student is drawn up cooperatively with each employer and is on file in the teacher-coordinator's office. All hazardous equipment to be operated by the student shall be identified in the training plan. The training plan shall be signed by the student, employer, parent and teacher-coordinator.

(3) Employment of students in the program complies with all State and Federal laws pertaining to employment of youth including minimum wage regulations.

(4) Related classroom instruction is provided for all students. Credit given for related classroom instruction is in addition to credit given for on-the-job training.

(5) Students shall be allowed time from the daily school schedule to participate in cooperative education.

(6) Students shall be employed an average of not less than fifteen (15) hours per week during the school year.

(7) The teacher-coordinator shall have time scheduled for coordination activities during the same time students are released for on-the-job training.

(c) Cooperative Education Method Criteria Pursuant to the Act

(1) On-the-job training is related to existing career opportunities acceptable for promotion and advancement, does not displace other workers who perform such work and does not employ student learners in exploitation of the student learner for private gain.

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(2) Programs will be approved by the State Board only upon its determination in the local annual application that there will be cooperation in identifying suitable jobs with such agencies and groups as: employers, community advisory groups, local and state advisory committees, employment agencies, labor groups and the Indiana Employment Security Division.

(3) Provision is made for participation of nonprofit private school students in public programs utilizing the cooperative method of instruction.

(4) The school and employer have responsibility for evaluating on-the-job performance of student-trainees and training programs. This is a joint venture between the teacher-coordinator and training sponsor. A student shall be evaluated according to newly acquired experiences and level of skill attainment above and beyond that previously possessed. The program will be evaluated for its effectiveness in meeting the needs and occupational objectives of students.

(5) The participating employer and teacher-coordinator should accept the individual student as the student is and work toward change. Evaluation of students should be in terms of progress toward achieving training objectives.

(6) The teacher-coordinator shall be involved in placement and follow-up of completers and leavers of vocational programs utilizing the cooperative method of instruction.

(iii) Staff—The local education agency shall insure that all teachers listed in each Program of Vocational Instruction Application (PVI) (SBVTE Form 20) are appropriately licensed.

All teachers of secondary vocational education in the public schools shall meet the certification standards as established by the Teacher Training and Licensing Commission of the State Board of Education. Minimum qualifications for instructional personnel are as follows:

- (a) Agri-Business Education,
- (b) Business Education,
- (c) Distributive Education,
- (d) Vocational Home Economics Education,
- (e) Industrial Education,
- (f) Health Occupations Education,
- (g) Interdisciplinary Cooperative Education, and
- (h) Industrial Arts.

(iv) Advisory Committees—The local education agency shall insure that an advisory committee is organized and functioning with meetings conducted each school year:

- (a) for the total vocational program in the local education agency and
- (b) for each program area and, where appropriate, for each program of vocational instruction within the local education agency.

(v) Facilities and Equipment—The local education agency shall insure that:

(a) specific vocational programs proposed by a local education agency have received planning approval by the State Board prior to submission of facility plans (preliminary) to the Division of Schoolhouse Planning, Department of Public Instruction, and

(b) the minimum space, facility, and equipment requirements for a vocational program are determined in conjunction with the Division of Vocational Education, Department of Public Instruction.

(vi) In addition to the above general criteria, each local education agency may obtain vocational program guidelines from the State Board office.

(2) Postsecondary

(a) Programs—Postsecondary vocational education programs approved by the State Board will receive a designated geographical location. Geographical location means a specific campus or city. Regardless of source of funding, programs requiring approval shall be associate degree, technical certificate and other programs of less than a technical certificate level which contain a sequence of courses culminating in employment opportunities upon successful completion.

(b) Courses Requiring State or Federal Funding—Courses or grouping of courses requiring State or Federal funds must be approved by the State Board. Justification of courses should include some preliminary measure of need.

(c) Self-Supporting Courses—Individual courses, credit and non-credit, may be offered within a designated region without further approval by the State Board, providing capital expenditure is not required. Courses must be reported to

the State Board for inclusion in State and Federal statistical reports.

Courses offered to adults in continuing vocational education, primarily for upgrading of vocational and technical knowledge and skills, which are self-supporting or privately sponsored by business or industry must be reported to the State Board for inclusion in State and Federal statistical reports. These offerings need not be approved by the State Board.

(d) Staff—All teachers of vocational education in the postsecondary programs shall meet the certification or other professional standards as established by the school board or board of trustees. Each local education agency, operating postsecondary programs, is encouraged to provide an ongoing in-service professional development program for employees. The statewide in-service training system should be utilized. All local education agencies operating postsecondary programs shall certify to the State Board that all teachers have at least three (3) years of experience in the vocational area being taught.

(e) Resolutions Passed by the State Board

(i) Resolution 10-2, October 7, 1975—The State Board will take into account all revenues in support of new postsecondary programs in making Federal fund obligations to programs.

(ii) Resolution 11-1, November 4, 1975—Effective with the next annual budget, the State Board will request a total program planning-development intent plan for each public institution of higher education to be used in planning and budgeting postsecondary Federal funds for new and improved program activities and to aid in the coordination of a legislative recommendation for State funds.

(iii) Resolution 11-2, November 4, 1975—Effective with the next budget year, the State Board will approve Federal postsecondary funds budgeted for new programs and program improvement purposes in coordination with State funds granted for these purposes by the Indiana General Assembly.

(3) Adult Noncredit

(a) Programs—The following criteria will be utilized for approval of adult noncredit vocational programs.

(i) The primary intent of programs is to serve persons:

(a) who have completed or left high school and are not described in the definition of postsecondary program, in Definitions, section V of this Five-Year State Plan, or

(b) who have already entered the labor market, including apprentices, or who are unemployed.

(ii) Programs will not be approved if the intent is for hobby or self-enrichment purposes.

(iii) Curriculum is designed to meet stated objectives.

