

This rule was filed as 2 NMAC 110.6.

TITLE 2 PUBLIC FINANCE
CHAPTER 110 LOCAL GOVERNMENT GRANTS
PART 6 SCHOOL-TO-WORK OPPORTUNITY GRANT PROGRAM APPLICATION
PROCEDURES

2.110.6.1 ISSUING AGENCY: Department of Finance and Administration, Local Government Division.
[6-30-98; Recompiled 10/01/01]

2.110.6.2 SCOPE: These rules and regulations shall apply to all regional area partnerships formed in the state of New Mexico that will or have applied for a federal School-to-Work Opportunities Act of 1994 grant, or state appropriations for programs established under the School-to-Work Opportunities Act of 1994.
[6-30-98; Recompiled 10/01/01]

2.110.6.3 STATUTORY AUTHORITY: School-to-Work Opportunities Act of 1994. Public Law 103-239, May 4, 1994.
[6-30-98; Recompiled 10/01/01]

2.110.6.4 DURATION: These rules shall be contingent upon federal or state funding designated for statewide activities established under the School-to-Work Opportunities Act of 1994.
[6-30-98; Recompiled 10/01/01]

2.110.6.5 EFFECTIVE DATE: June 30, 1998 [unless a later date is cited at the end of a section.]
[6-30-98; Recompiled 10/01/01]

2.110.6.6 OBJECTIVE: The objective of Part 6, Chapter 110 [now 2.110.6 NMAC] is to establish procedures for regional area partnerships applying for a School-to-Work Opportunities Act of 1994 grant. Under the federal School-to-Work Opportunities Act of 1994 the state of New Mexico has been given a \$13.2 million grant, over a five year period, beginning January 1997. Annual funding is contingent upon the availability of federal funds, and the satisfactory performance of the regional area partnerships. The purpose of the grant is to create a school-to-work system so that all students can develop a set of academic or work skill standards which will prepare them for successful entry, after high school, into either an institution of higher learning or the labor market; and to enable the student to leave the labor market and return for further training.
[6-30-98; Recompiled 10/01/01]

2.110.6.7 DEFINITIONS:

A. **"All aspects of the industry"** means all aspects of the industry or industry sector a student is preparing to enter including planning, management, finances, technical and production skills, underlying principles of technology, labor and community issues, health and safety issues and environmental issues, related to such industry or industry sector.

B. **"All students"** means both male and female students from a broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, or cultural backgrounds, american indians, Alaska natives, native Hawaiians, students with disabilities, students with limited-English proficiency, migrant children, school dropouts, and academically talented students.

C. **"Approved state plan"** means a statewide school-to-work opportunities system plan that is submitted by a state under Section 213 of the School-to-Work Opportunities Act of 1994, that is determined by the secretaries to include the program components described in sections 102 through 104 and otherwise meet the requirements of this Act, and is consistent with the state improvement plan for the state, if any, under the Goals 2000: Educate America Act.

D. **"Career major"** means a coherent sequence of courses or field of study that prepares a student for a first job and that:

- (1) integrates academic and occupational learning, integrates school-based and work-based learning, establishes linkages between secondary schools and postsecondary educational institutions;
- (2) prepares the student for employment in a broad occupational cluster or industry sector;

(3) typically includes at least two years of secondary education and at least one or two years of post secondary education;

(4) provides the students, to the extent practicable, with strong experience in and understanding of all aspects of the industry the students are planning to enter;

(5) results in the award of a high school diploma or its equivalent, such as:

(a) a general equivalency diploma (GED); or

(b) an alternative diploma or certificate for students with disabilities for whom such alternative diploma or certificate is appropriate;

(c) a certificate or diploma recognizing successful completion of one or two years of postsecondary education (if appropriate); and

(d) a skill certificate.

(6) may lead to further education and training, such as entry into a registered apprenticeship program, or may lead to admission to a two or four year college or university.

E. **"Council"** means the school-to-work advisory council, the policy setting body for the New Mexico school-to-work system established by executive order of the governor. The council membership shall include:

(1) the governor;

(2) the department of labor secretary;

(3) the economic development department secretary;

(4) the executive director of the commission on higher education;

(5) the department of finance secretary;

(6) any additional member that may be necessary in the future;

(7) the state superintendent of public instruction;

(8) one local school district representative;

(9) two state legislators;

(10) five at large members representing large business, small business, and labor.

