

Chapter 85: Vocational, Annual Operating Budget (Career and Technical Education)

Rule 85.1 Allocation of Career and Technical Education Non-State Plan Funds. The State Board of Education shall allocate state training funds on a limited project agreement between the local educational agency and the Office of Career and Technical Education.

Non-State Plan training funds shall be allocated on a project agreement between the local educational agency and the Office of Career and Technical Education contingent upon approval of funds from the funding source.

Source: *Miss. Code Ann. §37-31-205(b) (Revised 11/2011)*

Rule 85.2 Allocation of Career and Technical Education Plan Funds. The State Board of Education shall not allow any vocational plan funds to be distributed to a local educational agency unless that district has an approved or approvable local plan for career and technical education on file with the Office of Career and Technical Education for the fiscal year in which funds are being requested.

The State Board shall use a formula in allocating federal vocational funds (85% Title II- Carl Perkins) to local educational agencies as required by federal statutes. The Office of Career and Technical Education shall be responsible for updating the formula each year to ensure a fair and equitable allocation of funds to the eligible recipient. The State Board shall make a determination at the beginning of each plan period of the counties that are classified as economically depressed based on either of the following two factors:

1. Counties that have over one and half times the national unemployment rate for the past 3 years.
2. Counties that have 20% or more of their families below the poverty level.

The Office of Career and Technical Education shall be responsible for making this determination for the State Board and for the allocation of Title III B-Carl Perkins funds and for targeting Title II-Carl Perkins funds.

Funds (85% Title II-Carl Perkins) allocated to local educational agencies shall be allocated by the distribution formula and will be administered by the local plan/application.

Funds (Title II-Carl Perkins) allocated to local educational agencies for nontraditional services shall be awarded on an RFP project basis with priorities given to depressed areas.

Funds (1% Title II-Carl Perkins) for correctional institutional services shall be awarded to the Department of Corrections for vocational support services and shall be limited to salaries and equipment.

Funds (state and federal) allocated to local educational agencies for vocational adult short-term programs shall be distributed on a class request basis.

Funds (Title III E-Carl Perkins) allocated for Tech Prep shall be awarded on an application basis and shall be administered through the public community/junior colleges.

Funds (state vocational) allocated to local educational agencies for support of ongoing programs shall be continuous unless notification is given prior to March 1st preceding the next fiscal year and shall be distributed through the ongoing program process.

Funds distributed to Mississippi State University/Research and Curriculum Unit shall be allocated by grant agreement.

Source: *Public Law 101-392 (Revised 11/2011)*

Rule 85.3 Hearings on Plans. When a plan submitted by a local educational agency is not approved by the Office of Career and Technical Education, the Office of Career and Technical Education shall notify the local educational agency of the deficiencies in the plan and allow thirty (30) days from the date of the notification letter to correct those deficiencies. However, upon good cause shown, the State Board of Education may extend this thirty (30) day period by written notification.

If at the end of thirty (30) days or the end of the extended period, whichever is applicable, the local educational agency has not corrected the deficiencies, the plan will be denied. The Associate State Superintendent for the Office of Career and Technical Education shall notify the local educational agency of this denial by certified mail and include in that letter the following:

1. The reasons for denial;
2. The right to request a hearing at which time the local educational agency is entitled to:
 - a. The right to be represented by legal counsel at its own expense;
 - b. The right to cross-examine witnesses from the Office of Career and Technical Education; and
 - c. The right to call witnesses in its own behalf (who must appear by agreement with the local educational agency because the State Board has no subpoena power) and to introduce documentary evidence in its own behalf;
3. The names of the witnesses to be called at the hearing by the Office of Career and Technical Education and the nature of their testimony;
4. Copies of any documentary evidence that will be introduced at the hearing by the Office of Career and Technical Education. The local educational agency shall have ten (10) days from receipt of the notification letter to submit a written request for a hearing which shall be scheduled no less than five (5) days nor more than thirty (30) days from the date the request for hearing is received by the Office of Career and Technical Education. The Associate State Superintendent will notify the local educational agency, in writing, of the date, time, and place of the hearing. A court reporter shall be selected by the Office of Career and Technical Education to record all proceedings, and all witnesses shall be placed under oath by such court reporter.