(iv) Enrollment is commensurate with instructors and facilities. Extenuating circumstances preventing this enrollment criteria being met will be given due consideration based on justification provided by the applying eligible recipient.

(v) Funding is not already available through another Federal or State source.

(vi) Manpower needs and job opportunities support program request.

(vii) Instructors meet criteria as set forth in section (b) below.

(b) Instructor Standards

(i) All teachers of vocational education in adult noncredit programs shall meet the certification or other professional standards as established by the school board or board of trustees. All eligible recipients operating adult noncredit programs will certify to the State Board that all teachers have at least three (3) years of experience in the vocational area being taught.

(ii) Teachers in adult noncredit vocational education programs will meet any credentialing requirements of other State regulatory agencies in addition to the above requirements.

(4) Teacher Training. All vocational teacher education personnel involved in the preparation of teachers who are in the employment of a university with an approved vocational teacher education program for which Federal reimbursement is sought, shall have a valid Indiana vocational teaching certificate in that area, with a minimum of three (3) years of classroom experience at the secondary or postsecondary level.

In order to professionalize the vocational teaching certificate, all standards as established by the Teacher Training and Licensing Commission must be met with the exception of return to the secondary classroom.

(5) Work-Study

(a) Administration of Programs. Work-study programs shall be administered by local education agencies and made reasonably available (within funding limitations) to all eligible students. The cost of administration for work-study

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programs shall be supported with non-Federal funds. Local education agencies are required to maintain all records, time cards, payroll vouchers and other data available for Federal and State audit.

- (b) Eligible Students -Funding shall be furnished only to a student who:
- (i) has been accepted for enrollment or is enrolled as a full-time student in a vocational education program which is approved by the State Board,
 - (ii) is in good standing and is in full-time attendance,
 - (iii) is in need of earnings from such employment to commence or continue a vocational education program, and
 - (iv) is at least fifteen (15) years of age and less than twenty-one (21) years of age at the commencement of employment, and is capable, in the opinion of appropriate school authorities, of maintaining good standing in a vocational program while employed under a work-study program.

(c) Limitation on hours and compensation. No student shall be employed under work-study programs for more than twenty (20) hours in any week in which the student's classes are in session, nor compensated in excess of the hourly rate prevailing in the area for persons performing similar duties.

(d) Eligible Employers. Employment under work-study programs shall be for the local education agency or for other public or nonprofit private agency or institution.

(e) Maintenance of Effort. In each fiscal year during which work-study programs remain in effect, the local education agency shall expend (from sources other than payments from Federal funds under this State Plan) for employment of its students (whether or not employment is eligible for assistance under this State Plan) an amount that is not less than its average annual expenditure for work-study programs of a similar character during three (3) fiscal years preceding the fiscal year in which its work-study program under this State Plan is approved.

(f) Priorities for Funding. See Work-Study, section II. B. 2. of the Five-Year State Plan for Vocational Education.

(g) Non-Federal Service Employment. Students employed in work-study programs assisted pursuant to this State Plan shall not by reason of such employment be deemed employees of the United States nor the employment as Federal service, for any reason.

(6) Policies and Procedures for Provision of Stipends

(a) Use of Funds. The State Board may use funds for the provision of stipends for students entering or already enrolled in vocational education programs if students have acute economic needs which cannot be met under work-study programs subject to restrictions in (b) below.

(b) Restrictions on Payment of Stipends. No funds shall be used for the payment of stipends to students entering or already enrolled in programs of vocational education unless the State Board first makes a specific finding in each instance that funding is necessary due to:

- (i) inadequate funding in other programs providing similar activities or
- (ii) other services in the area that are inadequate to meet needs.

(c) Rates for Stipends. Students entering or already enrolled in vocational education programs may be paid stipends at a rate not to exceed the higher of:

- (i) the minimum wage prescribed by State or local laws multiplied by the number of hours per week the student is enrolled in the vocational education program or
- (ii) the minimum hourly wage set out under section 6 (a) (1) of the Fair Labor Standards Act of 1938, as amended, multiplied by the number of hours per week the student is enrolled in the vocational education program.

(7) Supportive Services and Program Improvement Activities. The State Board will establish supportive services and program improvement priorities.

The State Research Advisory Committee, the State Curriculum Advisory Committee and a State Personnel Training Advisory Committee will be appointed by the Executive Officer/State Director of Vocational Education and confirmed by the State Board.

Supportive services and program improvement contracts or grants may serve to supplement or be coordinated with projects from other sources of Federal or State funds. Funds will not be commingled with State or local funds but will be separately identified as expenditures of Federal funds.

The State Board may assign project monitors for supportive services and program improvement contracts or grants.

No contract will be made for research or curriculum development activities unless the applicant can demonstrate a reasonable probability that the contract will result in improved teaching techniques or curriculum materials that will be used in a substantial number of classrooms or other learning situations within five (5) years after the termination date of such contracts.

Exemplary programs may be funded for three (3) years as innovative programs. After that time exemplary programs will receive high priority for funding as regular programs.

(8) Home Economics Education Curriculum Policy—The General Commission of the State Board of Education approved on April 14, 1971 and filed with the Office of Secretary of State on April 21, 1971, a curriculum for home economics education.

All home economics education programs approved by the State Board must meet these requirements.

(Department of Workforce Development; 4,a; filed Dec 20, 1977: Rules and Regs. 1978, p. 839; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-4-1) to the Department of Workforce Development (646 IAC 4-4-1) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 4-4-2 Application procedure

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 2. Procedure

(1) Annual Application

(a) The State Board will establish a submission date annually for receipt of annual applications. Notification of the due date will be announced to potential recipients not less than thirty (30) calendar days prior to the date due. The application will be submitted on forms provided by the State Board and applicants will be notified in writing of action taken. The notification of approval may include such terms and conditions as deemed appropriate to assure that the program meets standards specified in this State Plan.

