

**CHAPTER 43**

**VOCATIONAL AND TECHNICAL EDUCATION PROGRAMS AND STANDARDS**

**Authority**

N.J.S.A. 18A:1-1, 18A:4-10, 18A:4-15, 18A:4-16, 18A:4-24, 18A:4-25, 18A:7A-1 et seq., 18A:54-1 et seq., 34:2-21 et seq., 29 C.F.R. Subpart C of Part 570, P.L. 1989 c.295, P.L. 97-300 and P.L. 98-524.

**Source and Effective Date**

R.1997 d.57, effective January 9, 1997.  
See: 28 N.J.R. 4696(a), 29 N.J.R. 423(a).

**Executive Order No. 66(1978) Expiration Date**

Chapter 43, Vocational and Technical Education Programs and Standards, expires on January 9, 1999.

**Chapter Historical Note**

Chapter 43, Program Services, was originally filed and became effective prior to September 1, 1969. Pursuant to Executive Order No. 66(1978), Chapter 43, Vocational and Technical Education Programs and Standards, was readopted as R.1990 d.451, effective August 10, 1990. See: 22 N.J.R. 1705(a), 22 N.J.R. 2694(a). As part of R.1990 d.451, effective September 4, 1990, Subchapter 1, Definitions; Subchapter 7, Job Placement Standards; and Subchapter 8, Vocational Education Program and Course Approval, were adopted as new rules. Existing Subchapters 1 through 5 were recodified as Subchapters 2 through 6, respectively.

Pursuant to Executive Order No. 22(1994), the expiration date of Chapter 43, Vocational and Technical Education Programs and Standards, was extended from August 10, 1995 to February 10, 1997. See: 26 N.J.R. 3783(a), 26 N.J.R. 3942(a).

Pursuant to Executive Order No. 66(1978), Chapter 43, Vocational and Technical Education Programs and Standards, was readopted as R.1997 d.57, effective January 9, 1997. See: Source and Effective Date.

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**SUBCHAPTER 1. DEFINITIONS**

**6:43-1.1 Scope and purpose**

This chapter specifies standards and procedures regarding vocational and technical education programs, specifically in

the areas of: instruction; contracting between district boards of education; programs and services for handicapped pupils and for pupils whose achievement in vocational education programs is limited because of temporary academic or economic factors; private nonprofit school pupil participation; an accountability system including competencies, testing and job placement standards; improved planning; and program and course approval. To assure standards and procedures, the Commissioner of Education and the State Board of Education have developed these rules in conformity with relevant Federal and State statutes concerning public education, vocational education, county vocational schools, child labor, private industry councils and the State Employment and Training Commission.

Amended by R.1991 d.404, effective August 5, 1991.  
See: 23 N.J.R. 1246(a), 23 N.J.R. 2331(c).

Corrected title, formerly Commission on Employment and Training.

### 6:43-1.2 Words and phrases defined

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

“Academically or economically limited pupil” means a pupil (other than a handicapped pupil) who, because of economic or academic reasons, requires temporary special services and assistance in order to succeed in vocational education programs, including:

1. Pupils who are members of economically limited families;
2. Migrants;
3. Pupils who have limited English proficiency; and
4. Pupils who are dropouts from, or who are identified as potential dropouts from, secondary schools.

“Act” means the Carl D. Perkins Vocational and Applied Technology Education Act, P.L. 101-392.

“Agriculture/agribusiness education” means a program of instruction that provides pupils with the skills and knowledge for entry level employment in horticulture, production agriculture, agribusiness, agricultural processing, agricultural mechanics, natural resources and small animal care occupations.

“Alternate plan” means an educational plan prepared by the district board of education responsible for the pupil, and shall include educational activities in replacement of the on-the-job training portion of cooperative vocational education during a temporary period of unemployment.

“A temporary period of unemployment” is a period of time that will not exceed 20 school days.

“Apprentice” means an employee of legal working age who meets the qualifications established by the apprentice sponsor and who is employed under a written agreement which provides that related training and on-the-job experience received be in accordance with approved standards of apprenticeship.

“Business education” means a program of instruction that provides pupils with the skills and knowledge needed for entry level employment in a business career and the basic business skills and knowledge needed by all individuals in order to function effectively in society.

“Career orientation education” means programs such as employment orientation, industrial arts/technology education and other programs which assist students to clarify career goals, explore career possibilities, develop employability skills and make the transition between school and work. Emphasis is on awareness of self, careers, technology, problem solving, consumerism and preparation for appropriate career and education-related decision making.

“Commissioner” means the Commissioner, New Jersey State Department of Education.

“Cooperative vocational education program” means a method of instruction by which pupils, through a written training agreement between the school and employers, receive on-the-job training and related vocational instruction, by the alternation of related classroom instruction with regularly scheduled part-time paid employment in an approved occupational field.

“Course” means an organization of subject matter and related learning experiences designed to meet a vocational objective provided for the instruction of pupils on a systematic basis, usually for a predetermined period of time.

“Handicapped individual” means a pupil who requires special education and related services and who cannot succeed in the regular vocational education program without special educational assistance.

“Health occupations education” means a program of instruction that provides pupils with the skills and knowledge needed for entry level employment in the health care industry, including skill development in direct patient care, health maintenance and supportive service occupations.

“Home economics and consumer education” means a program of instruction that provides pupils with the skills and knowledge needed for the unpaid occupation of home-making and skills and knowledge needed for entry level paid employment in home economics-related occupations.

“Marketing education” means a program of instruction that provides pupils with the skills and knowledge needed for entry level employment in management, merchandising and marketing of goods and services.

“Occupational competencies” means the essential elements of vocational programs, the knowledge and skills pupils must master for specific entry level jobs in the fields of their choice.

“Postsecondary educational institution” means an institution legally authorized to provide postsecondary education within the State.

“Private industry council” means the council established under the Job Training Partnership Act (P.L. 97-300) to provide policy guidance for, and exercise oversight with respect to, all employment and training programs within its labor market area in partnership with units of local government. The private industry council includes representatives of private sector businesses, educational agencies, organized labor, rehabilitation agencies, community-based organizations, economic development agencies and the public employment service.