The State Board shall designate an impartial hearing officer to conduct hearings on local plans. The hearing officer, after hearing all the evidence, shall present a written recommendation and a finding of facts to the State Board concerning the plan within fourteen (14) days after the

conclusion of the hearing. Upon receipt of the transcript of the hearing, the State Board shall have thirty (30) days within which to make a determination upon the transcript and the recommendations and findings of facts of the hearing officer and to notify the local educational agency by certified mail of its decision. If any local educational agency is dissatisfied with the final action of the State Board, with respect to the approval of the plan, the local educational agency may within sixty (60) days after such final action or notice thereof, whichever is later, file with the U. S. Fifth Circuit Court of Appeals a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the State Board, and the State Board thereupon shall file in the court the record of the proceedings on which the State Board based its action as provided in Title 28 U.S. Code, Section 2112.

The findings of fact by the State Board, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand a 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 Fifth Circuit Court of Appeals has 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 United States Supreme Court upon certiorari or certification as provided in Title 28 United States Code Section 1254.

Source: *Public Law 98-524, Section 504 (C) (1) (Revised 11/2011)*

Rule 85.4 Maximum Reimbursement Salary Schedule. The Office of Vocational and Technical Education shall establish annually a maximum reimbursement secondary vocational salary schedule and a maximum reimbursement community/junior college vocational salary schedule. The maximum reimbursement secondary vocational salary schedule shall be based on the minimum program salary schedule extended to 10 months. The Office of Vocational and Technical Education may adjust this schedule downward when sufficient funds are not appropriated for this expense item.

The maximum reimbursement community/junior college vocational salary schedule shall be based on the past year's established schedule expanded by appropriations for this purpose for the current year.

Source: *Miss Code Ann. 37-31-13 (Revised 5/2001)*

Rule 85.5 Other State Funds for Career and Technical Education Support. Local public secondary school districts shall receive MS Adequate Education Program (MAEP) support funds through the Office of Educational Accountability. One-half (1/2) teacher unit will be added for each career and technical program approved by the Office of Career and Technical Education. Less than one hundred percent (100%) vocational teachers will receive a prorated amount. MEAP funds are not to be requested when one hundred percent (100%) federal career and technical funds are available through an RFP (Request for Proposal) process to carry out the national career and technical priorities.

MAEP funds are not to be approved when no state or federal career and technical funds are to be expended through the Office of Career and Technical Education.

Source: *Miss Code Ann. 37-19-43; MS Code 37-31-1 to 37-31-15 (Revised 12/2011)*

Rule 85.6 Reimbursement of Local Personnel Career and Technical Education Salaries. The Office of Career and Technical Education, prior to August 1st of each year, shall make an initial determination as to the estimated total reimbursement to be made to each local school district for approved vocational position salaries.

The Office of Career and Technical Education shall reimburse to each local school district 8% of the approved reimbursed estimated total amount immediately after the close of the months of July, August, and September.

The Office of Career and Technical Education shall, immediately at the close of the months of October, November, December, January, February, March, April, and May, reimburse to the local school districts the calculated approved and cleared budgeted reimbursement amount for the 4th, 5th, 6th, 7th, 8th, 9th, 10th, and 11th months less all previous reimbursements for the year.

The Office of Career and Technical Education shall, at the close of the fiscal year, make final calculations on the total approved reimbursements to the local school districts and reimburse to the districts all approved funds less previous reimbursements for the year.

This cash flow policy does not dissolve the Office of Career and Technical Education's right to hold funds pending until local school districts meet their agreed obligations, nor does it dissolve the Office of Career and Technical Education's right to recover funds that the districts owe the Office of Career and Technical Education.

Source: *Miss. Code Ann. § 37-1-3 (Revised 11/2011)*

Rule 85.7 Career and Technical Education Funding Sources. The Office of Career and Technical Education shall subdivide the subsidies, loans, and grants section of the 206 and 201 budgets for Board review and approval.

1. Subdivisions (lines) for 206 budget are:
 - a. Lease Purchases/Indirect Cost/Other State Support
 - i. Salaries
 - ii. Equipment
 - iii. Adult Vocational
 - iv. Other
 - b. Personnel Development/Curriculum/Research and Development
 - c. 1% Corrections
 - d. Title II - 85% Secondary Title II - 85% Postsecondary Student Services
 - e. Tech Prep
 - f. Other Projects

2. Subdivisions (lines) for 201 budget are:
 - a. State Industrial Project
 - b. Other Non-State Funded Projects

The Office of Career and Technical Education shall clear and maintain a file of budgets with the Office of Budget and Planning for budgets 206 and 201, including the above described line items of the subsidies, loans, and grants section. The Office of Career and Technical Education shall provide the Board with periodic updates as to the current budget status.

Source: *Miss Code Ann. 37-31-1 to 37-31-15 (Revised 11/2011)*