(b) Content. Funds will be distributed to eligible recipients on the basis of annual applications which:

(i) have been developed in consultation with representatives of the education and training resources available to the area and the local advisory committees required by the Act,

(ii) describe the vocational education needs of potential students in the area, such as: enrollments, numbers of disadvantaged or handicapped students, persons of limited English-speaking ability, projection of vocational education programs and budgets for five-year period, and number of students in private nonprofit schools applicable to cooperative education, exemplary and special disadvantaged; and to what extent the proposed program will meet such needs,

(iii) describe how evaluations of previous years including those required by the Act have been used to develop proposed programs,

(iv) describe how the proposed activities relate to manpower programs conducted in the area under the Comprehensive Employment and Training Act of 1973 (CETA), and

(v) describe the relationship between vocational education programs and other programs in the area supported by State and local funds.

(c) Priorities for Approval. The State Board shall, in considering the approval of such applicants, give priority to those applicants which:

(i) are located in economically depressed areas and areas with high rates of unemployment and are unable to provide the resources necessary to meet the vocational education needs of those areas without Federal assistance and

(ii) propose programs which are new to the area to be served and which are designed to meet new and emerging manpower needs and job opportunities in the area and, where relevant, in the State and Nation.

The State Board has made the decision to use unemployment rate and economically disadvantaged rate as the two elements to determine economically depressed areas in the State. The source of information is the Indiana Employment Security Division.

Applications for work-study, handicapped, disadvantaged and special disadvantaged will be prioritized according to established criteria ratings. Applications will be funded on the basis of available funds. Approved applications other than work-study, handicapped, disadvantaged and special disadvantaged will be funded in accordance with the funding formula of this State Plan for Vocational Education.

(d) Appeal Procedure. An eligible recipient shall have thirty (30) days, following notification in writing by the State Board of disapproval or suggested revisions, to submit a request for a hearing on the application. If a hearing is

requested, the hearing shall be held in the office of and by the Executive Officer/State Director of Vocational Education, and a written record will be kept on the proceedings. Written notification of the decisions reached and the reasons therefore, will be sent to the eligible recipient by the Executive Officer/State Director of Vocational Education within fifteen (15) days following the hearing. The eligible recipient may appeal the findings to the State Board at the next regularly scheduled meeting following the written notification.

If any eligible recipient is dissatisfied with the final action of the State Board with respect to approval of an application, such eligible recipient may, within sixty (60) days after such final action or notice thereof, whichever is later, file a petition for review of that action with the United States Court of Appeals for the circuit in which the State is located. A copy of the petition shall be forthwith transmitted by the clerk of the Court to the State Board. The State Board thereupon shall file in the Court the record of the proceeding on which the State Board based its action, as provided in section 2112 of Title 28, United States Code.

The findings of fact by the State Board, if supported by substantial evidence, shall be conclusive; but the Courts, for good cause shown, may demand the case to the State Board to take further evidence, and the State Board may thereupon make new or modified findings of fact and may modify its previous action, and shall certify to the Court the record of the further proceedings.

The Court shall have jurisdiction to affirm the action of the State Board or to set it aside in whole or in part. The judgment of the Court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of Title 28, United States Code.

(2) Program Application Procedure

(a) Secondary Procedure

(i) New Vocational Programs

(a) A letter of intent must be submitted to the State Board by the local education agency at least five (5) months prior to the date of anticipated implementation. If the local education agency is within the service area of a designated area vocational program, a copy of the intent must be sent to the area vocational director.

(b) Extensive planning by the local education agency with assistance from the appropriate State agencies shall take place in the development of the program.

(c) Two (2) copies of the written proposal, Secondary Vocational Education New Program Proposal Format (SBVTE Form 16), shall be submitted to the State Board and one (1) copy to the area vocational director, no later than seventy-five (75) days prior to the date of anticipated implementation.

(d) Applications will be reviewed by the State Board using the procedure outlined in Policies and Procedures, section I. D. of the Five-Year State Plan.

(ii) Expansion of Existing Approved Programs. The local education agency must submit to the State Board a Program Expansion Intent Form (SBVTE Form 17) and a Program of Vocational Instruction Application (PVI) (SBVTE Form 20) at least three (3) months prior to the anticipated expansion of an existing program.

For new course offerings, the local education agency must submit to the State Board a Program Expansion Intent Form (SBVTE Form 17), a Program of Vocational Instruction Application (PVI) (SBVTE Form 20) and a Curriculum Outline (SBVTE Form 21) at least three (3) months prior to the anticipated date of implementation.

(b) Postsecondary Procedure

(i) After all institutional clearances have been obtained, including approval by the Board of Trustees, six (6) copies of the Postsecondary Vocational Program Application Format (SBVTE Form 24) will be presented to the State Board.

(ii) Applications will be reviewed by the State Board using the procedure outlined in Policy and Procedures, section I. D. of the Five-Year State Plan.

(c) Adult Noncredit Vocational Education Application Procedure

(i) Eligible recipients must submit to the State Board an application for new adult programs utilizing the Program of Adult Vocational Instruction Application (PVI) (SBVTE Form 10) at least thirty (30) days prior to the anticipated date of implementation.

(ii) Applications must be reviewed by the State Board using the procedure outlined in Policies and Procedures, section I. D. of the Five-Year State Plan.

(d) Procedure for Program Application and Approval. The procedure for program application and approval may be found in the State Plan for Vocational Education.

(e) Work-Study Application Procedure. The local education agency must submit to the State Board an Application and Agreement to Participate in Work-Study Program (SBVTE Form 7). The State Board will establish submission dates annually.

(f) Equipment Application Procedure. Requests for vocational instructional equipment must be submitted to the State Board on Equipment Request (SBVTE Form 13) between May 1 and June 30 prior to the school year in which the equipment will be purchased.

The State Board must approve requests prior to the eligible recipients' obligation for purchase. After an equipment request has been approved by the State Board, the eligible recipient has until the following May 1 to submit paid invoices in order to receive reimbursement.