F. **"Division"** means the local government division of the New Mexico department of finance and administration.

G. **"Educational plan for student success"** (EPSS) means a comprehensive long-range planning, implementation, and evaluation tool of the public school district designed to lead to improved student learning and school improvement.

H. **"Employer"** means both public and private employers.

I. **"Goal(s)"** means an ultimate outcome over a long period of time of activity. It sets the general direction of work performed.

J. **"Goals 2000"** means the Goals 2000 Act which provides resources to states and communities to develop and implement educational reforms aimed at helping students master academic and occupational skill standards.

K. **"Governance"** means a component in the school-to-work system which addresses the administrative function of the local school-to-work effort, including:

(1) the organization and management of a partnership or consortium within a geographic region defined by a regional area partnership;

(2) fiscal integrity to operate system components;

(3) a school-to-work coordinator;

(4) the ability to leverage funding through fund raising and/or reallocation to sustain the school-to-work system;

(5) an assigned fiscal agent.

L. **"Implementation grant"** means a school-to-work grant awarded on a competitive basis to a regional area partnership that has planned and developed a base for a school-to-work system, and is ready to begin implementing it.

M. **"Job shadowing"** means an opportunity given to students to observe specific jobs in a business setting to help them make a career decision. As part of the experience they may briefly partake in some of the activities they will be observing, but they will not be paid for doing so.

N. **"Local partnership"** means a local entity that is responsible for local school-to-work opportunities system and that:

(1) consists of employers, representatives of local educational agencies and local postsecondary educational institution (including representatives of area vocational educational schools where applicable), local educators (such as teachers, counselors, or administrators), representatives of labor organizations or non-managerial employee representative, and students;

(2) may include other entities, such as:

- (a) employer organizations;
- (b) community-based organizations;
- (c) national trade associations working at the local levels;
- (d) rehabilitation agencies and organizations;
- (e) registered apprenticeship agencies;
- (f) local vocational education entities;
- (g) proprietary schools and institutions of higher education (as defined in section 481(b) of the

Higher Education Act of 1965 (20 U.S.C. 1088 (b) that continue to meet the eligibility and certification requirements under Title IV of such act (20 U.S.C. 1070 et seq.);

(h) local government agencies;

(i) parent organizations;

(j) teacher organizations;

(k) vocational student organizations;

(l) private industry councils established under section 102 of the Job Training Partnership Act (29.U.S.C. 1512);

(m) job centers;

(n) workforce development centers;

(o) federally recognized Indian tribes, Indian organizations, and Alaska native villages;

(p) native Hawaiian entities.

O. **"Mentor"**: See workplace mentor and/or school site mentor.

P. **"Objective(s)"** means a specific accomplishment to be achieved during a given period of time. Objectives are driven by "goals".

Q. **"Planning grant"** means a school-to-work grant awarded on a competitive basis to a regional area partnership for the purpose of planning a school-to-work system.

R. **"Professional development"** means to provide training and/or orientation to teachers, counselors, administrators, school site mentors, workplace mentors, school-to-work coordinators, and others, on any or all aspects of the school-to-work system in order to provide skills and knowledge necessary to successfully implement the system.

S. **"Regional area partnership"** means a regional entity composed of one or more local partnerships based geographically on New Mexico's 17 postsecondary institution service areas as defined by the small business development centers.

T. **"School dropout"** means a youth who is no longer attending any school and who has not received a secondary school diploma or a certificate from a program of equivalency for such a diploma.

U. **"School site mentor"** means a professional employed at a school who is designated as the advocate for a particular student, and who works in consultation with classroom teachers, counselors, related services personnel, the employer of the student, to design and monitor the progress of the school-to-work opportunities program for the student.

V. **"School-to-work system"** means a statewide program established under the School-to-Work Opportunities Act of 1994 that will enable all students to develop a set of academic or work skill standards to prepare them for successful entry into either an institution of higher learning or the labor market or enable students to leave the labor market and return for further training.