“Private vocational school” means a business enterprise operated either for profit or not-for-profit which maintains a place of business within the State of New Jersey and which:

1. Solicits pupils from the general public;
2. Charges tuition and/or other fees;
3. Offers instruction to a group or groups of four or more pupils at one time; and
4. Offers preparatory instruction to pupils for entry level employment or for upgrading in a specific occupational field. The occupational fields include those listed in the Classification of Instructional Programs (C.I.P.) requiring less than a baccalaureate degree. This document is available from the United States Department of Education, Office of Educational Research and Improvement, Center for Educational Statistics, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

“Program improvement plan” means a written document covering a two-year period describing how the district will mobilize resources and act to overcome program deficiencies which have resulted in below minimum job placement rates.

“Related instruction” means one or more courses in a school in which the cooperative vocational education pupil acquires concepts, competencies, understanding, and attitudes appropriate to training station assignments, occupational program areas and career objectives.

“Review panel” means the Vocational Education Program Review Panel established by the Commissioner of Education to assess the State’s needs for new programs based upon labor market demand, advise on the continuation of programs, review job placement standards, and provide recommendations for the State Plan.

“State Council” means the New Jersey Council on Vocational Education established in accordance with the Carl D. Perkins Vocational and Applied Technology Education Act, P.L. 101-392.

“State Employment and Training Commission” means the State commission established under P.L.1989, c.295 to develop and assist in the implementation of a State employment and training policy with the goal of creating a coherent, integrated system of employment and training programs and services which, in concert with the efforts of the private sector, will provide each citizen of the State with equal access to the learning opportunities needed to attain and maintain high levels of productivity and earning power.

“State Plan” means the State Plan for Vocational Education.

“Technical education” means a program of instruction that provides pupils with the skills and knowledge needed for entry level employment and/or entry into post-high

school education programs which require relatively complex and detailed information, considerable proficiency in college preparatory mathematics and the extensive application of laboratory physical science.

“Technology education” means a comprehensive action-based educational program concerned with the evolution, utilization, and significance of technology and its impact on industry, including its organization, personnel, systems, techniques, resources, products, and sociocultural aspects. Technology education emphasizes career and self-awareness, consumer knowledge, consequences of technology, creative problem-solving techniques, understanding of technical systems, application of science, mathematics and computers, activity oriented experiences in technology, and an interdisciplinary approach to education.

“Trade and industrial education” means a program of instruction that provides pupils with the skills and knowledge needed for entry level employment in a specific trade or service occupation.

“Unemployed individual” means a vocational pupil who is not working.

“Vocational/career guidance and counseling” means those programs which pertain to the body of subject matter and related techniques and methods organized for the development in individuals of career awareness, career planning, career decision making, placement skills, and knowledge and understanding of local, State and national occupational, educational, and labor market needs, trends, and opportunities which assist them in making and implementing informed educational and occupational choices.

“Vocational education” means organized educational programs offering a sequence of courses which are directly related to the preparation of individuals for paid or unpaid employment in current or emerging occupations in such fields as agriculture/agribusiness, business occupations, health occupations, home economics, marketing occupations, technical occupations, and trade and industrial occupations or for additional preparation for a career in such fields and in other occupations requiring less than a baccalaureate or advanced degree. Vocational education programs include competency-based applied learning which contributes to a pupil’s academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, and the occupationally-specific skills necessary for economic independence as a productive and contributing member of society. Vocational student organization activities are an integral part of the programs.

“Vocational pupil” means that pupil enrolled in a sequence of vocational education courses leading to certification of competencies for occupational placement.

“Vocational student organizations” means those organizations for pupils enrolled in vocational education programs

and industrial arts/technology education programs which engage in activities as integral parts of the appropriate instructional programs. Such organizations may have State and national units which complement the development of leadership and career-related competencies in vocational education at the local level.

Amended by R.1991 d.404, effective August 5, 1991.

See: 23 N.J.R. 1246(a), 23 N.J.R. 2331(c).

Amendments pursuant to Federal law P.L. 101-392 and the State Quality Education Act (P.L.1990 c. 52).

## SUBCHAPTER 2. VOCATIONAL AND TECHNICAL EDUCATION

### 6:43-2.1 Vocational and technical education programs

(a) Any vocational and technical education program of less than college grade shall be conducted within the framework of a State Plan for Vocational Education approved by the State Board of Education and accepted by the United States Department of Education.

(b) The balance of vocational funds, which is matched with State funds and is available at the close of the school year, shall only be expended for support in the particular field for which such funds were originally appropriated.

(c) State and Federal funds for activities in any program of vocational education included in N.J.S.A. 18A:54 shall be withheld from local school districts when it appears to the satisfaction of the Commissioner that any of the following conditions exist:

1. The approved courses of study are not carried out;
2. There is exploitation of pupils participating in cooperative vocational education programs, or pupils in cooperative vocational education programs are illegally employed or employed under conditions which do not safeguard the pupils;
3. Teachers are not properly certificated for the subject they are teaching;
4. The program is not operated in conformity with the current State Plan for Vocational Education which has been adopted by the State Board of Education.

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. 6:43-1.1; editorial changes.

#### Case Notes

Statute having effect of excluding only particular city from county taxes to support county vocational school violated prohibition on special legislation. *Town of Secaucus v. Hudson County Bd. of Taxation*, 133 N.J. 482, 628 A.2d 288 (1993), certiorari denied 114 S.Ct. 1050, 510 U.S. 1110, 127 L.Ed.2d 372.

### 6:43-2.2 General program requirements

(a) The proceeds from the sale or resale of any articles, materials or services produced in the various classes and shops maintained under a vocational program of any district shall be accounted for and credited to the vocational account of that district.

(b) The board of education shall keep separate accounts of all local, State and Federal funds used for vocational education.

(c) No application for State or Federal aid shall be approved until the annual financial and statistical reports on activities in any program of vocational education have been filed with the Commissioner.

(d) No application for State or Federal aid shall be approved unless the adequacy and suitability of the equipment for carrying out the courses of study in any program of vocational education has been approved by the Commissioner.

(e) It shall be the duty of every district board of education maintaining courses in any program of vocational education to provide all equipment, mechanical and electrical, now in service or which may hereafter be placed in service in such courses, with guards or other protective devices which shall meet the safety standards specified in N.J.A.C. 6:53.

(f) The terms "vocational," "technical," or "apprentice" shall not be applied to any schools or classes unless they shall meet the requirements included in the current approved State Plan for Vocational Education and are approved by the State Board of Education.