If purchase orders are received by May 1 in lieu of paid invoices, the Executive Officer/State Director of Vocational Education will encumber the amount approved for an additional year (the following May 1). In the event that paid invoices are not received prior to the deadline, then all encumbered funds will be deobligated, and the equipment request will become null and void.

Eligible recipients must use the proper equipment invoice or purchase order submittal cover sheet to submit invoices or purchase orders.

For additional information refer to Equipment Management Requirements, State Board, Revised March, 1976.

(g) Application for Stipends. Eligible recipients desiring to provide stipends shall include a request for funds in the application submitted to the State Board and shall assure that each applicant meets the requirements of the Five-Year State Plan.

(h) Application Procedures for Supportive Services and Program Improvement. A prospectus and proposal will be made for each contract or grant.

(i) An announcement requesting prospectuses will be disseminated to prospective applicants.

(ii) Prospectus writers must make application to the State Board on approved State Board forms by the date specified in the announcement.

(iii) Prospectus review will be made by the State Board staff utilizing advice from appropriate State agencies and advisory committees.

(iv) Recommendations for proposal requests will be made to the State Board. Writers of prospectuses approved by the State Board will receive an invitation to submit a proposal.

(v) Proposals will be returned on approved State Board forms by the date specified in the request.

(vi) Proposal review will be made by the State Board staff utilizing advice from appropriate State agencies and advisory committees according to the following criteria:

(a) Priority Area—The application focuses on an announced priority area(s) and further delineates the priority area(s).

(b) Need and Problem—The application clearly defines the need for the project or activity and delineates the problem rather than symptoms of the problem.

(c) Objectives—The objectives of the proposed project or activity are sharply defined, clearly stated, capable of being attained by the proposed procedures and capable of being measured.

(d) Plan—The application clearly describes the general design for the proposed project or activity. The procedures specify in detail how each objective will be accomplished, and an adequate project management plan is available. If appropriate, the dissemination plans are included.

(e) Results—The proposed results or end products (observable or measurable) are identified and described in terms of impact and if applicable, conveyance to other education projects or programs.

(f) Personnel—The qualifications and experience of personnel are appropriate for the proposed project or activity.

(g) Institutional Commitment—The application shows reasonable evidence of commitment to provide adequate facilities and equipment and provides documented assurance of support from cooperating institutions and agencies when necessary for project success.

(h) Evaluation Techniques—The application describes the evaluation method to be used for all aspects of the project.

(i) Budget—The estimated cost is reasonable in relationship to the size, scope, duration and anticipated results of the project.

(vii) Recommendations will be submitted to the State Board by the State Board staff. The State Board determines

final action on all applications.

(viii) An approved proposal shall serve as the contract or grant agreement between the contractor or grantee and the State Board.

An application that is amended, deferred or disapproved does not necessarily preclude its reconsideration or resubmission. The contractor or grantee will be notified by the State Board concerning the disposition of the application.

The obligation letter or funding letter for the contract or grant may include the approved budget and amendment conditions as requested by the State Board in accordance with State and Federal rules, regulations and laws. The contractor or grantee may accept or reject the grant or contract.

(Department of Workforce Development; 4,b; filed Dec 20, 1977: Rules and Regs. 1978, p. 846; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-4-2) to the Department of Workforce Development (646 IAC 4-4-2) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 4-4-3 Program approval and planning approval requirements

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 3. Requirements for Vocational Program Approval and Planning Approval. (1) Program Approval. All vocational programs, as required by Public Law 227, ACTS 1975 (Senate Bill No. 85, 99th General Assembly, 1st Regular Session), shall be approved by the State Board of Vocational and Technical Education (SBVTE). Further, the local educational agencies shall comply with the policies and procedures as set forth in the "State Plan" for vocational education, and in accordance with the rules for public secondary schools as adopted by the commissions on General Education, Textbook Adoptions, and Teacher Training and Licensing.

(2) Program Planning Approval. Specific vocational programs proposed by an LEA must receive planning approval by the State Board of Vocational and Technical Education prior to submission of facility plans (preliminary) to the Division of Schoolhouse Planning, Department of Public Instruction. *(Department of Workforce Development; Rule V-1; filed Sep 29, 1978, 2:31 pm: 1 IR 1066; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-4-3) to the Department of Workforce Development (646 IAC 4-4-3) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

646 IAC 4-4-4 Criteria for approval

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 4. General Criteria. Each Local Education Agency (LEA) seeking program approval for Secondary level courses in vocational/technical education must meet the following general criteria:

(1) Credit. The LEA shall insure that:

(A) Students shall receive one (1) credit per semester toward graduation for each nominal hour of classroom or laboratory instruction. At least two (2) credits per semester shall be earned via on-the-job training in a cooperative education program.

(2) Students. The LEA shall insure that:

(A) An organized follow-up of vocational graduates is accomplished on a one- and five-year basis with results reported to the State Board of Vocational and Technical Education in accordance with the appropriate Office of Education (OE) Codes.

(B) All classes are open to both sexes with the same effort to recruit males and females. All classes shall be in compliance with Title IX of the Education Amendments of 1972.

(C) Disadvantaged and handicapped students shall be mainstreamed in regular vocational education programs whenever possible. Modification of programs and/or additional services are recommended to facilitate this inclusion where practicable.

(3) Programs. The LEA shall insure that:

(A) The student-to-teacher ratio for the program is commensurate with the particular program area.