W. **"Secretaries"** means the U.S. secretary of education and the U.S. secretary of labor.

X. **"Skill certificate"** means a portable, industry-recognized credential issued by a school-to-work opportunities program under an approved state plan, that certifies that a student has mastered skills at levels that are at least as challenging as skill standards endorsed by the national skill standards board established under the National Skill Standards Act of 1994, except that until such skill standards are developed, the term skill certificate means a credential issued under a process described in the approved state plan.

Y. **"State"** means each of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, the Federated States of Micronesia, the Republic of the Marshall Island, and the Republic of Palau.

Z. **"Sustainability"** means a strategy on how the school-to-work system will continue after federal funding ceases.

AA. **"Workplace mentor"** means an employee or other individual, approved by the employer at a workplace, who possesses the skills and knowledge to be mastered by a student, and who instructs the student, critiques the performance of the student, guides the student to perform well, and works in consultation with classroom teachers and the employer of the student.
[6-30-98; Recomplied 10/01/01]

2.110.6.8 FUNDING CYCLE:

A. Annual funding is available to regional area partnerships for implementation or planning grants.
B. The funding cycle is up to three years for an implementation grant and up to two years for a planning grant.
[6-30-98; Recomplied 10/01/01]

2.110.6.9 ELIGIBLE APPLICANTS FOR A GRANT: Eligible applicants are the regional area partnerships in New Mexico.
[6-30-98; Recomplied 10/01/01]

2.110.6.10 ELIGIBILITY REQUIREMENTS: To be eligible for either a planning or implementation grant, all applicants must be able to fulfill three essential elements of a school-to-work system.
[6-30-98; Recomplied 10/01/01]

2.110.6.11 GENERAL PROGRAM REQUIREMENTS:

A. All school-to-work systems must:
(1) integrate school-based and work-based learning, integrate academic and occupational learning, and establish effective linkages among elementary, midschool, secondary and postsecondary education;
(2) provide participating students with the opportunity to complete career majors;
(3) provide participating students with experience in and an understanding of all aspects of the industry the students are preparing to enter; and
(4) provide all students with equal access to the full range of program components and related activities, such as recruitment, enrollment and placement activities.

B. **SCHOOL- BASED LEARNING COMPONENT:** The school-based learning component of a school-to-work opportunities system shall include:

(1) career awareness and career exploration and counseling (beginning at the earliest possible age, but not later than 7th grade) in order to help students who may be interested to identify, and select or reconsider, their interests, goals, and career majors, including those options that may not be traditional for their gender, race, or ethnicity;
(2) initial selection by interested students of a career major not later than the beginning of the 11th grade;
(3) a program of study designed to meet the same academic standards the State has established for all students, including, where applicable, standards established under the Goals 2000: Educate America Act, and to meet the requirements necessary to prepare a student for postsecondary education and the requirements necessary for a student to earn a skill certificate;
(4) a program of instruction and curriculum that integrates academic and vocational learning (including applied methodologies and team-teaching strategies), and incorporates instruction, to the extent practicable, in all aspects of an industry, appropriately tied to the career major of a participant;
(5) regularly scheduled evaluations involving ongoing consultation and problem solving with students and school dropouts to identify their academic strengths and weaknesses, academic progress, workplace knowledge, goals, and the need for additional learning opportunities to master core academic and vocational skills; and
(6) procedures to facilitate the entry of students participating in a school-to-work system into additional training or postsecondary education programs, as well as to facilitate the transfer of the students between education and training programs.

C. **WORK-BASED LEARNING COMPONENT:** Mandatory activities: the work-based learning component of a school-to-work system shall include:

- (1) work experience;
- (2) a planned program of job training and work experiences (including training related to pre-employment and employment skills to be mastered at progressively higher levels):
 - (a) that are coordinated with learning in the school-based learning component described in section;
 - (b) are relevant to the career majors of students and lead to the award of skill certificates.
- (3) workplace mentoring;
- (4) instruction in general workplace competencies, including instruction and activities related to developing positive work attitudes, and employability and participative skills;
- (5) broad instruction, to the extent possible, in all aspects of the industry;
- (6) permissible activities: such component may include such activities as:
 - (a) paid work experience;
 - (b) job shadowing;
 - (c) school-sponsored enterprises;
 - (d) on-the-job training.