(g) District boards of education shall not establish or conduct any courses included in the State Plan for Vocational Education unless such courses conform to the requirements included in the current approved State Plan for Vocational Education and are approved by the State Board of Education.

(h) In any school district in which there is a plan of cooperation whereby the pupils spend part time in school and part time in employment, the district board of education shall submit for the approval of the Commissioner plans for protecting the pupils from illegal employment and exploitation. Pupils participating in these cooperative vocational education programs shall receive wages commensurate with wages paid to other employees for similar work, and shall be protected by provisions of the Workers' Compensation Act and any other acts of the State pertaining to such training and employment.

(i) School districts in which shared-time and full-time vocational education classes are in operation shall maintain an approved medical inspection service for applicants for admission to such schools and classes.

(j) It shall be the duty of the medical inspector to report immediately to the principal of any school in the district on any pupil whose physical condition may affect the pupil's safety or health while enrolled in vocational education, or which may prevent the pupil from obtaining regular employment.

(k) All full-time pupils in approved vocational and technical education programs shall be entitled to State aid as prescribed by law or rule of the State Board of Education. This rule clarifies the status of practical nurse pupils and other older pupils who are enrolled full-time in day school vocational and technical education programs.

As amended, R.1977 d.278, effective August 3, 1977.  
See: 8 N.J.R. 455(b), 9 N.J.R. 417(a).  
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. 6:43-1.2; stylistic and editorial changes.

**6:43-2.3 Schools designated as other than full-time day schools**

(a) When any school established as other than a full-time day school meets the criteria in (b) below, it will be eligible for State aid pursuant to N.J.S.A. 18A:54-9 and 18A:54-32.

(b) Schools established as other than full-time day schools shall meet the following criteria:

1. The school shall be designated by the district board of education as an entity separate and distinct from any and all other schools within the district.
2. The school shall have a curriculum approved by the district board of education and the county superintendent of schools for each program offered. Each program shall have as its objective the preparation of shared-time secondary pupils or adults for gainful employment.
3. The school shall maintain a separate register. The school may use either the Department of Education's New Jersey School Register or the New Jersey Adult High School Register format.
4. The building(s) shall be approved by the New Jersey State Department of Education, Bureau of Facility Planning Services. When the district board of education has designated a facility other than a school building approvable by the Bureau of Facility Planning Services, the county superintendent of schools shall approve the off-site facility for training in accordance with N.J.A.C. 6:22-3.1.
5. Each school shall have the services of a certificated supervisor or administrator who shall be present while the school is in session.
6. The program(s) shall provide for the preparation of individuals for gainful employment requiring other than a baccalaureate or advanced degree.

7. Buildings approved as either full-time or shared-time day schools shall not be subdivided within the same time frame for funding purposes.

8. The laboratory portion of an existing instructional program housed apart from the basic program shall not be designated as a separate school.

New Rule, R.1986 d.119, effective April 7, 1986.  
See: 17 N.J.R. 2940(a), 18 N.J.R. 644(a).  
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. 6:43-1.3; editorial changes making language more regulatory in nature.

**6:43-2.4 (Reserved)**

Recodified by R.1990 d.451, effective September 4, 1990.  
See: 22 N.J.R. 1705(a), 22 N.J.R. 2694(a).  
Recodified to N.J.A.C. 6:43-3.4.

**6:43-2.5 (Reserved)**

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

SUBCHAPTER 3. VOCATIONAL INSTRUCTION

**6:43-3.1 Arrangements for instruction**

(a) Vocational instruction shall be provided either under public supervision and control meeting the criteria below, or under contract with the State Board of Education or a district board of education.

(b) To be under "public supervision and control," a school or class shall meet the following criteria:

1. It is organized and operated under the direction of the State Board of Education or a district board of education responsible for expenditure of public school funds for vocational education in the State;
2. Staff of the Department of Education or a district board of education responsible for vocational education have full charge of:
  - i. Employing and supervising teachers;
  - ii. Determining whether pupils qualify for admission to classes; and
  - iii. Determining content and organization of courses and curricula; and
3. Vocational instruction shall be designed to: prepare individuals for paid or unpaid employment, as semi-skilled or skilled workers or technicians or semiprofessionals in recognized occupations and in new or emerging occupations; prepare individuals for enrollment in advanced or highly skilled vocational and technical education programs; assist individuals in the making of in-

formed and meaningful occupational choices; or achieve any combination of the above objectives.

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. 6:43-2.1; titles of agencies changed.

### 6:43-3.2 Vocational education for paid or unpaid employment

(a) Vocational education for paid or unpaid employment includes:

1. Instruction related to paid or unpaid employment in the occupation or occupations for which the pupils are being trained;
2. Classroom related academic and technical instruction, field, shop, laboratory, cooperative vocational education, apprenticeship or other occupational experiences;
3. Instruction provided for entry level employment or instruction designed to upgrade or update workers in occupational skills and knowledge in order to enhance stability or upward mobility in employment; and
4. Remedial or other instruction designed to correct educational deficiencies or handicaps which prevent pupils from benefiting from instruction designed to teach competencies in occupations.

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. 6:43-2.2; (a)1. and 2. deleted and replaced by 1.-4.

### 6:43-3.3 Advanced, skilled vocational and technical education

(a) Vocational instruction shall be primarily designed to prepare individuals for employment in a specific occupation. It may also prepare individuals for enrollment in advanced or highly skilled postsecondary vocational and/or technical education programs.

(b) An approved secondary technical education program includes three years of college preparatory mathematics, two one-year laboratory science courses and a technical laboratory course which is conducted a minimum of 400 minutes per week for a period of not less than two years.

(c) An approved secondary trade and industrial education program is conducted a minimum of 600 minutes per week for three consecutive instructional periods per day and includes:

1. A minimum of 200 minutes of trade and industrial related instruction, including scientific principles and practices applicable to the occupation; and
2. 400 minutes of competency-based applied occupational training.

Amended by R.1990 d.451, effective September 4, 1990.  
See: 22 N.J.R. 1412(a), 22 N.J.R. 2683(b).

Recodified from N.J.A.C. 6:43-2.3; (b) deleted and replaced.  
Amended by R.1991 d.404, effective August 5, 1991.  
See: 23 N.J.R. 1246(a), 23 N.J.R. 2331(c).