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- (B) Safety is taught as an integral part of the instructional program, both in the classroom and the training station.
- (C) The program is directly related to employment opportunities as classified in the most recent edition of the Dictionary of Occupation Titles and Occupational Outlook Handbook. Individual student career objectives are on file within the LEA.
- (D) Written program goals, objectives, or curriculum are available for each program area.
- (4) Cooperative Education Method. The LEA shall insure that the following additional criteria apply:
 - (A) A training agreement explaining the essential features of the program and outlining the responsibilities of each party concerned is on file for each student in the teacher-coordinator's office. The training agreement shall be signed by the student, employer, parent, and teacher-coordinator.
 - (B) A schedule of on-the-job training experiences (training plan) for each student is drawn up cooperatively with each employer and is on file in the teacher-coordinator's office. All hazardous equipment to be operated by the student shall be identified in the training plan. The training plan shall be signed by the student, employer, parent, and teacher-coordinator.
 - (C) Employment of students in the program complies with all state and federal laws pertaining to the employment of youth including minimum wage regulations.
 - (D) Related classroom instruction is provided for all students. Credit given for the related classroom instruction is in addition to the credit given for on-the-job training.
 - (E) Students shall be allowed time from their daily school schedule to participate in cooperative education.
 - (F) Students shall be employed an average of not less than fifteen (15) hours per week during the school year. Modifications will be considered for disadvantaged and handicapped students.
 - (G) The teacher-coordinator shall have time scheduled for coordination activities during the same time students are released for on-the-job training.
- (5) Staff. The LEA shall insure that:
 - (A) All teachers in each Program of Vocational Instruction (PVI) are appropriately licensed. All teachers of secondary vocational education in the public schools shall meet the certification standards as established by the Teacher Training and Licensing Commission of the State Board of Education.
- (6) Advisory Committees. The LEA shall insure that:
 - (A) An advisory committee is organized and functioning with meetings conducted each school year:
 - (1) for the total vocational program in the LEA,
 - (2) for each program area and/or, where appropriate, for each PVI within the LEA.
- (7) Facilities and Equipment. The LEA shall insure that:
 - (A) Reference to Rule V-1, Section 2 [646 IAC 4-4-3(2)]. Specific vocational programs proposed by an LEA have received planning approval by the SBVTE prior to submission of facility plans (preliminary) to the Division of Schoolhouse Planning, Department of Public Instruction.
 - (B) The minimum space, facility, and equipment requirements for a vocational program are commensurate with the particular program area.

(Department of Workforce Development; Rule V-2; filed Sep 29, 1978, 2:31 pm.: 1 IR 1066; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-4-4) to the Department of Workforce Development (646 IAC 4-4-4) by P.L.105-1994, SECTION 5, effective July 1, 1994.

Rule 5. Federal Funds, Fiscal Control and Accounting Procedures

646 IAC 4-5-1 Fiscal control and accounting procedures

Authority: IC 22-4.1-3-3
Affected: IC 22-4.1

Sec. 1. Federal Funds, Fiscal Control and Accounting Procedures. The State Board will follow practices and procedures which will maintain accepted standards of fiscal control and accounting within guides provided and Indiana statutes. *(Department of Workforce Development; 5; filed Dec 20, 1977: Rules and Regs. 1978, p. 851; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA) NOTE: Transferred from the Indiana Commission on*

Vocational and Technical Education (572 IAC 1-5-1) to the Department of Workforce Development (646 IAC 4-5-1) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 4-5-2 Custody of federal funds

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 2. Custody of Federal Funds. The State Board has the legal authority to receive Federal funds. The Treasurer, State of Indiana, 242 State House, Indianapolis, Indiana 46204, is designated by law as the custodian of all Federal funds allocated to the State. Upon receipt of Federal funds for vocational education, either by direct treasury check or by preparation of Letter of Credit Payment Voucher, the State Board will deposit said funds in the proper account with the Treasurer, State of Indiana. (*Department of Workforce Development; 5,a; filed Dec 20, 1977; Rules and Regs. 1978, p. 851; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA*) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-5-2) to the Department of Workforce Development (646 IAC 4-5-2) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 4-5-3 Expenditure of federal funds

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 3. Expenditure of Federal Funds. The official who has authority to authorize expenditures under the State Plan is the Executive Officer/State Director of Vocational Education as authorized by the State Board. (*Department of Workforce Development; 5,b; filed Dec 20, 1977; Rules and Regs. 1978, p. 852; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA*) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-5-3) to the Department of Workforce Development (646 IAC 4-5-3) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 4-5-4 Availability of funds; obligation basis of accounting

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 4. Allotment Availability. The Federal fiscal year is October 1 to September 30. The State fiscal year is July 1 to June 30. The local education agency and postsecondary institution fiscal year is January 1 to December 31.

(1) Programs and Services. Except as otherwise provided in this section the State Board and the eligible recipients shall operate on an obligation basis of accounting. Expenditures for personal services and travel shall occur as of the time such services or travel are performed; expenditures for rental and utilities shall occur as of the time such facilities are used; and expenditures for contractual services, supplies, equipment and other expenses shall occur as of the date the commitment is made and supported by a contract. Obligations incurred under the obligation basis of accounting shall be liquidated within the Federal fiscal year following the Federal fiscal year incurred.

Procedures for reimbursement of equipment with Federal funds are outlined in Policies and Procedures section of the Five-Year State Plan.

(2) Construction. Funds for construction will be obligated on the basis of administrative approval by the State Board. Such administrative approval shall be given only after the applicant agency has submitted a proposal in sufficient form and detail to permit the State Board to make a thorough evaluation thereof. Contracts for construction shall be let within a reasonable period and shall be liquidated within the fiscal year following the fiscal year in which construction is completed. Reasonable period as used herein is defined as not more than 270 days; however, the State Board may extend this if extenuating circumstances such as labor problems, failure of approval of tax levy, natural acts of God, or others are existent. The extension must be requested in writing to the State Board from the eligible recipient. The eligible recipient will be notified in writing of action taken by the State Board.

Administrative approval shall not be given for any construction project unless the appropriate State agencies including the State Board approves same, at which time it shall become final.