D. CONNECTING ACTIVITIES COMPONENT: The connecting activities component of a school-to-work system shall include:

- (1) matching students with the work-based learning opportunities of employers;
- (2) providing, with respect to each student, a school site mentor to act as a liaison among the student and the employer, school, teacher, school administrator, and parent of the student, and if appropriate, other community partners;
- (3) providing technical assistance and services to employers, including small and medium-sized businesses, and other parties in:
 - (a) designing school-based learning components described in section 102, work-based learning components described in section 103, and counseling and case management services;
 - (b) training teachers, workplace mentors, school site mentors, and counselors.
- (4) providing assistance to schools and employers to integrate school-based and work-based learning, and integrate academic and occupational learning into the program;
- (5) encouraging the active participation of employers, in cooperation with local education officials, in the implementation of local activities described in section 102, section 103 or this section;
- (6) providing assistance to participants who have completed the program in finding an appropriate job, continuing their education, or entering into an additional training program;
- (7) linking the participants with other community services that may be necessary to assure a successful transition from school-to-work;
- (8) collecting and analyzing information regarding post-program outcomes of participants in the school-to-work system, to the extent practicable, on the basis of socioeconomic status, race, gender, ethnicity, culture, and disability, and on the basis of whether the participants are students with limited English proficiency, school dropouts, disadvantaged students, or academically talented students;
- (9) linking youth development activities under this Act with employer and industry strategies for upgrading the skills of their workers.

2.110.6.12 APPLICANT'S FINANCIAL OR IN-KIND REQUIREMENTS:

- A. Implementation grants require at least 50 percent matching funds from the applicant.
- B. This requirement can be met by providing, either cash or in-kind services.
- C. If the applicant does not charge its administrative costs to the school-to-work grant the match requirement is reduced to 30 percent of the grant amount.
- D. Planning grants do not require a local match.

[6-30-98; Recompiled 10/01/01]

2.110.6.13 APPLICATION LIMIT: Only one grant application per regional area partnership will be accepted.

[6-30-98; Recompiled 10/01/01]

2.110.6.14 APPLICATION REQUIREMENTS:

A. The applicant shall establish a process by which the responsibilities and expectations of students, parents, employers, and schools are clearly established and agreed upon at the point of entry of the student into a career major program of study.

B. A public school applicant shall meet the intent and focus areas of its educational plan for student success (EPSS).

C. The applicant shall meet the intent and focus areas of their institutions' missions and long-range plans.

D. All other members of the regional area partnerships must develop relationships between local community-based organizations, local educational agencies, private schools and home schoolers, and other institutions of higher learning, and business and industry.

E. Applications shall include a plan for an entire regional area partnership, which will include one or more local partnerships.

F. If a regional partnership, is comprised of more than one local partnerships the applicant must clearly describe the role each local partnership plays with regard to implementation or planning grants.

G. Applications shall include a plan for all participating public school districts, private schools, bureau of Indian affairs and other.

H. The regional partnership shall designate a fiscal agent and a coordinator for the regional partnership which may be a fiscal agent may include any public entity within the regional area partnership such as an educational institution, school district, city, county, regional council of governments, state agency, or non-profit agency registered in New Mexico.

I. The designated fiscal agent and a designated coordinator, must sign the application.
[6-30-98; Recompiled 10/01/01]

2.110.6.15 APPLICATION PROCEDURES/FORM AND CONTENT:

A. The form and content of applications will be determined by the division.

B. Ten (10) copies of the application, one of which must contain original signatures must be submitted to: Department of Finance and Administration, Local Government Division, Bataan Memorial Building, Suite 201, Santa Fe, New Mexico 87503

C. Applications must be received at the local government division by 5 p.m. of the designated application deadline.

D. The division will determine whether an application is complete, and its decision is final and unappealable.

[6-30-98; Recompiled 10/01/01]

2.110.6.16 APPLICATION REVIEW, RATING AND SELECTION:

A. The following review, rating and selection process will be used:

(1) Upon receipt of applications, division staff shall review for eligibility, completeness and compliance with the requirements of the regulations.

(2) In the event that the application is incomplete, the applicant will be promptly notified by the division. The applicant must then immediately submit the information requested. Applicants that do not respond may be disqualified.

(3) The division may consult other appropriate personnel for information and advice concerning technical aspects and evaluation of any application.

