

6A:17-3.2 Definitions

The following words and terms, when used in this subchapter, will have the following meanings unless the context clearly indicates otherwise:

“District of residence” means the district in which the parent or guardian with whom the student lived prior to placement in a State facility currently resides pursuant to N.J.S.A. 18A:7B-12.

“State agency” means the New Jersey Department of Human Services, the New Jersey Department of Corrections or the New Jersey Juvenile Justice Commission as identified in N.J.S.A. 18A:7B-1.

“State facility” means residential and day programs operated by or contracted with the Department of Human Services, the Department of Corrections or the Juvenile Justice Commission.

6A:17-3.3 Educational program objectives and requirements

(a) Each State agency shall develop educational programs to complement the primary mission of that State agency and provide educational opportunities that meet the identified needs of students in each State facility. These programs shall be delivered through traditional or individualized education strategies. Individualized programs, which allow high school credit to be awarded through alternative learning experiences, shall be provided in accordance with program completion authorized in N.J.A.C. 6A:8-5.1(a)1ii.

(b) Each State agency shall utilize the following program objectives for achieving the legislative goal as stated in N.J.S.A. 18A:7B-1 et seq., of providing a thorough and efficient education and as the framework for developing educational experiences which meet the specialized needs of all students in each State facility under the State agency’s jurisdiction. The educational programs as provided for under the State Facilities Education Act shall:

1. Provide instruction in the Core Curriculum Content Standards and assist students in working toward fulfilling the high school graduation requirements contained in N.J.A.C. 6A:8-5.1; and

2. Provide relevant job training and enhance occupational competencies through vocational education programs where appropriate, pursuant to N.J.A.C. 6A:19.

(c) Attendance in educational programs is compulsory for all students, except for a student aged 16 or above who may explicitly waive this right. For a student between the ages 16 and 18, a waiver is not effective unless accompanied by consent from a student’s parent or guardian. Such a waiver may be revoked at any time by the former student.

(d) All education programs, with the exception of home instruction pursuant to N.J.A.C. 6A:16-9.1, shall be available

at least four hours per day, five days a week, 220 days each year.

(e) The actual number of days a student must attend the educational program shall be determined by the individualized program plan under program completion pursuant to N.J.A.C. 6A:8-5.1(a)1ii and the individualized education program for students with educational disabilities in accordance with N.J.A.C. 6A:14-3.7.

(f) Each State agency shall ensure that home instruction is provided pursuant to N.J.A.C. 6A:16-9.1.

(g) Each State agency shall ensure that activities are not scheduled that conflict with educational programs.

(h) Each State agency shall ensure that students are not excused from attending educational programs except for reasons of illness, religious observance, court appearance or other compelling personal circumstances.

(i) Each State agency shall ensure that all students in that agency’s State facilities shall comply with all rules established by the facility pursuant to N.J.S.A. 18A:37-1 and 18A:37-2.

(j) Each State agency shall establish procedures for continued education in a different setting in cases where a student is guilty of ongoing defiance of the rules, and the student’s continued participation in the program is disruptive to the ongoing educational process.

(k) For a student in a State facility who has an identifiable district of residence as defined by N.J.S.A. 18A:7B-12, the district board of education shall grant a State endorsed diploma in accordance with N.J.A.C. 6A:8-5.1 and 6A:14-4.12.

(l) For a student in a State facility who does not have an identifiable district of residence as defined by N.J.S.A. 18A:7B-12, the applicable State agency must certify that the student has successfully completed all graduation requirements contained in N.J.A.C. 6A:8-5.1 in order that the Commissioner of Education may issue a State endorsed diploma.

Amended by R.2005 d.257, effective August 1, 2005.

See: 37 N.J.R. 848(a), 37 N.J.R. 2864(a).

In (b)2, substituted “6A:19” for “6:43”.

6A:17-3.4 Students with educational disabilities

(a) Each State agency shall ensure that all students with educational disabilities in that State agency’s State facilities are provided a free and appropriate public education as set forth under the Individuals with Disabilities Education Act (P.L. 101-476, as amended by P.L. 102-119) and provide special education and related services as stipulated in the individualized education plan (IEP) in accordance with the rules governing special education at N.J.A.C. 6A:14.