(Department of Workforce Development; 5,c; filed Dec 20, 1977: Rules and Regs. 1978, p. 852; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-5-4) to the Department of Workforce Development (646 IAC 4-5-4) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 4-5-5 Fiscal records; retention

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 5. Fiscal Records. Fiscal records will be maintained by the State Board to the extent necessary to assure proper fiscal control and fund accounting and to permit an accurate and expeditious audit. These records will be located with and maintained by the State Board and shall be in sufficient detail to provide documentary evidence of expenditure and adequate audit trails to documentary evidence maintained by other State agencies or by eligible recipients.

Retention period of fiscal records shall be: three (3) years after date of submission of annual or final expenditure report or after final disposition of nonexpendable personal property. The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been received and cleared. *(Department of Workforce Development; 5,d; filed Dec 20, 1977: Rules and Regs. 1978, p. 852; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-5-5) to the Department of Workforce Development (646 IAC 4-5-5) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

646 IAC 4-5-6 Audits; availability of reports

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 6. Audits. (1) Audit of State Accounts. The State Board of Accounts will audit fiscal records of the State Board and of other State grantee agencies. These audits will be in conformance with generally accepted audit practices and standards. The audits will be made on schedule determined by the State Board of Accounts and shall cover a continuum. The reports thereof will be available in the offices of the State Board of Accounts, 912 State Office Building, Indianapolis, Indiana 46204 and in the offices of the State Board or other State agencies being audited.

(2) Audits of Local Accounts. The State Board of Accounts will audit fiscal records of the local education agencies and postsecondary institutions. These audits will be conducted in conformance with generally accepted audit practices and standards. The audits will be made on a schedule determined by the State Board of Accounts and shall cover a continuum.

The reports thereof will be available in the office of the State Board of Accounts and in the offices of the appropriate local education agencies and postsecondary institutions.

The State Board may contract for audits of private grantees. *(Department of Workforce Development; 5,e; filed Dec 20, 1977: Rules and Regs. 1978, p. 853; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-5-6) to the Department of Workforce Development (646 IAC 4-5-6) by P.L.105-1994, SECTION 5, effective July 1, 1994.*

646 IAC 4-5-7 Fund matching requirements

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 7. Matching Requirements. (1) At least fifty (50) percent of the cost of carrying out each approved annual program plan for vocational education will be matched with State and local funds.

(2) At least fifty (50) percent of the cost of vocational education in each of the following categories will be matched with State and local funds.

- (a) handicapped,
- (b) disadvantaged, and
- (c) postsecondary and adult.

(3) At least fifty (50) percent of the cost of State administration will be matched with State funds except that: for fiscal year 1978 it shall be twenty (20) percent, and for fiscal year 1979 it shall be forty (40) percent.

(4) No State and local match will be required for the cost of vocational education programs for:

(a) cooperative vocational education programs for students enrolled from nonprofit private schools pursuant to section 122(f) of the Act,

(b) exemplary and innovative programs for students enrolled from nonprofit private schools pursuant to section 132(b) of the Act,

(c) special programs for disadvantaged persons in areas which have high concentration of youth unemployment and school dropouts under section 140 of the Act, excluding State administration and ancillary services, and

(d) authorization grants received directly from the U. S. Commissioner of Education.

(5) In-kind contributions will not be used for meeting, matching or maintenance of effort requirements. (*Department of Workforce Development; 5,f; filed Dec 20, 1977; Rules and Regs. 1978, p. 853; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA*) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-5-7) to the Department of Workforce Development (646 IAC 4-5-7) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 4-5-8 Maintenance of fiscal effort; reduction; effect

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 8. Maintenance of Effort. The State Board will assure that the aggregate expenditures of the State for vocational education for any following fiscal year will not be less than the aggregate expenditures for vocational education for the current fiscal year.

The State Board will assure that local education agencies shall maintain fiscal effort on either a per student basis or on an aggregate basis for vocational education compared with the amount expended in the previous fiscal year.

The State Board will assure that postsecondary institutions shall maintain fiscal effort on either a per student basis or on an aggregate basis for vocational education compared with the amount expended in the previous fiscal year.

The State Board will verify maintenance of effort by eligible recipients within a five percent tolerance based upon the annual report submitted on funded programs.

Any reduction in fiscal effort for any fiscal year by more than five percent will disqualify the eligible recipient from receiving Federal funds unless the eligible recipient is able to demonstrate to the satisfaction of the State Board the following:

In the preceding fiscal year, the reduction was occasioned by unusual circumstances that could not have been fully anticipated or reasonably compensated for by the eligible recipient. Unusual circumstances may include unforeseen decreases in revenues due to the decline of the tax base;

In the second preceding fiscal year, contributions of large sums of monies from outside sources were made; or

In the second preceding fiscal year, large amounts of funds were expended for long-term purposes such as construction and acquisition of school facilities or the acquisition of capital equipment.

The State Board will not make payment under this State Plan to eligible recipients unless the State Board finds that the combined fiscal effort of the State Board and the eligible recipient on a per student basis or on an aggregate basis of the eligible recipient and the State Board was not less than combined fiscal effort in the second preceding fiscal year. (*Department of Workforce Development; 5,g; filed Dec 20, 1977; Rules and Regs. 1978, p. 854; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA*) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-5-8) to the Department of Workforce Development (646 IAC 4-5-8) by P.L.105-1994, SECTION 5, effective July 1, 1994.

Rule 6. Evaluation

646 IAC 4-6-1 Evaluation policy

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 1. Policy. The State Board will annually evaluate vocational education activities in the State and will report its findings

to the Governor, the General Assembly and the U.S. Office of Education. This report will take the form of the Annual Accountability Report required by the Act.