B. Division staff shall rate applications and present recommendations to the council based on the extent to which applicants meet program rating criteria.

C. Applications will be evaluated on the following criteria that include but are not limited to:

(1) the quality and extent to which the regional area partnership's plan, goals and objectives are measurable and obtainable and are consistent with the federal act and state plan;

(2) quality and extent to which the general program requirements are met;

(3) quality and extent to which the program meets the requirements of the school-based learning component as set forth in 11.2 [now Subsection B of 2.110.6.11 NMAC];

(4) quality and extent to which the program meets the requirements of the work-based learning component as set forth in 11.3 [now Subsection C of 2.110.6.11 NMAC];

(5) quality and extent to which the program meets the requirements of the connecting activities component as set forth in 11.4 [now Subsection D of 2.110.6.11 NMAC];

- (6) quality and extent of the plan for professional development;
 - (7) quality and extent of curriculum /instructional development;
 - (8) quality and extent of development of parent participation, postsecondary staff training, and recruitment of other partners;
 - (9) quality and extent of opportunities for all students to participate in school-to-work activities;
 - (10) quality and extent of involvement of private, bureau of indian affairs, and other native American school students, and students that are home schooled;
 - (11) quality and extent of support that will be given to students with regard to their activities;
 - (12) quality of assessment/evaluation process and record keeping system;
 - (13) quality and extent to which the program links school-to-work activities with other educational, workforce development, and economic development strategies, programs and efforts;
 - (14) quality and extent to which regional area partnership governance components are in place or will be developed such as regional area partnership members broad-based, fiscal tracking, budget auditing, time-table;
 - (15) quality and extent to which sustainability strategy will lead to continuation of the school-to-work system and programs after federal funding ceases.
- [6-30-98; Recompiled 10/01/01]

2.110.6.17 REVERSIONS, SUPPLEMENTAL FUNDING AND UNDERRUNS: The council, division staff, applicants, and grantees will adhere to the following referenced guidelines:

- A. Reversions/Supplemental Funding - When funds are reverted from a previously approved project grant, or additional funds are made available for any other reason, the council shall decide whether the funds will be set aside in a contingency fund, or shall take any other action it has deemed appropriate. The council's decision is final and unappealable.
 - B. Underruns - When a balance of funds remain after the completion of approved project activities and after all payments have been made, the funds will automatically revert to the council. The grantee may propose to expand approved activities or request council approval to expend underrun funds for other eligible activities. The council's approval or disapproval is final and unappealable.
 - C. Special Applications - Should additional school-to-work funds become or be determined to be available, the council may call for and act on special applications from eligible applicants. The purpose and rating criteria of the special applications will be outlined in the call for applications.
- [6-30-98; Recompiled 10/01/01]

2.110.6.18 ADMINISTRATIVE PROCEDURES: All successful school-to-work state and federal grant program applicants will be required to adhere to all federal and state procurement laws and any other procurement procedures established by the division, in order to ensure that grant funds are expended in accordance with state law.

[6-30-98; Recompiled 10/01/01]

2.110.6.19 GRANTEE SANCTIONS:

- A. If a grantee materially fails to comply with the terms and conditions of an award, whether stated in a federal statute, regulation, assurance, application or notice of award, the division director, may in addition to imposing any specific conditions upon the award, take one or more of the following actions:
 - (1) temporarily withhold cash payments pending correction of the deficiency by the recipient, or the division may enforce more severe penalties;
 - (2) deny both use of funds and any applicable matching credit for all or part of the cost of the activity or action not in compliance;
 - (3) wholly or partly suspend or terminate the current award;
 - (4) withhold further awards for the project or program;
 - (5) take other remedies that may be legally available.
 - B. In taking an enforcement action, the division director shall provide the grantee with notice and an opportunity for hearing as allowed under the Act, and 34 CFR Parts 74 through 80.
- [6-30-98; Recompiled 10/01/01]

2.110.6.20 COUNCIL AUTHORITY: The council may at any time waive or adjust any state imposed regulation relative to the school-to-work system selection and administration as long as the waiver or adjustment does not penalize any other applicant or violate either state or federal law, or the requirements of the federal school-to-work grant to the state.
[6-30-98; Recompiled 10/01/01]

HISTORY OF 2.110.6 NMAC: [RESERVED]