1. The class size of special education programs serving solely students with educational disabilities shall be in accordance with N.J.A.C. 6A:14-4.

Amended by R.2005 d.257, effective August 1, 2005.
See: 37 N.J.R. 848(a), 37 N.J.R. 2864(a).
In (a), substituted "6A:26" for "6:22".

6A:17-3.7 Student records and reports

(a) When a student is placed in a State facility, the identified district of residence shall provide the State facility with the student's educational records, district graduation requirements, attendance standards and the name of a contact person within 10 days of notification of admission.

(b) Each State agency shall maintain student records in accordance with N.J.A.C. 6:3-2. All educational records shall be kept in files separate from court and other non-educational records required to be safeguarded from public inspection pursuant to N.J.S.A. 2A:4-65.

(c) Each State agency shall ensure that the district of residence is to be notified of their students' progress toward meeting local and State high school graduation requirements pursuant to N.J.A.C. 6A:8-5.1 at the marking period intervals established in the agency's school calendar.

(d) Each State agency shall ensure the transfer of educational records and a final progress report for all students exiting a State facility to the district of residence within 10 days, in order to ensure full and appropriate credit for work completed. The report shall include a designated contact person and the following information which is necessary to formulate an appropriate educational program and ensure that credit for work completed is granted:

1. Statewide assessment and diagnostic findings;
2. Credit earned towards high school graduation requirements pursuant to N.J.A.C. 6A:8-5.1;
3. Grade level equivalent;
4. Vocational training experience;
5. Individualized Program Plan (IPP) pursuant to N.J.A.C. 6A:16-8.2; and
6. Individualized Education Program (IEP) for students with educational disabilities pursuant to N.J.A.C. 6A:14-3.7.

6A:17-3.8 Approval process for funding

(a) The approval and funding of educational programs shall be in accordance with N.J.S.A. 18A:7B-2 of the State Facilities Education Act of 1979, as amended by the Comprehensive Educational Improvement and Financing Act of 1996, N.J.S.A. 18A:7F-1 et seq.

(b) Each State agency shall submit annually to the Department of Education, the resident enrollment of students in that agency's State facility education programs on the last school day prior to October 16 of the prebudget year.

6A:17-3.5 Staffing and class size

(a) Each State agency, either independently or through contractual agreements, shall employ the educational personnel required to ensure the provision of programs and services pursuant to this subchapter.

(b) The Office of Education in each State agency shall, with the approval of the Department of Education, ensure that all educational personnel possess the appropriate certification endorsement issued by the State Board of Examiners pursuant to N.J.S.A. 18A:6-38.

(c) Each State agency shall maintain the certification for all educational staff on file at the respective Office of Education and at the appropriate program site.

(d) The Office of Education in each State agency shall prepare and submit a plan for the required professional development for all teachers and educational services personnel employed by that State agency consistent with the requirements of N.J.A.C. 6A:9-15 and 16.

(e) Each State agency shall ensure the provision of classes for general education students that shall not exceed 12 students.

1. A State agency may request exceptions to this requirement as part of the annual approval process required by N.J.A.C. 6A:17-3.8(c).

2. The Department of Education shall grant exceptions on a case-by-case basis using the following criteria:

- i. The requested exception justifies the need for an alternate program structure;
- ii. The requested exception demonstrates that the specialized needs of the students served will continue to be met; and
- iii. The requested exception insures the necessary supervision, security, and safety of the students served.

Amended by R.2005 d.257, effective August 1, 2005.
See: 37 N.J.R. 848(a), 37 N.J.R. 2864(a).

In (d), substituted "6A:9-15 and 16" for "6:11-13".

6A:17-3.6 Facilities

(a) Each State agency shall ensure that all buildings and facilities used for educational programs comply with the provisions of N.J.A.C. 6A:26, where applicable.

(b) Each State agency shall ensure that all educational programs are provided in locations separate from sleeping areas, except where appropriate for instructional or medical reasons.

(g) The teacher or other assigned school personnel shall have total responsibility for the student's on-the-job placement to ensure that employment is appropriate to the student's skills, abilities and career goals. The site assignment shall constitute a training and learning situation, be free of student exploitation and comply with applicable safety and health standards.