Establish minimum standards for an approved secondary trade and industrial education program.

#### Case Notes

Individual who had never taught printing or graphic arts was entitled by virtue of seniority to assert a claim to a teaching schedule with printing. *Ackerman v. Hackensack Board of Education*, 95 N.J.A.R.2d (EDU) 149.

### 6:43-3.4 Career orientation and technology education programs

Career orientation and technology education shall include instruction designed to familiarize individuals with the broad range of occupations for which special skills are required and the requisites for careers in such occupations, including employability skills.

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. 6:43-2.4; (b) deleted and replaced.

### 6:43-3.5 Cooperative vocational education programs

(a) Cooperative vocational education programs recognized by the U.S. Department of Education and by the State Board of Education may be offered in the following areas:

1. Agriculture/agribusiness education;
2. Business education;
3. Health occupations education;
4. Home economics related occupations education;
5. Marketing education; and
6. Trade and industrial education.

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

### 6:43-3.6 Related training standards for cooperative vocational education programs

(a) Related class instruction shall develop competencies in each of the following:

1. Areas that are occupationally-general and needed by all workers;
2. Areas that are industry-specific and needed by all workers in the industry;
3. Areas that are occupationally-specific and needed by workers of a specific occupation only; and
4. Areas that are training site-specific and needed by individual pupils in their specific place of employment only.

(b) Safety instruction shall be taught by the teacher and coordinated with on-the-job training experiences.

(c) The cooperative vocational education teacher shall meet every pupil for related instruction a minimum of 200 minutes per week.

(d) A maximum of 15 credits and one final grade shall be earned in a 10-month period (September through June) for satisfactory completion of the combined on-the-job training and related instruction.

(e) Academic credit shall be awarded for no more than a two-year sequence of instruction or training for cooperative vocational education pupils.

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

**6:43-3.7 Program procedures which apply to all cooperative vocational education programs**

(a) The prospective cooperative vocational education pupil shall apply to and be interviewed by the cooperative vocational education teacher to define those occupations which are suited to the career objectives of the pupil.

(b) The pupil shall comply with rules established by the district board of education and the Department of Education.

(c) Each program shall provide on-the-job training which:

1. Conforms with Federal, State, and local laws, in a manner not resulting in the exploitation of the pupil;
2. Assures that the pupil may not displace a full-time worker;
3. Provides the pupil with training site experiences for not more than five hours per school day and that the combination of school and work does not exceed eight hours on any one day. The pupil shall not work for more than six consecutive days and the combination of hours for school instruction and employment training during this period may not exceed 40 hours per week. An average of 15 hours per week shall be worked during the approved period of the program; and
4. Provides work periods and school attendance that may be on alternate half-days, full-days, weeks, or other periods of time in fulfilling the cooperative vocational education program.

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

**6:43-3.8 Training site assignment and supervision standards which apply to all cooperative vocational education programs**

(a) The teacher shall have total responsibility for the pupil's on-the-job placement to ensure that employment is appropriate to the pupil's skills, abilities and career goals. The job assignment shall constitute a training and learning situation, be absent of pupil exploitation and comply with applicable safety standards.

(b) Transportation of the pupil to and from the cooperative vocational education training site shall be the responsibility of the pupil.

(c) Pupils under 18 years of age shall not drive as part of their job responsibility according to the Federal Fair Labor Standards Act, Hazardous Order No. 2 (29 C.F.R. Subpart C of Part 570). If a licensed (driver) pupil, 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.

(d) Specific training site identification shall be developed with the following provisions:

1. Training site development and pupil placement shall be the responsibility of the teacher;
2. Training sites at which pupils are employed in occupations identified as hazardous by either State or Federal child labor laws or standards, and for which an exemption is granted pupils, shall be registered with the Division of Vocational Education.

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

(f) Assignments of pupils shall include assurances that:

1. Training site selection provides opportunity for a progressive structured training environment;
2. Training is free of pupil exploitation and provides a safe environment for the duration of the pupil's training;
3. Exposure of the pupil to hazardous conditions shall be limited to minimum exposure with proper safeguards;
4. All pupils are employed with a training agreement signed by the employer, the teacher, the pupil and the parent/guardian or, in cases where pupils are 18 years of age or older (unless prohibited by existing law), a training agreement which may be signed by the pupil;
5. Training of all pupils shall be developed with a training plan that identifies training site experiences, program objectives, individual responsibilities and measurable outcomes; and
6. The related vocational instruction and the regularly scheduled part-time paid employment are planned and supervised by a teacher who holds the appropriate teaching endorsement.

(g) The following standards for supervision of pupils on the training site shall apply to all cooperative vocational education programs:

1. All pupils shall be provided direct and close employer supervision at the training site by qualified and trained personnel.

2. The cooperative vocational education training plan shall provide for planned supervision of the pupil by the teacher during the hours of the pupil's work experiences, to assure that the pupil is free from exploitation and pupil safety is guaranteed.

3. When the pupil 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.

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

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

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

#### 6:43-3.9 General program standards which apply to all cooperative vocational education programs

(a) A program specific advisory committee shall be established and maintained for each cooperative vocational education program offered. Advisory committee members shall represent local business, industry, labor, management, and other community agencies knowledgeable about the occupational program area.

(b) Teachers shall be appropriately certificated for the program area in which pupil placements are made.

(c) Teachers shall supervise pupils on the job for a minimum of 30 minutes every two weeks.

(d) The State Board of Education does not make provision for reimbursement to employers or to pupils for additional costs incurred for the operation of or participation in cooperative vocational education programs.

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

#### 6:43-3.10 Vocational work study programs

(a) The vocational work study program provides wages for vocational pupils between the ages of 15 and 20 who work outside of school hours for public agencies. No educational credits are awarded for participation in this program.

(b) The following eligibility requirements apply to all State sponsored vocational work study programs and employment under the work study program shall be furnished only to a pupil who:

1. Has been accepted for enrollment or is already enrolled and in full-time attendance in a vocational education program which meets the standards prescribed by the State Board of Education and the district board of education;

2. Is between the ages of 15 and 20 at the date of the commencement of employment and is capable in the opinion of the appropriate school authorities of maintaining good standing in the school program while employed under the work study program; and

3. Is handicapped or economically limited according to one or more of the following indicators:

i. The pupil is eligible for free or reduced price school lunch;

ii. The pupil is eligible for participation in programs supported under Title II of the Job Training Partnership Act, P.L. 97-300;

iii. The pupil has or is a member of a family which receives a total family income at or below the official poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget; and/or

iv. The pupil is eligible or is a member of a family which is eligible to receive Aid to Families with Dependent Children or other public welfare assistance.