To assist eligible recipients in operating the best possible programs of vocational education, the State Board will, during the five-year period of the State Plan, evaluate the effectiveness of programs of all eligible recipients. (*Department of Workforce Development; 6,a; filed Dec 20, 1977: Rules and Regs. 1978, p. 855; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA*) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-6-1) to the Department of Workforce Development (646 IAC 4-6-1) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 4-6-2 Evaluation procedure; results

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 2. Procedure. The State Board will use the following procedure to implement the evaluation policy:

- (1) The evaluation system will be a positive approach for program improvement and not a punitive system. The evaluation will be conducted by a team made up of members from industry, business, agriculture, labor and vocational education.
- (2) Approximately one-fifth of the approved programs will be evaluated in each of the five (5) years.
- (3) The State Board will coordinate the evaluation using the procedure as outlined for program evaluation under the State Board's State Approval Agency Agreement with the U.S. Office of Education.
- (4) The State Board or its designate will select an evaluation team consultant (team leader) from a list approved by the State Board. Team members will be selected from a source list prepared from input given by eligible recipients, industry, business, agriculture, labor and others.
- (5) The on-site evaluation will be totally under the direction of the team leader. The State Board staff will make the proper arrangements for the evaluation team and serve as a resource to the team but will not be a member of the evaluation team.
- (6) The evaluation will be made in accordance with the goals established in the local annual application and will also include a review of planning and operational processes, results of student achievement, results of student employment success, other measures of services to special populations and policies of the State Board.
- (7) Staff members from other State agencies will be used as resource persons to the evaluation team as requested by eligible recipients or the team leader. Staff members will serve upon the agreement of the head of that State Agency.
- (8) Results of previous evaluations may be used as resource information when deemed necessary by the team leader.
- (9) Results of the evaluation will be submitted to the State Board and the eligible recipient in accordance with the procedures outlined in the State Approval Agency Agreement for comment or action.
- (10) Final results of the evaluation will be transmitted to the eligible recipient and appropriate State agency for assistance in removing deficiencies or weaknesses identified in the evaluation report and to the State Advisory Council on Vocational Education.
- (11) The State Board will be notified by the appropriate State agency when deficiencies or weaknesses have been removed.
- (12) The State Board will use the results of the evaluation to make necessary revisions to the programs conducted under the approved State Plan and for future planning purposes.

(*Department of Workforce Development; 6,b; filed Dec 20, 1977: Rules and Regs. 1978, p. 855; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA*) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-6-2) to the Department of Workforce Development (646 IAC 4-6-2) by P.L.105-1994, SECTION 5, effective July 1, 1994.

Rule 7. Accreditation

646 IAC 4-7-1 Accreditation

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 1. Accreditation. Subject to Federal recognition the State Board will serve as the State approval agency for a public postsecondary institution or a program of vocational education which desires eligibility for receipt of Federal funds and is not

otherwise accredited by a Federally recognized authority. (*Department of Workforce Development; 7; filed Dec 20, 1977: Rules and Regs. 1978, p. 856; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA*) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-7-1) to the Department of Workforce Development (646 IAC 4-7-1) by P.L.105-1994, SECTION 5, effective July 1, 1994.

Rule 8. Rules

646 IAC 4-8-1 Rule-making policy

Authority: IC 22-4.1-3-3
 Affected: IC 22-4.1

Sec. 1. Policy. The State Board will develop needed rules and regulations to implement the State Plan and to carry out the responsibilities assigned by State law and the Act. (*Department of Workforce Development; 8,a; filed Dec 20, 1977: Rules and Regs. 1978, p. 856; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA*) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-8-1) to the Department of Workforce Development (646 IAC 4-8-1) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 4-8-2 Rule-making procedure

Authority: IC 22-4.1-3-3
 Affected: IC 22-4.1

Sec. 2. Procedure. The procedure for rules and regulations making may be found in the State Plan for Vocational Education. (*Department of Workforce Development; 8,b; filed Dec 20, 1977: Rules and Regs. 1978, p. 856; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA*) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-8-2) to the Department of Workforce Development (646 IAC 4-8-2) by P.L.105-1994, SECTION 5, effective July 1, 1994.

Rule 9. Committees

646 IAC 4-9-1 Appointment of advisory committees

Authority: IC 22-4.1-3-3
 Affected: IC 22-4.1

Sec. 1. Policy. The State Board will appoint such advisory committees as it deems necessary to perform the duties imposed by State law and the Act.

The State Board will appoint advisory committees including but not limited to personnel training, research, administration, industrial arts education and special needs programs.

The State Board will convene the State Occupational Information Coordinating Committee (hereafter referred to as SOICC) mandated in the Act. The Committee will function under the guidelines of the National Occupational Information Coordinating Committee (hereafter referred to as NOICC). The State Board will serve as the fiscal agent for the Committee and will supply necessary staff assistance in cooperation with the other State agencies designated as participants on the Committee. (*Department of Workforce Development; 9,a; filed Dec 20, 1977: Rules and Regs. 1978, p. 856; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA*) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-9-1) to the Department of Workforce Development (646 IAC 4-9-1) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 4-9-2 Advisory committees; members; powers and duties

Authority: IC 22-4.1-3-3
 Affected: IC 22-4.1

Sec. 2. Procedure. (1) Personnel Training Advisory Committee–Membership will be representative of both user and provider

groups, and persons will be chosen to insure that the public sector, vocational teacher educators and all levels of vocational programs and administration are included on the Committee.

The State Personnel Training Advisory Committee using input from State and university staff, employers, vocational teachers, administrators, support personnel and others, as appropriate, shall assess the need for personnel training services. Priorities for personnel training activities will be recommended to the State Board staff for submission to the State Board.

The Personnel Training Advisory Committee may review proposals, programs, procedures, activities and evaluations related to personnel training services and make recommendations for the purpose of attaining a coordinated system designed to meet the personnel training needs in an efficient and effective manner.

(2) State Occupational Information Coordinating Committee (SOICC)—The Committee membership will be composed of representatives of the following agencies as designated by that agency: State Board, Indiana Employment Security Division, Indiana Manpower Development Council, and Indiana Rehabilitation Services Board. The Committee may ask other agencies to designate a representative to participate as ex officio, non-voting members.