(h) Transportation of the student to and from the cooperative education training site shall be the responsibility of the student, unless otherwise required under the terms of N.J.A.C. 6A:14.

(i) Students under 18 years of age shall not drive as part of their job responsibility pursuant to the Federal Fair Labor Standards Act, Hazardous Order No. #2 (29 C.F.R. Subpart C of Part 570). If a licensed (driver) student, 18 years of age or older, drives on an incidental basis only as part of the job responsibility, insurance shall be provided by the employer.

(j) The teacher or other personnel designated by the local education agency (LEA) shall develop training sites with the following provisions:

1. Training site development and student placement shall be the responsibility of the teacher or other appropriately licensed school personnel assigned by the LEA; and

2. All training sites at which students are employed in structured learning experiences sponsored by the LEA shall be registered with the Department of Education.

(k) The teacher, in conjunction with the employer, shall determine the student's continuation, termination or change in job assignment. An alternate plan shall be developed by the teacher, employer and student for use when any cooperative vocational education student is temporarily unemployed.

(l) Assignments of students shall include assurances that:

1. Training site selection provides opportunity for a progressive structural training environment;

2. A training agreement has been developed prior to the commencement of the SLE, and has been signed by the employer, the teacher, the student and the parent/guardian or, in cases where students are 18 years of age or older (unless prohibited by existing law), the student;

3. The training of all students shall be developed with a training plan that identifies training site experiences, program objectives, individual responsibilities and measurable outcomes; and

4. The related vocational instruction and the regularly scheduled part-time paid employment are planned and supervised by a teacher who holds the appropriate teaching license or endorsement;

5. When the student is employed in a hazardous occupation governed by State and Federal exemptions to the child labor laws, such work shall be intermittent and for short periods of time, and under the direct and close supervision of a qualified and experienced person at the training site;

6. Minors at least 16 years of age may be employed in restaurants, but not in the preparation, sale or serving of alcoholic beverages; and

7. Minors at least 16 years of age may be employed in video stores, but not in the viewing, handling, sale or rental of adult-rated videos.

(m) Students in cooperative vocational-technical education programs may not be employed in any occupation or use any tool prohibited pursuant to N.J.S.A. 34:2-21.17, Prohibited employments for minors, and N.J.A.C. 12:58-3, Occupations Prohibited to Minors Under 16 Years of Age, and 12:58-4, Occupations Prohibited to Minors Under 18 Years of Age.

New Rule, R.1990 d.451, effective September 4, 1990.

See: 22 N.J.R. 1705(a), 22 N.J.R. 2694(a).

Amended by R.1999 d.51, effective February 16, 1999.

See: 30 N.J.R. 3623(a), 31 N.J.R. 537(a).

Amended by R.2001 d.473, effective December 17, 2001.

See: 33 N.J.R. 2770(a), 33 N.J.R. 3280(a), 33 N.J.R. 4319(a).

Rewrote the section.

6A:19-6.7 Special educational programs and services

(a) Vocational-technical education for academically or economically limited students or students with disabilities shall include special educational programs and services designed to enable them to achieve the vocational-technical education program's objectives. Vocational-technical education for students with disabilities shall be provided in accordance with the student's Individualized Education Program (IEP). Pursuant to N.J.A.C. 6A:14-4.7, vocational personnel from the receiving district shall be included in the IEP team.

(b) Funds available for vocational-technical education for academically or economically limited students or for students with disabilities may not be used to provide food, lodging, medical and dental services unless directly related to the provision of vocational instruction. However, the State Board of Education or district board of education conducting vocational programs shall encourage the provision of such services through arrangements with other agencies.

(c) When certain academically or economically limited students or students with disabilities cannot benefit from regular vocational-technical education programs to any extent, even with the provisions of supplementary special educational services, then they shall be provided with special programs of vocational instruction which meet the standards and requirements of regular vocational-technical education programs and which in addition, include such special in-

structional devices and techniques and such supplementary special educational services as are necessary to enable those students to achieve their career objectives.