(c) No pupil shall be employed during the school year for more than 15 hours in any week during which classes in which the pupil is enrolled are in session. For the purposes of this subsection, school year work study programs shall operate for a period of 10 months, from September through June.

(d) Pupils employed in summer work study programs operating during July and August may work up to eight hours in one day and up to 40 hours in one week. The total of the pupil's summer earnings shall not be limited by or have the effect of limiting compensation paid during the school year work study program.

(e) Employment under work study programs shall be for the district board of education or for some other public agency or institution, Federal, State, or local, pursuant to a written arrangement between the district board of education and such other agency or institution, and work so performed will be adequately supervised and coordinated and will not supplant present employees of such agency or institution who ordinarily perform such work. In those instances where employment under work study programs is for a Federal agency or institution, the written arrangement between the district board of education and the Federal agency or institution will state that pupils so employed are not Federal employees for any purpose.

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

**6:43-3.11 Access to vocational instruction offered**

(a) Pupils shall be permitted to enroll in programs of vocational instruction offered by district boards of education other than their resident district so long as the resident district board of education does not offer a comparable type of program and space is available for additional enrollees in the programs offered by the receiving district board of education.

(b) To the extent that space is available, each type of program of vocational instruction offered by the State Board shall be made available to all pupils residing in the State, and each program of instruction offered by a district board of education shall be made available to all pupils residing in the district or community served by the district board of education offering such instruction.

(c) Pupils shall be admitted for enrollment in classes and provided instruction on the basis of their potential for achieving the occupational or other objective of such instruction.

As amended, R.1974 d.168, effective June 27, 1974.  
See: 6 N.J.R. 261(a).  
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. 6:43-2.6; deleted rules concerning vocational program services and Standard Form for Chief Fiscal Officer.

**6:43-3.12 Content of vocational instruction**

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

1. The program of instruction shall emphasize the most contemporary skills 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 schedule unit of time to enable the pupil to master the occupational competencies.
4. The program of instruction shall:
  - i. Combine and coordinate classroom instruction with field, shop, laboratory, cooperative work, apprenticeship, or other experiences which are appropriate to the competencies of the occupation;
  - ii. Be of sufficient duration to develop occupational competencies; and
  - iii. Be supervised, directed, or coordinated by persons meeting teacher preparation and certification re-

quirements in N.J.A.C. 6:11, Teacher Preparation and Certification.

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.

**6:43-3.13 Occupational competencies and tests**

(a) The Commissioner shall establish competencies for occupations in the following major vocational education program areas:

1. Agriculture/agribusiness education;
2. Business education;
3. Health occupations education;
4. Home economics related occupations education;
5. Marketing education;
6. Technical education; and
7. Trade and industrial education.

(b) Occupational competencies shall be developed beginning November 30, 1991 and annually thereafter in accordance with the following:

1. The priority order for which competencies shall be developed for specific occupations will be determined by pupil enrollment and labor market demand factors.
2. The occupational competencies shall be developed and recommended to the Commissioner through a collaborative process which shall include:
  - i. Occupational Competency Liaison Committees, composed of representatives from business, industry, labor and education;
  - ii. Occupational Competency Industry Panels, composed of representatives from business, industry and labor;
  - iii. Occupational Competency Educators Panels, composed of outstanding educators;
  - iv. Reviews by employers throughout the State; and
  - v. Reviews by educators throughout the State.
3. Competencies for entry level occupational skills shall be developed and revised in five-year cycles or, more frequently, should an industry require standards revision.

(c) The Department of Education will disseminate occupational competencies to all secondary schools offering vocational education programs which prepare vocational pupils for entry level employment.

1. The Department of Education will provide implementation training for school district staff.

2. Schools shall have the option to select strategies and course content to teach the occupational competencies.

(d) The Commissioner shall be responsible for determining which occupational competency tests will be used for the State's assessment of vocational pupil mastery of occupational competence and shall provide boards of education with test results which may be used by districts as indicators for modifying instructional programs, as necessary.

1. Occupational competency tests shall be designed to measure performance in a fair manner Statewide, giving attention to equitable pupil rating, reliability of data, testing security and administration.

2. Occupational competency tests shall be administered by June 1, 1993 and annually thereafter according to a specific Statewide testing schedule established by the Department.

i. Tests shall be required for all vocational pupils enrolled in secondary occupational programs except that special needs pupils shall be assessed as specified in N.J.A.C. 6:43-7.2(b)4;

ii. Districts shall be instructed in using uniform standards for test administration and shall administer the tests;

iii. Districts shall certify proper administration of the tests to the Department of Education and shall contribute testing results to the State data bank, Division of Vocational Education; and

iv. The Department of Education shall provide districts with Statewide testing data analyses of pupil achievement in mastering occupational competencies, allowing comparisons of how well pupils are performing in different areas of the State.

3. Occupational competency tests shall require performance and/or written responses.

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

#### 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.

#### 6:43-3.14 Adequate facilities and material for instruction

Classrooms, libraries, shops, laboratories, and other facilities (including instructional equipment, supplies, teaching aids and other materials) shall be adequate in supply and quality to meet the occupational or other objectives of the vocational instruction offered. If the district board of education cannot provide such facilities and materials, but they are available in a business, industrial, service, or other establishment, vocational instruction may be conducted in such establishment provided that such instruction meets the standards and requirements of the Act, this chapter, the State Plan and N.J.A.C. 6:22-3.1.

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. 6:43-2.8; N.J.A.C. reference added.

#### Case Notes

Tort claim for injuries suffered by participant in high school cooperative industrial education program. *Cadmus v. Long Branch Bd. of Ed.*, 155 N.J.Super. 42, 382 A.2d 98 (Law Div.1977).

#### 6:43-3.15 Qualified teachers and supervisors

Vocational instruction shall be conducted and supervised by teachers, teacher aides, supervisors, and other supporting personnel meeting minimum academic qualifications and minimum occupational experiences as established by the State Board of Education in N.J.A.C. 6:11, Teacher Preparation and Certification.