The Committee shall, with funds available from the NOICC, implement an occupational information system in the State which will meet the common needs for the planning for, and the operation of, programs assisted by the State Board under the Act and the Indiana Manpower Development Council under CETA.

(3) Other Advisory Committees—Other committees will be assigned to work with a designated staff member and will report recommendations to the State Board through the Executive Officer/State Director of Vocational Education. (*Department of Workforce Development; 9,b; filed Dec 20, 1977; Rules and Regs. 1978, p. 856; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA*) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-9-2) to the Department of Workforce Development (646 IAC 4-9-2) by P.L.105-1994, SECTION 5, effective July 1, 1994.

Rule 10. Contracts

646 IAC 4-10-1 State board contracts; eligible recipient contracts

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 1. Policy. (1) State Board Contracts—The State Board may contract for such services as it deems necessary to exercise the powers and duties authorized in Public Law 227 and the Act.

(2) Eligible Recipient Contracts

(a) Eligible recipients may enter into a contract to provide vocational education from Federal funds with other agencies, business, industry, proprietary and nonprofit private schools, institutions, colleges and universities.

(b) The State Board may approve a contract made by an eligible recipient when the State Board is assured that the:

(i) contract is in accordance with State or local laws;

(ii) instruction to be provided under contract will be conducted as a part of the vocational education program of the State and will meet the same standards, and

(iii) contract will constitute a responsible and prudent use of funds available under the State Plan.

(c) Contracts will contain the following information:

(i) a rationale for conducting the program,

(ii) the basic goals and education objectives of the training program,

(iii) the qualifications and background of administrative and instructional personnel,

(iv) the location and facilities to be used,

(v) the process for selecting and enrolling students,

(vi) the length of training program showing hours per day, weeks per year and total teacher-student contact hours,

(vii) maximum number of students to be enrolled in the class,

(viii) the cost per hour of student-teacher contact and student-administrator hour,

(ix) the procedure to be used for job placement, and

(x) any other pertinent data requested by the State Board.

(d) All contracts will be reviewed annually by the State Board.

(*Department of Workforce Development; 10,a; filed Dec 20, 1977; Rules and Regs. 1978, p. 857; readopted filed Aug 31, 2001,*

11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-10-1) to the Department of Workforce Development (646 IAC 4-10-1) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 4-10-2 Contract procedure

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 2. Procedure. (1) The State Board will use a request for proposal process when contracting for services.

(2) The State Board determines final action on all contracts. (*Department of Workforce Development; 10,b; filed Dec 20, 1977: Rules and Regs. 1978, p. 858; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA*) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-10-2) to the Department of Workforce Development (646 IAC 4-10-2) by P.L.105-1994, SECTION 5, effective July 1, 1994.

Rule 11. Assurances of Equal Access

646 IAC 4-11-1 Equal access and employment policy

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 1. Policy and Procedures. The State Board has established the following policy assuring equal access and equal employment opportunities for employees, programs and services of the State Board.

The State Board declares and reaffirms a policy of equal employment opportunity and of non-discrimination in the provision of all services to the public.

(1) Equal Employment Opportunity. The State Board will make all decisions regarding recruitment, hiring, promotions and other terms and conditions of employment without discrimination on the grounds of race, color, creed, religion, sex, national origin, age, physical or mental handicap as a basis for an employment decision.

(2) Affirmative Action in Employment. The State Board undertakes a program of affirmative action, to which good faith efforts will be directed to:

(a) determine whether minorities and women are underutilized in major categories;

(b) identify and eliminate the specific cause of underutilization;

(c) identify and eliminate all employment practices which have an adverse impact on minorities, women and others protected by applicable law, and the relationship of which job performance has not been clearly established;

(d) establish affirmative action practices based on merit and valid job qualification;

(e) develop substantial applicant pools of validly qualified minorities and women, special recruitment efforts and other measures to ensure that sufficient numbers of these groups are included to help reduce their underutilization;

(f) project goals and timetables to include estimates of the representation of minorities and women likely to result from the cooperation of the affirmative action plan; and

(g) establish organizational structures and monitoring systems which will assure effective operation of the affirmative action program, achievement of its goals and means for modification of the plan as needed.

(3) Non-Discrimination in Public Services. The State Board reaffirms its policy of non-discrimination, on the basis of minority status, sex or other impermissible grounds in the provision of all services provided to members of the public by all education agencies and institutions having programs and projects approved and funded by the State Board.

The State Board commits itself to a continuing program to assure that unlawful discrimination does not occur in the services it renders to the public and that those sectors of the public most affected by this policy be kept informed of its content.

The State Board commits itself to a continuing program to assure that unlawful discrimination does not occur in the enrollments of programs and projects approved and funded by the State Board and that those sectors of the public most affected by this policy be kept informed of its content.

(*Department of Workforce Development; 11,a; filed Dec 20, 1977: Rules and Regs. 1978, p. 858; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA*) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-11-1) to the Department of Workforce Development (646 IAC 4-11-

1) by P.L.105-1994, SECTION 5, effective July 1, 1994.

646 IAC 4-11-2 Incentives to promote equal employment and access policy

Authority: IC 22-4.1-3-3

Affected: IC 22-4.1

Sec. 2. Incentives. The State Board will fund only programs or activities which are in compliance with the above policy.

If discriminatory practices are identified, the eligible recipient will be properly notified by the State Board and given a reasonable period of time to establish non-discrimination practices. (*Department of Workforce Development; 11,b; filed Dec 20, 1977; Rules and Regs. 1978, p. 859; readopted filed Aug 31, 2001, 11:25 a.m.: 25 IR 203; readopted filed Dec 1, 2008, 2:46 p.m.: 20081224-IR-646080826RFA*) NOTE: Transferred from the Indiana Commission on Vocational and Technical Education (572 IAC 1-11-2) to the Department of Workforce Development (646 IAC 4-11-2) by P.L.105-1994, SECTION 5, effective July 1, 1994.

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