(d) Vocational-technical education programs and services for academically or economically limited students or students with disabilities shall be planned, developed, established and administered by the State Board of Education and district boards of education in cooperation with other public or private agencies, organizations and institutions having responsibility for the education of academically or economically limited students or individuals with disabilities in the area or community served by such programs or services. They may include community agencies, vocational rehabilitation agencies, special education divisions or offices of State agencies and district boards of education, and other agencies, organizations and public or private institutions concerned with the problems of academically or economically limited individuals or individuals with disabilities.

Amended by R.1990 d.451, effective September 4, 1990.
See: 22 N.J.R. 1705(a), 22 N.J.R. 2694(a).

Recodified from N.J.A.C. 6:43-4.1; phrase "economically or academically limited" added.

Amended by R.2001 d.473, effective December 17, 2001.

See: 33 N.J.R. 2770(a), 33 N.J.R. 3280(a), 33 N.J.R. 4319(a).

Rewrote the section.

6A:19-6.8 Content standards for vocational instruction

(a) The content of vocational-technical instruction shall be developed and conducted in accordance with the following standards to assure soundness and quality:

1. The program of instruction shall reflect contemporary industry-endorsed skill standards and knowledge required to master the occupational competencies.
2. The program of instruction shall be developed and conducted in consultation with employers and other individuals or groups of individuals (such as local advisory committees) having skills in and substantive knowledge of the occupations or the occupational programs included in the instruction.
3. The program of instruction shall be sufficiently extensive in duration and intensive within a scheduled unit of time to enable the student to master the occupational competencies.
4. The program of instruction shall combine and coordinate classroom instruction with field, shop, laboratory, structured learning experience, apprenticeship, or other experiences which are appropriate to the competencies of the career clusters; and
5. The program of instruction shall be supervised, directed or coordinated by persons meeting teacher preparation and licensing requirements in N.J.A.C. 6:11, Professional Licensure and Standards, when the program is offered at the secondary level.

Amended by R.1990 d.451, effective September 4, 1990.

See: 22 N.J.R. 1705(a), 22 N.J.R. 2694(a).

Recodified from N.J.A.C. 6:43-2.7; reorganized and made editorial changes.

Amended by R.2001 d.473, effective December 17, 2001.

See: 33 N.J.R. 2770(a), 33 N.J.R. 3280(a), 33 N.J.R. 4319(a).

Rewrote the section.

6A:19-6.9 Occupational competencies and tests

(a) The Commissioner, after consultation with industry, with the Council of County Vocational Schools and with other stakeholders, shall identify industry-endorsed standards for occupations in the 16 career clusters recognized by the U.S. Department of Education, identified at N.J.A.C. 6A:19-6.5.

(b) All vocational-technical education concentrators shall take the appropriate employer-endorsed, industry skill examinations, where they exist, or other such examinations as identified by the Department, upon completion of their program of studies.

New Rule. R. 1990 d.451, effective September 4, 1990.

See: 22 N.J.R. 1705(a), 22 N.J.R. 2694(a).

Amended by R.1999 d.51, effective February 16, 1999.

See: 30 N.J.R. 3623(a), 31 N.J.R. 537(a).

In (d)2iii, substituted a reference to the Department of Education for a reference to the Division of Vocational Education.

Amended by R.2001 d.473, effective December 17, 2001.

See: 33 N.J.R. 2770(a), 33 N.J.R. 3280(a), 33 N.J.R. 4319(a).

Rewrote the section.

Case Notes

Evaluation system of vocational schools nursing program was reasonable; dismissal of student proper. *Thaxton v. Board of Education of Camden County Vocational School District*, 93 N.J.A.R.2d (EDU) 584.

6A:19-6.10 Vocational student organizations

(a) The program of instruction may include activities of vocational student organizations (VSO) which are an integral part of the vocational-technical instruction offered.

(b) Payment of State and national dues shall be a requirement for membership in a New Jersey or national vocational student organization.

(c) Membership in the appropriate VSO and adherence to published deadlines shall be required for participation at State and national vocational student organization competitive events. The State advisor of each vocational student organization shall publish deadlines by September 15 of each school year in accordance with planned State and national activities.

(d) The operation of a VSO shall be in accordance with the organization's State and national constitution, bylaws, published rules and regulations.

(e) The local chapter advisor shall be responsible for the operation of the local chapter activities and for meeting membership and other eligibility requirements for State and national vocational student organization activities.