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. 6:43-2.9.

#### 6:43-3.16 Vocational/career guidance and counseling

The program of instruction shall provide for vocational guidance and counseling personnel and services sufficient to enable the program to achieve and continue to meet its objectives, standards and requirements.

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. 6:43-2.10; stylistic changes.

#### 6:43-3.17 Vocational student organizations

(a) The program of instruction may include activities of vocational education student organizations which are an integral part of the vocational instruction offered and which are supervised by persons who are qualified as vocational education teachers or supervisors in the State.

(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 vocational student organization and adherence to published deadlines shall be requirements for participation at State and national vocational student organization competitive events. The Commissioner shall publish deadlines by September 1 of each school year in accordance with planned State and national activities.

(d) The operation of a vocational student organization 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.

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. 6:43-2.11; new (b)-(e) added.

### 6:43-3.18 Evaluation

Evaluation of the results of the program of instruction will be made periodically on the State level by the State Board of Education and the State Council on Vocational Education and continuously on the local level, with results being used for necessary change or improvement in vocational education programs through experimentation, curriculum development, training of vocational education personnel, or other means.

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. 6:43-2.12; stylistic changes.

### 6:43-3.19 Statewide data bank

(a) The Commissioner shall establish a comprehensive Statewide data bank within the Division of Vocational Education to include information collected from district boards of education and other deliverers of vocational education, employers, graduates and other State agencies. The data will include information on:

1. Enrollments;
2. Program completions;
3. Job placements;
4. Employer satisfaction with job performance of vocational school program completers;
5. Salaries;
6. Promotions;
7. Employer and business or industry training needs; and
8. Such other data as necessary to strengthen vocational education instruction and to improve pupil achievement.

(b) District boards of education shall provide such data to the Department of Education on forms provided by the Department.

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

## SUBCHAPTER 4. VOCATIONAL INSTRUCTION UNDER CONTRACT

### 6:43-4.1 Program arrangements

(a) Arrangements may be made for the provision of any portion of the program of instruction on an individual or group basis by public or nonpublic agencies or institutions

other than the State Board or district board of education through a written contract with the State Board of Education or a district board of education. Such contract shall describe the portion of instruction to be provided by such agency or institution and incorporate the standards and requirements of vocational instruction set forth in this chapter. Such a contract shall be entered into only upon a determination by the State Board of Education or district board of education of satisfactory assurance that:

1. The contract is in accordance with State or local law;
2. The instruction being sought is not offered at a comparable cost by a district board of education within reasonable proximity of the district board of education seeking the vocational instruction; and
3. The instruction to be provided under contract will be conducted as a part of the vocational education program of the State and will constitute a reasonable and prudent use of available funds.

(b) Contracts with private vocational schools may be entered into where the State Board of Education or district board of education determines that such private institutions can achieve the objectives of the State Plan, and can provide substantially equivalent training at a lesser cost, or can provide equipment or services not available in public agencies or institutions.

(c) Prior to entering into the contract the district board of education shall be responsible for determining that the private vocational school is currently approved by the Department of Education to enroll students in the subject to be taught, by contacting the Division of Vocational Education.

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. 6:43-3.1; new (c) added.

### 6:43-4.2 Tuition contracts for vocational schools

(a) To facilitate timely tuition payments, vocational school districts receiving pupils from other district boards of education shall enter into written contractual agreements for estimated tuition rates not to exceed the limitations imposed by N.J.S.A. 18A:54-23.

(b) The method of determining tuition rates shall be that as specified in N.J.A.C. 6:20-3, Tuition for Public Schools.

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

**SUBCHAPTER 5. VOCATIONAL EDUCATION  
FOR ACADEMICALLY OR  
ECONOMICALLY LIMITED OR  
HANDICAPPED PUPILS**

**6:43-5.1 Special educational programs and services**

(a) Vocational education for academically or economically limited or handicapped pupils shall include special educational programs and services designed to enable them to achieve vocational education objectives that would otherwise be beyond their reach as a result of their limitations.

(b) Funds available for vocational education for academically or economically limited or handicapped pupils 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) Insofar as possible, academically or economically limited or handicapped pupils shall be placed in regular vocational education programs to the extent that they are able to benefit, and provided only with those supplementary special educational services necessary to enable them to so benefit.

(d) If certain academically or economically limited or handicapped pupils cannot benefit from regular vocational 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 education programs and which, in addition, include such special instructional devices and techniques and such supplementary special educational services as are necessary to enable those pupils to achieve their vocational objective.

(e) Vocational education programs and services for academically or economically limited or handicapped pupils 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 or handicapped persons 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 or handicapped individuals.

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.

**SUBCHAPTER 6. PARTICIPATION OF PUPILS IN  
PRIVATE NONPROFIT SCHOOLS**

**6:43-6.1 Private nonprofit school program participation requirements**

(a) Each program and project carried out with funds allotted under the Act shall be designed to include, to the extent consistent with the number of pupils enrolled in private nonprofit schools in the geographic area served by the program or project, vocational education services which will meet the vocational education needs of such pupils.

(b) The vocational education needs of pupils enrolled in private nonprofit schools located within the geographic areas served by the program or project, the number of such pupils who will participate in the program or project, and the types of vocational education services which will be provided for them shall be determined, after consultation with persons knowledgeable of the needs of those pupils, on a basis comparable to that used in providing such vocational education services to pupils enrolled in public schools and as specified in the State Plan as adopted by the State Board of Education. Each application submitted by the district board of education to the State Board of Education shall indicate the number of pupils enrolled in private nonprofit schools who are expected to participate in each program and project proposed by such agency and the degree and manner of their expected participation.

(c) Public school personnel may be made available on other than public school premises and to the extent necessary to provide vocational education services required by the pupils for whose needs such services were designed, and only when such services are not normally provided at the private school. The State Board of Education or district board of education providing such vocational education services to pupils in private nonprofit schools shall maintain administrative control and direction over such services, and each application from a district board of education providing such services shall so provide. Vocational education services provided with Federal funds shall not include the payment of salaries of teachers or other employees of private schools, except for services performed outside their regular hours of duty and under public supervision and control, nor shall they include the use of equipment, other than mobile or portable equipment, on private school premises or the construction of private school facilities. Mobile or portable equipment may be used on private school premises for such period of time within the life of the current program or project for which the equipment is intended to be used as is necessary for the successful participation in that program or project by pupils enrolled in private schools.

(d) Any program or project to be carried out on public premises and involving joint participation by pupils enrolled in private nonprofit schools and pupils enrolled in public schools shall include such provisions as are necessary to avoid forming classes that are separated by school enrollment or religious affiliation.

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. 6:43-5.1; terms changed: "student" to "pupil" and "local education agency" to "district board of education".

## SUBCHAPTER 7. JOB PLACEMENT STANDARDS

### 6:43-7.1 Establishing job placement standards

(a) The Commissioner shall establish annual minimum job placement standards by July 1, 1992 for district boards of education whose pupils are being trained for paid occupations.

(b) Prior to establishing minimum job placement standards, the Commissioner shall seek job market placement data recommendations from the State Employment and Training Commission.

(c) The Commissioner shall notify district boards of education of annual minimum job placement standards.

Amended by R.1991 d.404, effective August 5, 1991.  
See: 23 N.J.R. 1246(a), 23 N.J.R. 2331(c).

Corrected title formerly New Jersey Commission on Employment and Training.

### 6:43-7.2 Meeting job placement standards

(a) Districts shall be responsible for meeting minimum job placement standards for vocational pupils.

(b) Vocational pupils in the following categories will be considered job placements:

1. Vocational pupils who have been placed full-time in the occupation or related field in which they were trained;
2. Vocational pupils who have passed occupational competency tests for entry level employment skills and have entered the military service;
3. Vocational pupils entering full-time postsecondary education in the program area or related field in which they were trained;
4. Special needs pupils who have met alternative assessments for occupational competencies or individualized education program (IEP) assessments established by the district board of education;
5. Vocational pupils who are employed a minimum of 20 hours per week in the occupation or related field in which they were trained and who are enrolled in postsec-

ondary education for a minimum of 12 credit hours per academic year in the program area or related field in which they were trained; and

6. Vocational pupils who are employed part-time an average of 20 hours per week or more in the occupation or related field in which they were trained.

(c) Vocational pupils not considered placements include:

1. Vocational pupils who are unemployed;
2. Vocational pupils who work fewer than 20 hours per week; and
3. Vocational pupils who are employed in an occupation or field not related to their training.

(d) All other pupils shall not be included in calculations for job placements.

(e) Beginning July 1, 1993 and annually thereafter district boards of education shall report job placement rates of vocational pupils to the Department of Education on forms provided by the Department.

### 6:43-7.3 Failure to meet minimum job placement standards

(a) If the district reports placement rates below the established job placement standards for two consecutive years, the district board of education shall be required to submit a two-year program improvement plan to overcome program deficiencies.

1. Occupational competency assessment data shall be included in the development of the program improvement plan.
2. The program improvement plan shall be submitted within 90 days following written notification by the Commissioner that such a plan is required.
3. Prior to the submission of the program improvement plan to the Commissioner, the plan shall be approved by the district board of education and submitted to the county superintendent for review and approval.
4. The county superintendent shall periodically review the progress of the district in meeting the objectives and in implementing the program improvement plan.
5. The district shall have two years following approval of the plan by the Commissioner to complete remediation and to overcome program deficiencies.

(b) In preparing the program improvement plan, the district shall review its programs based upon factors including, but not limited to, vocational pupil mastery of occupational competencies, inappropriate or inadequate training, pupil recruitment, placement deficiencies, market sensitivity and program cost effectiveness. Other indicators which might influence job placement which could be cited might include, but not be limited to, inadequate pay scales, eco-

conomic trends and fluctuations, transportation difficulties, existing and anticipated local or regional occupational supply and demand.

(c) If the district fails to implement the program improvement plan and/or fails to overcome program deficiencies for meeting minimum job placement standards, within two years of approval of the plan by the Commissioner, the county superintendent, in consultation with the Assistant Commissioner for Vocational Education and the Vocational Education Program Review Panel may recommend that the Commissioner issue an order requiring the district to show cause as to why the program should not be discontinued (see N.J.A.C. 6:24-3.1). However, the county superintendent, Assistant Commissioner for Vocational Education and the Vocational Education Program Review Panel shall also consider vocational pupil mastery of occupational competencies, pupil recruitment, placement deficiencies, market sensitivity, program cost effectiveness, inadequate pay scales, inappropriate/inadequate training, economic trends and fluctuations, transportation difficulties, existing local or regional demands and anticipated local or regional demands.

(d) Any district board of education may appeal the decision of the Commissioner as set forth in N.J.A.C. 6:24, Controversies and Disputes.

## SUBCHAPTER 8. VOCATIONAL EDUCATION PROGRAM AND COURSE APPROVAL

### 6:43-8.1 Vocational education program review panel

(a) The Commissioner shall establish and appoint a review panel to be known as the Vocational Education Program Review Panel to assess the State's needs for programs based upon local, regional and Statewide labor market supply and demand, to review requests for approval or disapproval of those programs not meeting job placement standards and to advise the Assistant Commissioner for Vocational Education of Statewide occupational supply and demand which could be used by district boards of education for planning purposes.

1. The Assistant Commissioner for Vocational Education or the Assistant Commissioner's designee shall chair the Vocational Education Program Review Panel.

2. The Vocational Education Program Review Panel shall include three representatives from business and industry and one representative from each of the following:

- i. The New Jersey Occupational Information Coordinating Committee;
- ii. The New Jersey Department of Commerce and Economic Development;
- iii. The New Jersey Department of Labor;

- iv. The New Jersey Department of Higher Education;
- v. County vocational schools;
- vi. Comprehensive high schools;
- vii. The Governor's Office of Management and Planning;
- viii. The State Employment and Training Commission; and
- ix. The New Jersey Department of Corrections.

Amended by R.1991 d.404, effective August 5, 1991.

See: 23 N.J.R. 1246(a), 23 N.J.R. 2331(c).

Corrected agency titles and deleted reference to "local area vocational school districts".

### 6:43-8.2 Program and course approval process

(a) The Commissioner shall establish a system for vocational education program and course approval in accordance with the following:

1. District boards of education seeking to establish any new vocational courses or programs shall request planning recommendations from the private industry council to eliminate unnecessary duplication of programs and to foster a unified delivery system in the labor market area.

2. Upon verification of the program need and recommendation from the private industry council, district boards of education shall submit the request for the new course or program to the county superintendent of schools.

3. The county superintendent of schools shall review the course or program request and the verification and recommendation of the private industry council and submit a recommendation to the Vocational Education Program Review Panel within 30 days of receipt of the request.

4. The Vocational Education Program Review Panel shall review the county superintendent's recommendation based upon a review of the occupational supply and demand needs and local or regional availability of the proposed courses or programs. The panel shall recommend approval or disapproval within 45 days of receipt of the county superintendent's recommendation and submit their recommendation to the Assistant Commissioner of Vocational Education.

5. The Assistant Commissioner of Vocational Education shall review the panel's recommendation and approve or disapprove the course or program request. The district board of education, the county superintendent, the local private industry council and the Vocational Education Program Review Panel will be notified of the decision within 10 days.

(b) District boards of education dissatisfied with the final decision on the request for program or course approval may appeal the decision to the Commissioner. The Commissioner's decision may be appealed as set forth in N.J.A.C. 6:24, Controversies and Disputes.

**SUBCHAPTER 9. APPRENTICE TRAINING**

**Subchapter Historical Note**

Subchapter 9, Apprentice Training, was recodified from N.J.A.C. 6:46-3 by R.1998 d.528, effective November 2, 1998. See: 30 N.J.R. 2855(a), 30 N.J.R. 3945(a).

**6:43-9.1 Apprentice program responsibility**

The Department is the recognized State agency responsible for the administration of the related training and instruction portion of apprentice programs. This training and instruction must comply with federal standards of apprenticeship as published in Labor Standards for the Registration of Apprenticeship Programs, 29 C.F.R. Sec. 29.1-.13 (1977).

**6:43-9.2 Approval of related training and instruction**

Upon receipt of the Apprenticeship Agreement Joint Approval form from the Federal Bureau of Apprenticeship and Training, the Department will evaluate the related training and instruction component of the apprenticeship. Within 30 days of receipt of the form, the Department shall notify the Federal Bureau of Apprenticeship and Training of its approval or disapproval of the related training and instruction.

**SUBCHAPTER 10. CONTRACTING FOR EDUCATIONAL SERVICES WITH ELIGIBLE PRIVATE VOCATIONAL SCHOOLS**

**Subchapter Historical Note**

Subchapter 10, Contracting for Educational Services with Eligible Private Vocational Schools, was recodified from N.J.A.C. 6:46-6 by R.1998 d.528, effective November 2, 1998. See: 30 N.J.R. 2855(a), 30 N.J.R. 3945(a).

**6:43-10.1 Contracts to provide vocational education courses; qualifications**

(a) For the purpose of providing vocational education courses on an individual or group basis, district boards of education may, provided the provisions of N.J.A.C. 6:8-7.1 et seq. are met, enter into contracts with private vocational schools under the following conditions:

1. When such courses cannot be provided by the county or regional vocational schools or other school districts; or

2. A private vocational school can provide substantially equivalent training at a lesser cost as substantiated and certified by the local education agency subject to the review and approval of the commissioner. Said course shall meet the requirements of the Public School Education Act of 1975 (N.J.S.A. 18A:7A-1 et seq.).

**6:43-10.2 Eligibility of private vocational schools**

(a) A private vocational school shall be deemed eligible to enter contracts with a district board of education if it is approved by the Commissioner pursuant to N.J.A.C. 6A:18-3.

(b) A license or certificate of approval must have been held by the private vocational school for at least two consecutive years preceding execution of the contract. The two-year period of operation requirement will apply to courses offered by a subsidiary branch or extension of a school.

i. Additional facilities acquired by a school because of space limitations will not be considered to be a subsidiary branch or extension and will not be subject to the two-year limitations if all of the following conditions are met:

- (1) The school has reached the limit of its enrollment capacity in its present facilities;
- (2) The courses to be offered at the additional facilities are the same as those given in the present facilities; and
- (3) The additional facilities are within normal commuting distance of the present facilities.

(c) A private vocational school shall meet all provisions of N.J.A.C. 6A:18-3, except that in addition all facilities and instructional equipment to be used in meeting the terms and conditions of the proposed contract shall be approved by the county superintendent of schools of the county in which the school is located. Facility approval criteria, as a minimum, shall be those used for emergency approval for public schools.

(d) Such contracting schools shall be subject to all of the provisions of N.J.A.C. 6A:18-3.

Amended by R.1998 d.528, effective November 2, 1998.  
See: 30 N.J.R. 2855(a), 30 N.J.R. 3945(a).  
Changed N.J.A.C. references throughout.

**6:43-10.3 Records**

Pupil progress and attendance records shall be furnished to the contracting board of education in a timely fashion to coincide with existing public school reporting procedures. Final payment to a private vocational school may be withheld until course completion results, on an individual basis, are received by the contracting board of education.

**6:43-10.4 Contracts; terms; approval**

(a) Each contract entered into shall:

1. Assure that all parties and all contractual criteria referenced therein be in accordance with all applicable Federal and State laws and regulations;

2. Be approved in writing by the commissioner prior to its execution. Requests for approval shall be presented at least 60 days prior to the proposed execution date; and

3. Be executed in a format developed and approved by the commissioner.

(b) Appended to each contract shall be a copy of the proposed curriculum, applicable pupil schedules, rules of the private vocational school concerning participating pupils, current comparative programmatic and cost analyses demonstrating that training offered is equivalent in nature and is being provided at a lesser per capita cost than could be provided by the contracting board of education, statement of qualifications of teaching personnel and any other appendages deemed appropriate by the contracting parties, county superintendent of schools or the commissioner.

#### **6:43-10.5 Pupil attendance**

Pupils failing to attend, without sufficient cause, that portion of the school program provided in the public or nonpublic sending school, shall be prohibited from participation in the contracted portion of the program.

#### **6:43-10.6 Course credit**

Course credit shall be assigned in keeping with the provisions of N.J.A.C. 6:8-7.1(d), except that no course at a private vocational school shall receive more than 10 credits.

#### **6:43-10.7 Other requirements**

The provisions of this subchapter are subject to the monitoring, supervision and other requirements of the Public School Education Act of 1975 (N.J.S.A. 18A:7A-1 et seq.).